

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on Wednesday 12 February 2025 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
G Cochran (Vice-Chair), S J Clist,
F J Colthorpe, G Czapiewski, J M Downes,
B Holdman, M Jenkins, L G J Kennedy,
N Letch and S Robinson

Apologies

Councillor(s)

G Duchesne (on-line) and C Harrower

Also Present

Councillor

S Keable

Also Present

Officer(s):

Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), John Hammond (Development Management Manager), Tim Jarrett (Arboricultural Officer), John Millar (Area Team Leader), Christie McCombe (Area Planning Officer), Milad Ghaderi (Planning Officer) and Angie Howell (Democratic Services Officer)

Councillors

Online

J Buczkowski, L Knight and D Wulff

72 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:42)

Apologies were received from Cllr G DuChesne (on-line) with Cllr J Downes substituting and Cllr C Harrower with Cllr L G Kennedy substituting.

73 PUBLIC QUESTION TIME (00:04:02)

Paul Elstone referred to Application No. 23/00394/MARM and asked the following questions:-

Question 1

The Mid Devon District Council (MDDC) adopted Tiverton Eastern Urban Extension (EUE) Masterplan Supplementary Planning Document SPD) delivers very clear expectations of developers with regard to the EUE Planning Process.

The overriding objective of the document "is to improve the quality of the proposals and the resulting developments to ensure that infrastructure and phases are co-ordinated".

Please note the comment to ensure infrastructure and phases are co-ordinated. This as well as for Area 'A' also intended for the much larger Area 'B'.

Importantly Section 1.7 also states. "MDDC will expect landowners and developers to follow the prescribed design process which is adopted as an integral part of the SPD". .

The prescribed design process expects the engagement of a specialist Design Review Panel, plus issue of a related report.

Why have the Design Review Panel reports not been made available for public examination and comment this on the MDDC Planning Portal?

Something that did happen for the previous phase of this applicant's development and which resulted in public comment.

Question 2

Will the Planning Committee give full consideration to the lack of provision of visitor parking spaces in the most appropriate locations for this development?

That while there being 71 properties on the easterly section and high density part of the development there are only 3 visitor parking spaces allocated and even then, these spaces are distant and hidden away from the most needed point of use.

As a result, this is clearly going to result in parking on the central spine road. A relatively narrow road and certainly nothing like Lea Road at Moorhayes. A road, which will see high traffic density also which is on a proposed bus route.

Question 3

Will the Planning Committee give full consideration to the fact that a 3 storey block of flats and which is being built on rising ground and the developer calls a Landmark Building? It is the first and most prominent building that will be visible on entering the site from Blundells Road.

Despite everything said in the Committee report it goes against Policy T4 Character of Development and T5 Design of Development of the Tiverton Neighbourhood Plan. A 3 storey block of flats and why not 2 storey - in this location beyond any doubt does not conserve or enhance the area and which is a clearly stated policy requirement.

The Chair advised that the questions would be answered when the application was considered on the agenda.

74 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:07:56)

Members were reminded of the need to declare any interests where appropriate.

There were no interests to declare.

75 MINUTES OF THE PREVIOUS MEETING (00:08:08)

The minutes of the previous meeting held on 4 December 2024 were agreed as a true record and duly **SIGNED** by the Chair.

76 CHAIR'S ANNOUNCEMENTS (00:08:42)

The Chair informed Committee Members that the order of the Plans List would run differently to that shown in the Agenda pack.

The new order would be:-

- Plan 3 - 24/01535/FULL
- Plan 4 - 24/01539/ADVERT
- Plan 1 - 23/00394/MARM
- Plan 2 - 24/01248/PNCOU

77 WITHDRAWALS FROM THE AGENDA (00:09:18)

There were no withdrawals from the Agenda.

78 THE PLANS LIST (00:09:29)

The Committee considered the applications in the *Plans List.

- 3) 24/01535/FULL - Installation of Pulse Smart Hub with integrated digital screens at 2 locations within Tiverton at Market Walk, Bampton Street and Outside Lowman House, Lowman Green, Tiverton.

The Area Team Leader outlined the contents of the *report by way of a presentation and highlighted the following:-

- The application was for the installation of two Pulse Smart Hubs at locations within Tiverton Town Centre.
- The Smart Hubs comprised of two large digital screens capable of displaying moving advertisements. The side of each smart hub also contained a user interface with touchscreen.
- The Smart Hubs had a range of features which included the provision of digital information, advertising, communication, public WI-FI, free telephone calls, mobile phone charging functionality, emergency health support and contact which included a defibrillator and 999 calls along with local information and local maps/wayfinding.
- The two locations for the Smart Hubs were Market Walk Shopping Precinct and Lowman Green near the Police Station.
- Each unit measured 2.54m high, 1.28m wide and 0.35m deep.
- The main issues raised included design and impact; heritage; highway safety; and residential amenity.

- There would be a total of nine Smart Hubs in other locations around Tiverton on Devon County Council land. The application today were the final two on Mid Devon District Council land which was why they were being considered by the Planning Committee.
- There was potential for the Smart Hubs to have a minor impact on the Conservation Area however the public benefits outweighed this.
- Highways had no objections however they did ask for a Highways Safety Audit to be carried out. This would be carried out pre-commencement.
- There had been no objections from Public Health with regard to the lighting levels. There was an agreement in place that the Smart Hubs would be switched off between the hours of 12am-6am.
- A Management Scheme would be in place to ensure the Smart Hubs were well maintained and any damages would be rectified and controlled. The owners would be responsible for this service.

Discussion took place regarding:-

- The Smart Hubs were not of a Police preferred specification. It was explained that the Police had not raised any objections and that work was being undertaken with the Police at a national level to certify them in the future. This was a lengthy process.
- When the Smart Hubs were switched off would this mean services would not be accessed during this time? It was clarified that despite the advertising displays being turned off the other functions would continue to be available to use.
- Whether the Smart Hubs were vandal proof? It was explained that they were robust and designed to stand up to vandalism. The Management Scheme would ensure that the Smart Hubs were inspected and cleaned every few weeks and a process would be in place to deal with damage quickly.
- The accessibility to the Smart Hubs and whether the defibrillator was registered on a network with the emergency services? It was clarified that they were registered.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr B Holdman and seconded by Cllr S Clist)

Reason for the Decision – as set out in the report.

Note:-

Ollie Smith, Managing Director – Pulsehub UK spoke as the applicant

- 4) 24/01539/ADVERT - Advertisement Consent for the installation of Pulse Smart Hub with integrated digital screens at 2 locations within Tiverton at Market Walk, Bampton Street and Outside Lowman House, Lowman Green, Tiverton.

The Area Team Leader outlined the contents of the *report by way of a presentation and highlighted the following:-

- Consideration was given to the amenity and public safety as discussed in previous application
- On the Plans List it referred to there being three Smart Hubs, however this was incorrect as there were only two.

There being no discussion it was **RESOLVED** that the advertisement consent be granted.

(Proposed by Cllr B Holdman and seconded by Cllr S Clist)

Reason for the Decision – as set out in the report.

- 1) 23/00394/MARM - Reserved matters for the erection of up to 122 dwellings, public open space, landscaping, drainage, pedestrian, cycle and vehicular links and associated infrastructure following outline approval 14/00881/MOUT at Land at NGR 298120 113015, Blundells Grange, Blundells Road, Tiverton.

In response to the public questions raised the Area Planning Officer replied as follows:-

A1. The outline application required the submission of an Urban Design and Architectural Principles (UDAP) document prior to the submission of this application. The UDAP included illustrations set out the design and layout principles for this development including block types, parking, boundaries, public realm codes for character areas and architectural guidelines. This was presented to an Independent Design Review Panel on two separate occasions – one as the ideas and principles for this application were emerging, and again when those principles were more ‘firmed up’. The Design Review Panel (DRP) took place on 15 Sept 2021 and 28 April 2022. Comments and advice from the DRP was incorporated into the UDAP document and subsequent submission of this application which was in compliance with the UDAP. Following the submission of this application in 2023, officers had continued to seek refinements to the proposed development.

The National Planning Policy Framework (NPPF) at paragraph 138 encouraged Local Planning Authorities (LPAs) to use DRPs. Using them was not a statutory requirement but a tool encouraged to help LPAs to improve the design of development. On that basis, LPAs were not obliged to make available the recommendations made by the DRP. The acceptability of the UDAP document was a decision delegated to officers. Officers had made available for examination the UDAP document that incorporated the comments from the DRP.

That the recommendations of the DRP were made available on the planning portal for Phase 1 but not this one, it was simply down to inconsistency or human error.

A2. The application before the Committee was policy compliant for its provision of visitor parking spaces. An objection was received, from Mr Elstone, during the application process, against the four visitor spaces that were identified on the Spine Road. Those spaces had now been removed and incorporated in and around the housing. They had been 'peppered' through the development area. The application was for solely residential use and therefore officers would not advise that there was any particular 'most needed point of use'. The Spine Road, including its width, had been designed and constructed to an adoptable standard with full consideration of the traffic flows and potential bus routes including from Area B. Devon County Council had raised no objection to it.

A3. The officer report goes into some detail about the apartment building at para 3.10. There was a design rationale for this building to be three storey in height including the creation of character change to aid way-finding and legibility. Three storey properties were very much not uncommon along Blundell's Road. For example, Deepway and Deepway House adjacent to Horsdon Garage; the apartment buildings either side of the entrance into Popham Close and various buildings at Blundells School. Each added interest and change along the Blundell's Road corridor. Three storey buildings could be found elsewhere across the Eastern Urban Extension including as frontage on to Enterprise Way on Braid Park and three storey were proposed on the affordable housing site at Post Hill.

The Area Planning Officer outlined the contents of the *report by way of a presentation and highlighted the following:-

- This was a Reserved Matters Application for up to 122 dwellings on land within the Tiverton Eastern Urban Extension (EUE).
- It was bound by S106 contributions attached to the outline application that sought contributions towards affordable housing, community facilities, primary and secondary education as well as highway and public transport improvements. The timing and delivery of those elements did not form part of the considerations of the application.
- Various other applications had been granted planning consent across the EUE.
- The neighbourhood centre was currently being re-master planned with the same uses being proposed although their exact boundaries may change.
- The northern land parcel would continue to have a boundary with the Community Centre and its land.
- The main issues raised were drainage and water quality; design and character; trees; access, parking and hard surfacing; apartment building; and ecology and landscape.
- Traffic calming measures were introduced by the developer. Other changes included a raised table on the Spine Road adjacent to the apartment block, a segregated pedestrian/cycle way and a three metre wide footpath included on Rd 26 to facilitate the east/west pedestrian and cycle movements established through Phase 1.
- Biodiversity Net Gain (BNG) was not a requirement of this application as it pre-dated the BNG legislation. However, there would be a gain in biodiversity through mitigation and the landscaping scheme.
- The Royal Society for the Protection of Birds (RSPB) requested bird and bat boxes equivalent to the number of dwellings proposed. This change had been introduced.

- The hedgerow between the northern land parcel and the community centre was identified as an important ecological corridor including for bats and dormice. A two metre ecology buffer strip had been provided at officer's request.

Discussion took place regarding:-

- Bird and Bat boxes being placed in the correct locations. It was explained this would be addressed to ensure they were suitably sited.
- The cumulative impact on sewerage. It was clarified that South West Water (SWW) had confirmed that Little Silver Sewage Pumping Station Terminal had capacity for discharge generated for this application and SWW had taken into account the planned growth in this catchment area.
- The height of the buildings and whether they could be seen from the canal.
- Whether there were sufficient parking places for visitors and the importance of protecting the green corridor to prevent parking there.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr G Cochran)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Paul Elstone spoke as the objector.
 - (ii) Paul Williams, Redrow Homes Ltd spoke as the applicant.
 - (iii) Cllrs L Cruwys, M Jenkins, L G Kennedy, N Letch and S Robinson abstained from voting.
- 2) 24/01248/PNCOU - Prior notification for the change of use of 2 agricultural buildings to 4 dwellings under Class Q at Land at NGR 307810 108319, (Lower Moneysland), Kentisbeare.

The Planning Officer outlined the contents of the *report by way of a presentation and highlighted the following:-

- The application was for the change of use of two agricultural buildings to four dwellings.
- The conversion would create one larger dwelling and three smaller dwellings all within the size threshold allowed under Class Q.
- The existing floor plans would remain with the only essential modifications being the installation of windows and doors.
- The main issues raised were agricultural use qualification; structural integrity of the buildings, transport and highways impact and parking; noise impact; location and siting - practicality and desirability; and public health concerns.
- The existing entrance would be used.

Discussion took place regarding:-

- The appearance of the barns.
- Whether the issues raised by Public Health had been answered. It was clarified that all issues raised had been dealt with.

It was **RESOLVED** that prior approval be granted.

(Proposed by Cllr S Clist and seconded by Cllr J Downes)

Reason for the Decision – as set out in the report.

Note:-

Cllr G Czapiewski abstained from voting.

*List and report previously circulated.

79 TREE PRESERVATION ORDER: 24/00009/TPO - 72 LANGLANDS ROAD, CULLOMPTON, DEVON. (02:16:55)

The Committee considered the Tree Preservation Order (TPO) 24/00009/TPO - 72 Langlands Road, Cullompton, Devon.

The Arboricultural Officer outlined the contents of the *report by way of a presentation and highlighted the following:-

- The TPO was made on the 9 October 2024 following contact from a resident concerned about two birch trees growing in their garden following a letter from a neighbour with a request for the trees to be reduced in height by 50%.
- The owners had asked how the trees could be protected and an option was given to assess the trees to determine if they met the criteria for a TPO.
- A site visit took place on 21 September 2024 to assess the trees and to discuss the future pruning required of the trees if a TPO was made.
- Following the TPO being made two objections were received on 1 November 2024 from Mr and Mrs Peach whose garden directly borders the garden to the west.
- The two trees grown were within the garden of 72 Langlands Road.
- There were a limited number of large and medium sized trees in the area.
- The canopy when last measured in 2020 stood at a low 4.3%.
- The upper canopy was visible and would provide a good buffering of the residential area when in leaf.
- An intermediate evaluation took place of the two trees which having considered the size; potential remaining contribution for visibility, the limited number of large or medium trees that would ordinarily be visible from the public space; suitability; future amenity value; the potential impact on structures and any other factors, the two trees were reviewed to merit a TPO. The trees collectively scored 18 when 15 was the threshold for consideration. The maximum score being 32.
- The two objectors had raised a number of issues which included seeds and leaves rooting in the gravel and lifting the lawn.
- A TPO was there to ensure that works were reasonable, suitable and adequately justified.
- The wildlife value for Silver Birch trees were high and any tree works could have a severe impact and could lead to the demise of the tree.

Discussion took place regarding:-

- Whether the trees were at risk from falling on adjacent buildings? It was confirmed that despite a risk assessment not being carried out there were no significant defects obvious when the site visit took place in September 2024.

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr N Letch and seconded by Cllr G Cochran)

Reason for the Decision – as set out in the report.

Notes:

- (i) Mrs Peach spoke as the objector.
- (ii) Mr Rayner spoke as the applicant (which the Chair read on his behalf)
- (iii) Cllr S Clist abstained from voting.

*Report previously circulated.

80 MAJOR APPLICATIONS WITH NO DECISION (02:42:50)

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

The Committee agreed that the applications remained as per the report.

Note: *List previously circulated, copy attached to the minutes.

81 APPEAL DECISIONS (02:48:05)

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

Note:-

*List previously circulated, copy attached to the minutes.

(The meeting ended at 17:04)

CHAIR