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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 22 April 2015 at 2.15 pm

Present

Councillors

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

Present

Officers:

Jenny Clifford (Head of Planning and
Regeneration), Thea Billeter (Area Planning
Officer), Tina Maryan (Area Planning
Officer), Reg Willing (Enforcement Officer)
and Sarah Lees (Member Services Officer)

Also in

attendance:

I Sorrenson (Devon County Council,
Highways Authority)

185 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

186 **PUBLIC QUESTION TIME**

Mr Welchman, referring to item 5 on the agenda (Chettiscombe Estate) stated that he had heard this week that part of the application to build on land south of West Manley Lane had been removed, was this correct and if it was, could future consideration be given to designating this area as a green buffer zone? He also stated that this application had been dealt with on party political lines and that the discussion today was happening very close to a general election. He further stated that a future government may have a different planning vision and he urged the Committee to defer the whole process until after the general election.

The Chairman stated that Members of the Committee were trained to set party politics aside and that answers to his questions would be given as part of the officer's presentation.

187 **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the meeting held on 1 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

188 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

1. She welcomed Mrs Jenny Clifford to the Committee in her new role as Head of Planning and Regeneration. She had been remiss in not doing this at the last meeting but stated that she had always found Mrs Clifford to be very reliable and capable of finding solutions to complex planning issues.
2. Three members of the Committee would not be returning after the election having chosen not to stand. These were Councillors Mrs Diane Brandon, Mrs Linda Holloway and Alan Griffiths. She stated that they had been stalwart in their attendance in what was one of the most difficult jobs on the Council. A great deal was expected of Planning Committee Members with issues sometimes putting them at odds with their constituents. She was grateful for the honour they had bestowed in having appointed her as Chairman and she thanked them for their trust in her. She wished them well for the future.

189 **14/008871/MOUT OUTLINE APPLICATION FOR 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, TIVERTON (00:09:40)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. She informed those present that this application had been considered at a meeting of the Planning Committee on 1 April 2015. The Committee had resolved that the application be deferred to allow for further consideration of the development approach to West Manley Lane in respect of access points, traffic and development on the southern side. She further explained that the applicant had sought to address these issues by:

- Submitting a new site location plan that removed the area of land south of West Manley Lane from the red line application site. This area was now excluded from the application.
- Having withdrawn plan C698/26 'West Manley Lane Access Layouts'. This plan which previously showed proposed access points both north and south of West Manley Lane was no longer part of the application.

Referring to the questions raised by Mr Welchman at public question time, the Head of Planning and Regeneration confirmed that in respect of his first question the explanation above did indeed confirm development of the land south of West Manley Lane had been removed from the application. In relation to deferring a decision on this outline application until after the general election she stated that the day to day running of a planning service could not be held up by an election: decisions still had to be made. Planning Committee was not political. Should there be a change of perspective with a new Government this would take some time to filter through. Decisions are made against the policies and planning guidance that exist on the day of decision. She saw no advantage in deferring a decision any further.

Discussion followed with regard to:

- Whether or not the applicant could apply to build on the land south of West Manley Lane in the future? The Head of Planning and Regeneration stated that it was not possible to pre-empt what the applicant might or might not submit in the future. Members and the public still had an opportunity until 27 April to submit formal representation regarding the Local Plan Review consultation and could further comment on this area should they wish to.
- A desire to see roundabouts being landscaped as this was a 'garden development'. However, it was explained that the appearance, landscaping and detailed layout of roundabouts were reserved matters and would be dealt with at the next planning stage. A noise assessment would also be conducted at the next stage.
- The question was asked as to what the distance was from the last property in Post Hill to the first access point off the proposed roundabout, this was confirmed as being 9 metres to the back of the footpath.

It was therefore **RESOLVED** that planning permission be granted subject to the signing of a Section 106 Agreement and the conditions as set out in the report.

(Proposed by Cllr K D Wilson and seconded by Cllr R L Stanley)

Notes:

- i. Cllrs: D J Knowles and K D Wilson declared personal interests in that they had had significant meetings with local residents and objectors to do with this application and they knew the applicant.
- ii. Cllr Mrs F J Colthorpe declared a personal interest as she knew the applicant.
- iii. Cllr R L Stanley declared a personal interest as he had met with local residents and objectors regarding this application.-
- iv. Sir Ian Amory (applicant) spoke;
- v. Mr Sorenson (Devon County Council (Highway Authority)) spoke;

*Report previously circulated, copy attached to signed Minutes.

190 **ENFORCEMENT LIST (00:35:20)**

Consideration was given to the following cases in the Enforcement List *:

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

Arising thereon:

No. 1 in the Enforcement List (***Enforcement case ENF/14/00124/UDRU – Without planning permission, an unauthorised development has commenced on land north of the A38. The development comprises of a change of use of land from a vehicle repair garage on part of the site and land used for lorry parking on the***

remainder of the land to a mixed use – Land at NGR 308125 115944 north of the A38, Maidendown Stage, Burlescombe).

The Planning Enforcement Officer outlined the contents of the report, stating this had been brought back to Committee with a revised site plan.

Discussion took place with regard to:

- Burlescombe Parish Council discussing the site on several occasions and requesting action to be taken.
- The need for Members to have sight of the previous set of enforcement instructions.

It was **RESOLVED** that the Legal Services Manager be authorised to take any appropriate legal action including the service of an enforcement notice. In the event of any failure to comply with the notice served, the additional authority to prosecute, take direct action and/or seek a court injunction.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs L J Holloway)

Note:

Cllr P J Heal declared a Disclosable Pecuniary Interest as the applicant had purchased goods from his business and left the meeting during the discussion thereon.

No. 2 in the Enforcement List (***Enforcement case ENF/15/00041/UDUR – Without planning permission, the carrying out of engineering works to raise the ground level at the north eastern boundary and erection of close boarded fence close to the boundary, alleged to be above the 2 metre permitted development height at Clouds, Barnfield, Crediton).***

The Planning Enforcement Officer outlined the contents of the report stating that the matter referred to a building site which was at the rear of Clouds backing onto properties in Mount Pleasant, Park Street. The site was on a north facing slope and was formerly an orchard. He referred the Committee to the update sheet which stated that the Council's Tree Officer had visited the site on 17 April and had concluded the area of the garden in question lay outside of the Conservation Area and the trees within it were not worthy of protection.

He went on to explain that the main issue was to do with a change in soil levels (due to the slope) and the erection of fence at the boundary. An allegation had been made that close board fencing had been erected on a false level of ground. However, in his view the soil build up had not occurred as a result of development and stated that the fence was within the maximum height allowed therefore there was not enough evidence to indicate a breach had taken place.

Discussion took place with regard to:

- A condition in the previously granted application that required a Devon hedge to be installed not what was currently in situ, although it was confirmed that it was the developers intention to install a Devon hedge in time on their side.

- A build up of soil, debris and vegetation under the shutter boards into the complainant's garden.
- The height of the fence being above the existing post height.
- The Committee having sympathy with the complainant.
- The Planning Enforcement Officer having no means, having surveyed the site, to judge where the natural height of the land was other than at a fixed point inspection cover. Taking measurements from surrounding gardens could be problematic in that they may have been landscaped over the years and there was no datum point to take levels from.
- An inability to judge whether the wire fence was the true boundary.
- Had the site not been developed the soil would not have washed down.
- The ground had not yet been measured from the complainant's side of the fence.

It was **RESOLVED** that the matter be deferred to allow the Planning Enforcement Officer to return to the site in question in order to take further measurements, in so far as that was possible, and to negotiate with the developer and the complainant as to the best way forward.

(Proposed by Cllr K D Wilson and seconded by Cllr J M Downes)

Notes:

- i. Cllrs: Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, J M Downes, P J Heal, D J Knowles, R F Radford, J D Squire, Mrs M E Squires and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application.
- ii. Mr Perks (complainant) spoke;
- iii. The Ward Member, Cllr J M Downes spoke;
- iv. The following late information was reported:

21st April 2015

The Local Authority Tree Officer visited the site on Friday 17th April. The area of garden in question lies outside the Conservation Area and the trees are not worthy of protection by way of a Tree Preservation Order. The change in soil level could lead to rot damage for the trees, but is difficult to predict. The soil should be removed from around the trees and would not involve a lot of soil because of the relatively small root protection areas of the trees.

191 DEFERRALS FROM THE PLANS LIST (01:33:03)

There were no deferrals from the Plans List.

192 THE PLANS LIST (01:33:12)

The Committee considered the applications in the Plans List *.

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

(a) No 1 on the Plans List (***14/01949/MFUL - Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure (Revised Scheme) at Land at NGR 302663 109953 (Stoneshill Farm), Willand Road, Cullompton.***)

The Area Planning Officer outlined the contents of the report * by way of presentation of the application drawings and showing a number of photographs from different angles around the site. She informed those present that a site visit by the Committee had taken place the previous day. She referred Members to the update sheet which informed them that a revised site layout had just been received following objections raised by the Environment Agency. This had removed panels from the flood plain area. The Environment Agency were happy in principle with the new drainage proposal which proposed the provision of a number of bunded swales across the site and drainage pipes located on the downslope of each swale. As a result of this she stated that the second reason for refusal contained with the officer report had now been withdrawn.

Discussion took place with regard to:

- The question was raised as to whether policy COR10 dealing with strategic transport networks should have been listed within the report? The Head of Planning and Regeneration stated that she did not feel the proposal would compromise the function on the mainline railway and this could not be used as a reason for refusal.
- If approved every access into the village would have a view of a solar farm.
- There was a lot of public support for this application especially given the landowner no longer had a shop to generate income.
- The site visit had shown how visible the site was and there was a concern regarding cumulative effect given the proximity of two further solar PV parks in the vicinity.
- The visibility and impact of the development from the B3181 road adjacent to the proposed site

RESOLVED that planning permission for this application be refused for the following reasons:

1. The proposed solar PV arrays would be installed on grade 3a agricultural land, classed as being the Best and Most Versatile. In the opinion of the Local Planning Authority the proposal would take the land out of arable production for the 25 year duration of the proposal and insufficient evidence has been provided to demonstrate that there is no other land of lesser agricultural quality which is available and suitable for the proposed installation. The applicant's submitted sequential analysis is insufficient for this purpose as it only considers sites within close proximity to the proposed grid connection point and not potential sites further afield. The Local Planning Authority cannot be satisfied that the development is directed to the most appropriate parcel of land. It is considered that the harm caused by the loss of the Grade 3a land for arable purposes outweighs the benefits of the proposal in respect of its contribution toward

renewable energy production and it is therefore contrary to policy DM5 of the Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and the government's published Planning Practice Guidance.

2. In the opinion of the local Planning Authority due to the scale, design and siting of the proposed solar PV installation the development is likely to have a significant adverse impact on the visual amenity of the surrounding area. There are both short and middle distance views of the site from the surrounding area which would be altered as a result of the solar PV development to the detriment of the visual quality of the area. The application is considered contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), policies DM2 and DM5 of the Local Plan Part 3 (Development Management policies) and the National Planning Policy Framework and governments published planning practice guidance.
3. The proposed scheme by reason of its prominent location close to one of the main approach roads to Willand, in combination with other solar schemes also on other main approaches to the village is considered to have an unacceptable cumulative impact upon the character of the area contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), policies DM2 and DM5 of the Local Plan Part 3 (Development Management policies) and the National Planning Policy Framework and the Governments published planning practice guidance.

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

Notes:

- i. Cllrs: Mrs H Bainbridge, M D Binks, D L Brandon, Mrs F J Colthorpe, J M Downes, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as they had received correspondence regarding this application.
- ii. Cllr Mrs D L Brandon declared a personal interest in that she had had a meeting with the applicant and knew the landowner.
- iii. Cllr K D Wilson declared a personal interest in that he had had a meeting with a representative of the applicant.
- iv. Mr Bell (Applicant) spoke;
- v. Cllr Ursell (Willand Parish Council) spoke;
- vi. Ward Members, Cllrs Mrs D L Brandon and R J Chesterton spoke;
- vii. The following late information was reported:

Revised flood risk assessment received including a drainage strategy proposing the provision of a number of bunded swales across the site and drainage pipes located on the downslope side of each swale.

17th April 2015

Further response from Environment Agency received 15th April, as follows:

We object to the application unless it can be revised to preclude the provision of PV units, Control Rooms etc, within the area of floodplain as shown coloured in blue on the attached/enclosed plan. Whilst the last sentence of page 7 of the applicants Flood Risk Assessment in effect states the above we draw to your authority's attention the fact that drawing 4652-501 Rev –, within Appendix 5 of the FRA, shows otherwise.

It is imperative that the floodplain, which is currently typically undeveloped, remains both clear of obstructions to flow and is not raised given there are properties at risk of flooding at Five Bridges.

Our advice is consistent with the National Planning Policy Framework in particular from the Sequential Test perspective.

With regard to surface water runoff we support the proposed provision of swales.

2 further letters of objection received raising no new issues to those already listed on the committee report.

17th April 2015

Further revised Flood Risk Assessment received from the applicants, seeking to address the comments of the Environment Agency.

21st April 2015

We can withdraw our objection providing development proceeds in accordance with the revised FRA and the layout shown on Figure 5 'Proposed Site Plan' (page 17 of the April 2015 FRA by ambiental). It is important that ground levels within Flood Zone 3 and 2 not being raised.

22nd April 2015

The Environment Agency's withdrawal of their objection is on the basis of a revised site layout being received, which removes development from within flood zones 2 and 3. However, the submitted drainage strategy layout still includes the provision of panels in this location. Nevertheless, on the basis that the Environment Agency do not object to the scheme as shown on the submitted site layout and are happy with the measures set out in the drainage strategy (save for the fact that the plan still includes panels in FZ 2 &3) it is considered that in the event of an approval, this matter could be dealt with by condition. Accordingly, it is no longer recommended that reason for refusal 2 be included.

(b) No 2 on the Plans List (14/02134/FULL – Erection of a dwelling (Revised Scheme) at Land at NGR 266113 109805 (Adj Paddons Farm), Wembworthy, Devon).

The Head of Planning and Regeneration outlined the contents of the report * informing Members that whilst planning permission had been granted twenty four years ago very different planning policies were now in existence, there was no longer an infill policy and Wembworthy was no longer recognised as a settlement within the current Development Plan. In the officers view there was no special justification for allowing this development in the countryside.

Discussion took place with regard to:

- Policy 55 in the National Planning Policy Framework stating that development in the open countryside needed to demonstrate exceptional circumstances.
- The fact that there had been recent development adjacent to and opposite the application site.
- If planning permission was allowed a precedent could be set.
- Whether there could be leniency and whether each application could be judged on an individual basis, however, it was stated that there was a very strong policy presumption against the application.

RESOLVED that planning permission for this application be refused for the following reason:

The site is located in the countryside where policies and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances. The application has not addressed and does not meet the requirements of Policies DM10 or paragraph 55 of the National Planning Policy Framework which allow for limited development where it meets strict criteria. The building is not required for an essential rural worker. In the opinion of the Local Planning Authority the proposal is therefore for the erection of a new dwelling for which no special circumstances exist that would override the policy objection. As such the proposal is considered to be contrary to Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Government guidance in the National Planning Policy Framework.

(Proposed by the Chairman)

Vote 8 for: 5 against

Notes:

- i. Mr Fowler (the Applicant) spoke;
- ii. A proposal to grant planning permission was not supported.
- iii. Cllrs A V G Griffiths and R L Stanley requested that their abstention from voting be recorded.

(c) No 3 on the Plans List *(15/00317/FULL – Conversion of public toilets to commercial, retail and office space (Revised Scheme) at Public Conveniences, Lowman Green, Tiverton)*.

The Area Planning Officer outlined the contents of the report * stating that initial concerns had been related to flood risk, however, this had been assessed and mitigating measures designed to minimise flood risk.

Discussion took place with regard to:

- Policy DM2 which related to 'good quality design', it was questioned whether the public convenience fell into this category.
- The site location which was considered to be suitable for proposed retail and/or office use.
- The need for public toilets in the town especially at the weekends in the evening.
- The building was not at this stage going to be sold but would be let out.

RESOLVED that planning permission for this application be granted subject to conditions as stated in the report.

(Proposed by Cllr L J Holloway and seconded by Cllr M D Binks)

Notes:

- i. Cllr R L Stanley declared a personal interest in that he was Cabinet Member for Housing and conversion of the public toilets would have an impact on the Housing Revenue Account. He stated that he would not be voting in relation to this application.
- ii. Cllr K D Wilson declared a personal interest as he had been electronically corresponding with the objectors.
- iii. Cllrs A V G Griffiths, D J Knowles and K D Wilson requested that their votes against the decision be recorded.
- iv. The following late information was reported:

17th April 2015

Further details in respect of flood risk have been received including details of flood prevention, resilience and safety measures to be incorporated into the building and details of previous flood levels, as requested by the Environment Agency. The plans have also been amended to include a door on the south elevation to provide a safer escape route to higher ground in the event of flooding, also has requested by the Environment Agency.

The Environment Agency has been re-consulted and their response is expected before Planning Committee. Members will be updated further on this.

21st April 2015

Environment Agency consultation response

We have no objections to the proposal.

Having received additional survey of historic flood levels, and the proposed use of flood resistant measures, i.e. flood gates, non-return valves etc, and installation of new door adjacent Lowman Green Bridge, we can advise that the proposed change of use as now detailed aligns with guidance and policy as contained within the National Planning Policy Framework. It is pleasing that measures to reduce the risk of internal flooding occurring will be implemented as they will help reduce the potential for damage and disruption to the new business from occurring.

We reiterate our comments that the tenants of the building should register to the Environment Agencies flood warning service. Details of how to register can be found on the GOV.UK web site.

193 **THE DELEGATED LIST (02:56:46)**

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

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

194 **MAJOR APPLICATIONS WITH NO DECISION (02:57:27)**

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

It was **RESOLVED** that:

Application 15/00537/MFUL – installation of a solar farm to generate 4.6MW of power at Sharlands Farm, Morchard Bishop be brought before the Committee if minded to approve.

Application 15/00507/MFUL – new surface car park and associated lighting at Tiverton Parkway, Sampford Peverell be brought before Committee.

Application 15/00334/MFUL – renovation and extension to provide 45 Extracare apartments at Alexandra Lodge, 5 Old Road, Tiverton, be brought before Committee and that a site visit take place.

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

195 **APPEAL DECISIONS (03:05:30)**

The Committee had before it, and **NOTED**, a list of appeal decisions * providing information on the outcome of two recent planning appeals.

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

196 **APPLICATION 14/01938/MOUT - OUTLINE APPLICATION FOR UP TO 97 DWELLINGS, TO INCLUDE THE IMPORTATION OF INERT WASTE TO RAISE LAND, WITH DETAILS OF ACCESS ONTO THE PUBLIC HIGHWAY PROVIDED AND WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION AT LAND AT NGR 303843 111382, SOUTH VIEW, WILLAND (03:06:00)**

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 and informed Committee Members that there were now two additional reasons for refusal on the update sheet which related to insufficient information being provided by the applicant.

Discussion took place with regard to:

- Both Willand and Halberton Parish Councils were against this application for reasons relating to site location and it falling outside of the current Local Plan, the additional strain on local schools and the availability of jobs. The area was currently designated as an industrial site and any development, if allowed, would be surrounded by industrial units.
- The comment was made that the developer was offering 35% affordable housing.
- The proposal was contrary to COR12 of the Mid Devon Core Strategy and failed DM2.
- More infrastructure was needed in Willand rather than further housing development.

RESOLVED that planning permission be refused for the following reasons:

1. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to deliver minor development proposals in the recognised villages in the District, of which Willand is one. In the opinion of the Local Planning Authority the development of 97 dwellings in Willand would be a significant development in the context of policy COR17 and therefore be contrary to the objectives of the policy and the development focus set out in policy COR12 of the Mid Devon Core Strategy (Local Plan Part 1) which seeks to reduce housing rates in the rural areas.

2. In the opinion of the Local Planning Authority, the development of the site, sandwiched between two areas of employment development and physically divorced from the existing pattern of housing development in the village would not represent the high quality development required by policy DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as it would be out of context with the spatial pattern of development in the village and would not be well integrated with surrounding buildings, streets, landscapes and uses.

3. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that there is no commercial interest in the use of the site for employment generating purposes, particularly having regard to the high land values which have been sought for the development of plots of land on the site, taking into account prevailing local market values for similar developments. Accordingly the application is contrary to the requirements of policy DM21 b) of Local Plan Part 3 (Development Management Policies).

4. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that the development of the application site for mixed use purposes that incorporate an employment-generating use would not result in a financially viable development. The application is therefore contrary to the requirements of policy DM21 c) of Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr Mrs M E Squires and seconded by Cllr Mrs L J Holloway)

Notes:

- i. Cllrs: Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, J M Downes, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters.
- ii. Cllrs Mrs F J Colthorpe and R L Stanley declared personal interests in that they had attended Parish Council meetings where the developer had been in attendance.
- iii. Cllr D L Brandon also declared a personal interest in that she had attended a meeting with the Managing Director of Devonshire Homes.
- iv. Cllrs Mrs H Bainbridge and A V G Griffiths declared personal interests as they knew the Managing Director from Devonshire Homes.
- v. Mr Russell (the Applicant) spoke.
- vi. Cllr Warren (Willand Parish Council) spoke.
- vii. As the application related to a split site, Ward Members Mrs D L Brandon and R F Radford both spoke.
- viii. The Chairman read out a letter from another of the Ward Members, Cllr R Evans.
- ix. The following late information was reported:

A commercially sensitive and confidentially held independent report commissioned by Mid Devon District Council has been received regarding the value of the site and the marketing exercise undertaken by the landowners.

In summary the report makes the following findings/conclusions:

- Based on the submitted information they cannot gauge how comprehensive the marketing approach has been but the landowners appear to have utilised all of the mediums through which the consultants would have advertised the site if they had been the marketing agents.

- In relation to the information provided by the applicants with regard to specific enquiries from prospective customers (often regarding design & build options) the prices quoted for build costs appear to be generally reasonable based on BCIS build costs (although there is one particular exception when the building cost provided appears expensive) for the same periods but land purchase or rental costs are high, particularly when taking into account the economic climates at the time of some of the quotes.
- The consultants have identified the neighbouring Mid Devon Industrial Estate (more specifically Blackdown Park units), Hitchcocks Farm, Cullompton Business Park, Venn Farm (Cullompton), land at Kingsmill Industrial Estate (Cullompton) and development in Wellington as being potential competition for the development of the site.
- The consultants consider that the Gladman's Cullompton Business Park site off the existing Kingsmill Industrial Estate, which like the application site is serviced, is the most comparable local site to the Mid Devon Business Park. The estate is being marketed and the asking price has recently been lowered and a lower value per acre is being sought than has been quoted to date at Mid Devon Business Park. However, they estimate that for bulk disposal purposes the value of Mid Devon Business Park would be slightly lower than is being sought for the Cullompton Business Park as the Cullompton site is marginally closer to the motorway.
- It is considered that the site is not suitable for office development.
- There may be scope for alternative employment related uses (public house, crèche, veterinary surgery etc.) on the roadside frontage plot only. This would achieve a higher land value than an employment use.
- Disposal of the site in small plots may take 3-5 years.
- The property market, including the warehouse/industrial sector is arguably at its strongest point since the economic downturn. The consultants consider that there is now a greater chance of securing a pre-let or disposal to an investor/developer.
- The Landowners aspirations for a value per acre appear high in the current market.

Your Officers have considered the content of the consultant's report and the implication of these alongside the information and assessment already contained in section 1 of the material considerations section of the committee report (pg. 150) and have assessed the application against policy DM21 of Local Plan Part 3 (Development Management Policies). Taking account of the other employment sites in the locality which may provide some competition to the application site, including the recent permissions at Hitchcocks Farm and Venn Farm, which are not existing employment allocations) and the findings of the Employment Land Review, which recommends having an overall lower quantum of employment development, it is considered that criterion a) of policy DM21 is met.

The findings of the consultant suggests that the land values being sought by the landowners for the development of plots on the site are high in the current market and have been so since the economic downturn. This is likely to have been in order to see a return on their investment in the site. It is clear that there have been a relatively high number of enquiries to develop plots on the site over the years and it is noted that a contract has been entered into to dispose of the plot recently given planning permission for a foodstore (14/02116/FULL). Taking these facts into account alongside the commentary in section 1 of the committee report, it is considered that insufficient information has been provided to demonstrate compliance with criterion b) of policy DM21.

As previously mentioned, no sequential viability test has been provided based on the requirements of criterion c) of policy DM21.

Revised recommendation:

Refuse planning permission for the following reasons:

1. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to deliver minor development proposals in the recognised villages in the District, of which Willand is one. In the opinion of the Local Planning Authority the development of 97 dwellings in Willand would be a significant development in the context of policy COR17 and therefore be contrary to the objectives of the policy and the development focus set out in policy COR12 of the Mid Devon Core Strategy (Local Plan Part 1) which seeks to reduce housing rates in the rural areas.

2. In the opinion of the Local Planning Authority, the development of the site, sandwiched between two areas of employment development and physically divorced from the existing pattern of housing development in the village would not represent the high quality development required by policy DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as it would be out of context with the spatial pattern of development in the village and would not be well integrated with surrounding buildings, streets, landscapes and uses.

3. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that there is no commercial interest in the use of the site for employment generating purposes, particularly having regard to the high land values which have been sought for the development of plots of land on the site, taking into account prevailing local market values for similar developments. Accordingly the application is contrary to the requirements of policy DM21 b) of Local Plan Part 3 (Development Management Policies).

4. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that the development of the application site for mixed use purposes that incorporate an employment-generating use would not result in a financially viable development. The application is therefore contrary to the requirements of policy DM21 c) of Local Plan Part 3 (Development Management Policies).

(x) *Report previously circulated; copy attached to the signed Minutes.

197 **14/02077/FULL - ERECTION OF A DWELLING WITH PARKING AND ASSOCIATED ACCESS (REVISED SCHEME) - 11 UPLOWMAN ROAD TIVERTON DEVON EX16 4LU (03:03:40)**

The Committee had before it a report * of the previous Head of Planning and Regeneration regarding the above application. At a meeting held on 4 March 2015 the Planning Committee had considered the above application and had resolved that they were minded to refuse the application, subject to the consideration of an implications report. The Committee had considered:

- The proposed density of development, whether the development was in character with existing dwellings in Pomeroy Road
- Whether the proposal development was in contravention to the Masterplan approved for the Eastern Urban Extension;
- If the development proposed would set a precedent of building in gardens of adjacent properties;
- Whether the site could support 2 dwellings;
- The need for the development to be in line with Development Plan Policies COR2, DM2, DM14 and not the Eastern Urban Extension.

The Committee had initially considered that the proposal was out of character with the existing layout of the area, it would result in a development of uncharacteristically higher density out of character and appearance with the surrounding area, it would lead to a loss of local distinctiveness and provide a dwelling in close proximity to other dwellings contrary to the general character of the area.

The Head of Planning and Regeneration made reference to some confusion surrounding this application which had related to some recent work undertaken by the Council's IT department. This had unfortunately generated emails relating to the decision on certain historic cases including that on the withdrawal of the previous application for a dwelling on this site. She had been in communication with some of the objectors regarding this and had provided an explanation.

RESOLVED that planning permission be refused for the following reason:

The proposal is considered a departure from existing dwelling layout in the area, to have an unacceptable size of plot at an uncharacteristically high density contrary to the character and appearance of the surrounding area resulting in a loss of local distinctiveness and close proximity to other dwellings. The proposal is considered contrary to policies COR2 Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM14 Development Management Policies (Local Plan Part 3).

(Proposed by Cllr R L Stanley and seconded by Cllr K D Wilson)

Notes:

- i. Cllrs: Mrs F J Colthorpe, D J Knowles and R L Stanley made declaration in accordance with the Protocol of Good Practice for Councillors in dealing in planning matters as they had received correspondence regarding this application.

ii. The following late information was reported:

22nd April 2015

Two further objections (one inadvertently omitted from the previous report and one recent) summarised as follows:

1. Letter from CPRE stating that “The principle of a further dwelling house within the small garden space is considered to be unacceptable as it would represent an over development of the site to the detriment of the visual amenities of the area.” They then list the policies to which they consider the application to be contrary COR2, DM2, DM15. They also list Structure Plan, old Local Plan policies and PPS3 which are no longer relevant.
2. Letter from previous objector in relation to the implications report summarised as follows:
 - 5 objections were recorded in the original officer’s report, rather than the 6 shown on the Council’s website, including one from CRPE, which questions the validity of the officer’s report
 - The implications report on the agenda for the 1 April meeting was, in our view, biased in favour of the applicant. The revised report is fairer but we still have some concern. The sections headed “Financial implications” and “Risk assessment” do not include the consequences of the Council approving the application, i.e. the Council acting unreasonably or without regard to due process to the disadvantage of objectors who may also have a remedy.
 - The revised implications report uses an inappropriate argument relating to densities and plot sizes. We question whether the average person would see Post Hill and Fairway as lying in the immediate vicinity of a site on Pomeroy Road. The appropriate area for that comparison should be Uplowman Road and the two roads leading off (Pomeroy Road and Pool Anthony Drive).

(iii) *Report previously circulated; copy attached to the signed Minutes.

198 99/03432/FULL - CONVERSION OF REDUNDANT FARM BUILDING TO AN AGRICULTURAL WORKERS DWELLING - HARTNOLL FARM POST HILL HALBERTON (03:40:30)

The Committee had before it a report * from the Head of Planning and Regeneration regarding the above application. The applicant had made a request to this authority for a variation to the S106 legal agreement attached to the original consent.

The Head of Planning and Regeneration outlined the contents of the report highlighting the history of the application and reminding the Committee that it had previously granted planning permission for an anaerobic digester (AD) on land which was covered by that S106 agreement. The Applicant had offered an alternative area of land and approval was sought from the Committee to align the legal paperwork.

Discussion took place with regard to the area of land now being offered as an alternative. The Committee did not feel that an area of woodland equated in size or value to the area of land being proposed to be sold on to the AD operators.

RESOLVED that a decision in relation to this matter be deferred in order to allow officers to negotiate with the applicant for an area of land to be included which was of an equivalent size and quality to that being proposed for removal from the existing S106 agreement.

(Proposed by Cllr M D Binks and seconded by Cllr R F Radford)

Note:

- i. Cllr K D Wilson declared a personal interest as he had had discussions with the objectors.
- ii. A proposal to allow a variation to the S106 agreement as set out in the report was not supported.
- iii. *Report previously circulated; copy attached to the signed Minutes.

199 **PLANNING PERFORMANCE (04:10:36)**

The Committee had before it, and **NOTED**, a report * from the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for the financial year 2014-15 and quarter 4.

It was explained that there were staff shortages within the Planning Service but that recruitment was under way. It was probable that there would be some slippage in performance until the service was up to its full compliment of staff. Until then there would be a need to meet all the critical targets in relation to special measures and to meet all timescales that would result in a cost to the Planning Authority if they were not met.

The Committee were sympathetic to the staffing situation within the service. A suggestion was made that internships be offered to graduates planning qualifications to undertake some of the more administrative tasks within Planning.

Note:

*Report previously circulated; copy attached to the signed Minutes.

Update sheet

(The meeting ended at 7.00 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 22nd April 2015

Applications of a non-delegated nature

UPDATES

| <u>Item No.</u> | <u>Description</u> |
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| | Enforcement Items |
| 1. | 11/00143/UDRU – Update..... Land and Buildings at Grid Reference 308125 115944 (Luffman Trading), Maidendown Stage, Burlescombe, Devon |
| 2. | 15/00041/UDUR – Clouds, Barnfield, Crediton, Devon, EX17 3HY 21 st April 2015 The Local Authority Tree Officer visited the site on Friday 17 th April. The area of garden in question lies outside the Conservation Area and the trees are not worthy of protection by way of a Tree Preservation Order. The change in soil level could lead to rot damage for the trees, but is difficult to predict. The soil should be removed from around the trees and would not involve a lot of soil because of the relatively small root protection areas of the trees. |
| | Plans List |
| 1. | 14/01949/MFUL - Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure (Revised Scheme) at Land at NGR 302663 109953 (Stoneshill Farm), Willand Road, Cullompton. Revised flood risk assessment received including a drainage strategy proposing the provision of a number of bunded swales across the site and drainage pipes located on the downslope side of each swale. 17 th April 2015 Further response from Environment Agency received 15 th April, as follows: We object to the application unless it can be revised to preclude the provision of PV units, Control Rooms etc, within the area of floodplain as shown coloured in blue on the attached/enclosed plan. Whilst the last sentence of page 7 of the applicants Flood Risk Assessment in effect states the above we draw to your authority's attention the fact that drawing 4652-501 Rev –, within Appendix 5 of the FRA, shows otherwise. It is imperative that the floodplain, which is currently typically undeveloped, remains both clear of obstructions to flow and is not raised given there are properties at risk of flooding at Five Bridges. Our advice is consistent with the National Planning Policy Framework in particular from the Sequential Test perspective. With regard to surface water runoff we support the proposed provision of swales. 2 further letters of objection received raising no new issues to those already listed on the committee report. |

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| | <p>17th April 2015</p> <p>Further revised Flood Risk Assessment received from the applicants, seeking to address the comments of the Environment Agency.</p> <p>21st April 2015</p> <p>We can withdraw our objection providing development proceeds in accordance with the revised FRA and the layout shown on Figure 5 'Proposed Site Plan' (page 17 of the April 2015 FRA by ambiental). It is important that ground levels within Flood Zone 3 and 2 not being raised.</p> <p>22nd April 2015</p> <p>The Environment Agency's withdrawal of their objection is on the basis of a revised site layout being received, which removes development from within flood zones 2 and 3. However, the submitted drainage strategy layout still includes the provision of panels in this location. Nevertheless, on the basis that the Environment Agency do not object to the scheme as shown on the submitted site layout and are happy with the measures set out in the drainage strategy (save for the fact that the plan still includes panels in FZ 2 & 3) it is considered that in the event of an approval, this matter could be dealt with by condition. Accordingly, it is no longer recommended that reason for refusal 2 be included.</p> <p>Revised recommendation:</p> <p>Refuse planning permission for the following reason</p> <p>1. The proposed solar PV arrays would be installed on grade 3a agricultural land, classed as being the Best and Most Versatile. In the opinion of the Local Planning Authority the proposal would take the land out of arable production for the 25 year duration of the proposal and insufficient evidence has been provided to demonstrate that there is no other land of lesser agricultural quality which is available and suitable for the proposed installation. The applicant's submitted sequential analysis is insufficient for this purpose as it only considers sites within close proximity to the proposed grid connection point and not potential sites further afield. The Local Planning Authority cannot be satisfied that the development is directed to the most appropriate parcel of land. It is considered that the harm caused by the loss of the Grade 3a land for arable purposes outweighs the benefits of the proposal in respect of its contribution toward renewable energy production and it is therefore contrary to policy DM5 of the Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and the government's published Planning Practice Guidance.</p> |
| 2. | 14/02134/FULL - Erection of a dwelling (Revised Scheme) at Land at NGR 266113 109805 (Adj Paddons Farm), Wembworthy, Devon. |
| 3. | 15/00317/FULL - Conversion of public toilets to commercial, retail and office space (Revised Scheme) at Public Conveniences, Lowman Green, Tiverton. |
| | <p>17th April 2015</p> <p>Further details in respect of flood risk have been received including details of flood prevention, resilience and safety measures to be incorporated into the building and details of</p> |

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Applications of a non-delegated nature

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| | <p>previous flood levels, as requested by the Environment Agency. The plans have also been amended to include a door on the south elevation to provide a safer escape route to higher ground in the event of flooding, also has requested by the Environment Agency.</p> <p>The Environment Agency has been re-consulted and their response is expected before Planning Committee. Members will be updated further on this.</p> <p>21st April 2015</p> <p>Environment Agency consultation response</p> <p>We have no objections to the proposal.</p> <p>Having received additional survey of historic flood levels, and the proposed use of flood resistant measures, i.e. flood gates, non-return valves etc, and installation of new door adjacent Lowman Green Bridge, we can advise that the proposed change of use as now detailed aligns with guidance and policy as contained within the National Planning Policy Framework. It is pleasing that measures to reduce the risk of internal flooding occurring will be implemented as they will help reduce the potential for damage and disruption to the new business from occurring.</p> <p>We reiterate our comments that the tenants of the building should register to the Environment Agencies flood warning service. Details of how to register can be found on the GOV.UK web site.</p> |
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| | <p>Agenda Items</p> |
| <p>5.</p> | <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 out junction on the westbound A361 and access and egress onto Blundell’s Road at Land East of Tiverton, South of A361, and Both North and South of Blundell’s Road, Uplowman Road, Tiverton</p> |
| <p>12.</p> | <p>14/01938/MOUT – Outline application for up to 97 dwellings, to include the importation of inert waste to raise land, with details of access onto the public highway provided and with all other matters reserved for future consideration at Land at NGR 303843 111382, South View Road, Willand</p> <p>A commercially sensitive and confidentially held independent report commissioned by Mid Devon District Council has been received regarding the value of the site and the marketing exercise undertaken by the landowners.</p> <p>In summary the report makes the following findings/conclusions:</p> <ul style="list-style-type: none"> • Based on the submitted information they cannot gauge how comprehensive the marketing approach has been but the landowners appear to have utilised all of the mediums through which the consultants would have advertised the site if they had been the marketing agents. • In relation to the information provided by the applicants with regard to specific enquiries from prospective customers (often regarding design & build options) the prices quoted for build costs appear to be generally reasonable based on BCIS build costs (although there is one particular exception when the building cost provided appears expensive) for the same |

Applications of a non-delegated nature

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| | <p>periods but land purchase or rental costs are high, particularly when taking into account the economic climates at the time of some of the quotes.</p> <ul style="list-style-type: none">• The consultants have identified the neighbouring Mid Devon Industrial Estate (more specifically Blackdown Park units), Hitchcocks Farm, Cullompton Business Park, Venn Farm (Cullompton), land at Kingsmill Industrial Estate (Cullompton) and development in Wellington as being potential competition for the development of the site.• The consultants consider that the Gladman’s Cullompton Business Park site off the existing Kingsmill Industrial Estate, which like the application site is serviced, is the most comparable local site to the Mid Devon Business Park. The estate is being marketed and the asking price has recently been lowered and a lower value per acre is being sought than has been quoted to date at Mid Devon Business Park. However, they estimate that for bulk disposal purposes the value of Mid Devon Business Park would be slightly lower than is being sought for the Cullompton Business Park as the Cullompton site is marginally closer to the motorway.• It is considered that the site is not suitable for office development.• There may be scope for alternative employment related uses (public house, crèche, veterinary surgery etc.) on the roadside frontage plot only. This would achieve a higher land value than an employment use.• Disposal of the site in small plots may take 3-5 years.• The property market, including the warehouse/industrial sector is arguably at its strongest point since the economic downturn. The consultants consider that there is now a greater chance of securing a pre-let or disposal to an investor/developer.• The Landowners aspirations for a value per acre appear high in the current market. <p>Your Officers have considered the content of the consultant’s report and the implication of these alongside the information and assessment already contained in section 1 of the material considerations section of the committee report (pg. 150) and have assessed the application against policy DM21 of Local Plan Part 3 (Development Management Policies). Taking account of the other employment sites in the locality which may provide some competition to the application site, including the recent permissions at Hitchcocks Farm and Venn Farm, which are not existing employment allocations) and the findings of the Employment Land Review, which recommends having an overall lower quantum of employment development,</p> |
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| | <p>it is considered that criterion a) of policy DM21 is met.</p> <p>The findings of the consultant suggests that the land values being sought by the landowners for the development of plots on the site are high in the current market and have been so since the economic downturn. This is likely to have been in order to see a return on their investment in the site. It is clear that there have been a relatively high number of enquiries to develop plots on the site over the years and it is noted that a contract has been entered into to dispose of the plot recently given planning permission for a foodstore (14/02116/FULL). Taking these facts into account alongside the commentary in section 1 of the committee report, it is considered that insufficient information has been provided to demonstrate compliance with criterion b) of policy DM21.</p> <p>As previously mentioned, no sequential viability test has been provided based on the requirements of criterion c) of policy DM21.</p> <p>Revised recommendation:</p> <p>Refuse planning permission for the following reasons:</p> <ol style="list-style-type: none">1. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to deliver minor development proposals in the recognised villages in the District, of which Willand is one. In the opinion of the Local Planning Authority the development of 97 dwellings in Willand would be a significant development in the context of policy COR17 and therefore be contrary to the objectives of the policy and the development focus set out in policy COR12 of the Mid Devon Core Strategy (Local Plan Part 1) which seeks to reduce housing rates in the rural areas.2. In the opinion of the Local Planning Authority, the development of the site, sandwiched between two areas of employment development and physically divorced from the existing pattern of housing development in the village would not represent the high quality development required by policy DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as it would be out of context with the spatial pattern of development in the village and would not be well integrated with surrounding buildings, streets, landscapes and uses.3. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that there is no commercial interest in the use of the site for employment generating purposes, particularly having regard to the high land values which have been sought for the development of plots of land on the site, taking into account prevailing local market values for similar developments. Accordingly the application is contrary to the requirements of policy DM21 b) of Local Plan Part 3 (Development Management Policies)4. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that the development of the application site for mixed use |
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| | <p>purposes that incorporate an employment-generating use would not result in a financially viable development. The application is therefore contrary to the requirements of policy DM21 c) of Local Plan Part 3 (Development Management Policies).</p> |
| 13. | <p>14/02077/FULL – Erection of a dwelling with parking and associated access (Revised scheme) at 11 Uplowman Road, Tiverton, Devon, EX16 4LU</p> <p>22nd April 2015</p> <p>Two further objections (one inadvertently omitted from the previous report and one recent) summarised as follows:</p> <p>1. Letter from CPRE stating that “The principle of a further dwelling house within the small garden space is considered to be unacceptable as it would represent an over development of the site to the detriment of the visual amenities of the area.” They then list the policies to which they consider the application to be contrary COR2, DM2, DM15. They also list Structure Plan, old Local Plan policies and PPS3 which are no longer relevant.</p> <p>2. Letter from previous objector in relation to the implications report summarised as follows:</p> <ul style="list-style-type: none">• 5 objections were recorded in the original officer’s report, rather than the 6 shown on the Council’s website, including one from CRPE, which questions the validity of the officer’s report• The implications report on the agenda for the 1 April meeting was, in our view, biased in favour of the applicant. The revised report is fairer but we still have some concern. The sections headed “Financial implications” and “Risk assessment” do not include the consequences of the Council approving the application, i.e. the Council acting unreasonably or without regard to due process to the disadvantage of objectors who may also have a remedy.• The revised implications report uses an inappropriate argument relating to densities and plot sizes. We question whether the average person would see Post Hill and Fairway as lying in the immediate vicinity of a site on Pomeroy Road. The appropriate area for that comparison should be Uplowman Road and the two roads leading off (Pomeroy Road and Pool Anthony Drive). |