

Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 18 March 2015 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, M D Binks,
Mrs D L Brandon, 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, K D Wilson and P F Williams

Apologies

Councillors

J M Downes

Also Present

Councillors

R Evans, Ian Sorenson, Dave Black and
Stuart Jarvis

Present

Officers:

Jonathan Guscott (Head of Planning and
Regeneration), Alison Fish (Area Planning
Officer), Simon Trafford (Area Planning
Officer) and Sally Gabriel (Principal Member
Services Officer)

163 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr J M Downes to be substituted by Cllr P F Williams.

164 **PUBLIC QUESTION TIME 00-04-30**

Dr Whittlesey referring to Item 9 (Chettiscombe Estate) on the agenda asked the following questions:

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?

Do you agree with Natural England and Tidcombe Lane Fen Society 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 bring at least 30-40 additional cars into the mix, with resultant traffic chaos. 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 sets the whole area in a more safe and rural setting.

Finally, in its somewhat selective précis of our four most recent responses, are you aware that the planning officers make several incorrect attributions?

So, would you to consider removing development south of West Manley Lane from this outline planning application, a 1% loss of housing stock in favour of access to a safe scenic and sustainable route for Tivertonians and their wildlife?

Mrs Coffey referring to Item 5 (Rowey Bungalow) on the agenda asked why the Head of Planning and Regeneration had not made it clear in the report that continual breaches had occurred on the site, there is a garden shed without planning permission, enforcement action was considered in June 2011 with regard to the property. In 2011 the land was in agricultural use and we had evidence that the grass had been cut 15 times. I also have evidence that the grass was cut 17 times last summer. The Planning Authority have asked for evidence, Mr Luxton has been keeping ducks and chickens on the land. In December 2009, Mr Luxton failed to respond to a Planning Contravention Notice but was not sent an enforcement letter. In 2011 the chicken house was put on the land used as a garden, this is not agricultural use; it is domesticated with a fence now erected. 17 trees have been planted since 2011. The Planning Department do not have the resources to monitor the land. There were 3 admitted breaches in 2011. He just needs more time to

continue the breach to get a CLU and the report states you are doing nothing; he is extending the garden into the open countryside.

Mrs Cornes referring to Item 1 on the Plans List (Menchine Farm) asked: are Members aware that during February, the River Dalch at Nomansland suffered serious pollution. The Environment Agency investigated complaints and traced the pollution source to the silage clamp at Menchine Farm's Anaerobic Digester plant where they established there had been, quote "on site control failures". Effluent had leaked downhill into the River Dalch and polluted it for a distance of two and a half kilometres. Silage effluent is understood to be toxic and extremely harmful to fish and other wildlife. There has been evidence of otters in this stretch of the river. No fish, no otters. The Environment Agency are taking enforcement action at Level 2, the second highest level on a four point scale.

Mr Smyth again referring to Item 1 on the Plans List (Menchine Farm) stated that condition 7 of the approval for 14/00575/MFUL required that records should be kept of the vehicles entering and leaving the site and that the records include the size, type and load details, as well as the vehicles point of origin or destination and that these records shall be made available to the local planning authority on request. It is noted from the officer's report that those records were requested from the applicant on 19 February. Has that request now been complied with, if not why, one wonders?

Mr Cornes again referring to Item 1 on the Plans List (Menchine Farm) asked: are Members aware that the Appeal Inspector's report (Officer report page 12) ties a restriction in to condition 7 that distributor farms for feedstock and digestate are located within 6km of Menchine Farm. Feedstocks have regularly been brought in from outside this radius, and very recently from a source in excess of 30km away. Tractor trailer units hauling feedstocks have been routed through Leat Street and Westexe, residential and shopping areas. Residents of Nomansland can assist the Council by providing information that this 6km restriction is being blatantly ignored.

Dr Bratby again referring to Item 1 on the Plans List (Menchine Farm) highlighted the fact that the applicant has stated that due to advances in efficiency of the process, the output of the digester can be doubled from 500kW to 1MW. The applicant has already constructed a digester that is much larger than necessary to comply with his current permission. There has been no proven increase in efficiency and the doubling of the output can only be achieved by doubling the feedstock already being used or increasing the energy content by using waste such as animal by-products as proposed in the 2012 application. Are Members aware that if this application is permitted it will result in an AD plant similar to the one that was subsequently refused permission by Inspector Isobel McCretton, for reasons including unacceptable transport issues.

Mr Grant again referring to Item 1 on the Plans List (Menchine Farm) stated that in this chamber in July 2014, the applicant gave assurances that he had no intention of increasing feedstock tonnages or electrical output and that the second CHP was for back up purposes only. Should not any assurances now given by the applicant or his agent be treated with extreme scepticism?

Mrs Collier again referring to Item 1 on the Plans List (Menchine Farm) stated that the application shows 830 tonnes of slurry from Cleave Farm, Templeton operated by Reed Farms Ltd. This source of feedstock could well become unavailable. Are Members aware that Reed Farms Limited and an associated Reed family farming

partnership are in administration? Have officers been advised of an alternative source to replace the slurry from Cleave Farm and if so is it within the 6km radius?

Mrs Bickerstaff again referring to Item 1 on the Plans List (Menchine Farm) asked whether Members are aware that a number of local residents have made complaints to the Environment Agency about odour, general machine noise as well as reversing beepers. The beepers have been clearly heard from Five Crosses, about 2km distance from Menchine Farm.

The Chairman read a letter from Dr Bell referring to Item 9 on the agenda:

1. The 3 month noise survey carried out to meet your conditions relating to planning permission given for the LILO application has been completed. I hope you will agree that the results indicate that further noise mitigation measures would be beneficial and the applicants should be asked to submit appropriate plans as required. Residents have a plan to achieve significant additional mitigation measures and this is supported by Neil Parish MP who has recommended it to our Secretary of State, DCC's Mr Whitton and MDDC's Mr Guscott.

Will you support residents by applying a condition to any permission for this present application to provide the further mitigation requested by them and Mr Parish.

2. No on-site air quality survey work has ever been carried out for any part of the proposed EUE site. It is not good enough for consultants to say that their assessment of air quality 'broadly' followed guidance by Environmental Protection UK and for MDDC to accept this.

Will you support residents by applying a condition to any permission for this present application that requires on-site air quality monitoring across the LILO area at least, for 3 month periods of time before, during and after construction works. Further noise surveys should also be applied for periods during and after construction otherwise, the recently completed noise survey results will not be of full value.

3. Item 13 of the S106 provisions listed in the report of the Head of Planning and Regeneration for this application requires the provision of a clause to provide district heating network infrastructure to serve the development in the event that an energy centre or district heating centre is provided for within the urban extension.

Does this mean that our County and local Councils aim to ensure that a waste to energy plant will be located in Tiverton?

The Chairman indicated at this point that the above questions would be answered during discussions on the applications.

Mrs Quick referring to Item 9 on the agenda stated that she had concerns for the future as at the August Planning Committee, the motion was altered at the last moment with the new motion being unclear. The Planning Committee is a very important committee, you make decisions that affect people for years, what you decide today will affect people for 50 to 100 years, your responsibility is enormous. May I be assured that today no motion tampering will take place and that motion tampering will be disallowed in the future; we all require your assurances.

Mr Dennis referring to Item 2 on the Plans List (Mid Devon Business Park) asked if a possible condition would be added to the decision to state that if the application was approved it could not be followed by housing on the site. The Highway Authority has stated that there is no need to consider road safety. The site is on the edge of the

village, there are a large number of houses near the site between the estates and the proposed store, and there is also a 5 spur roundabout which accommodates 18 tonne vehicles. Residents have to negotiate the roundabout and roads on the way to the store, some roads are narrow and I am concerned that we are putting people at risk. Supermarkets that have been built have resulted in major road layouts. There are safety issues on this site please have a site visit to see these issues.

The Area Planning Officer stated that with regard to a condition regarding housing, this could not be imposed and any proposal would require a separate application. South View Road was narrow but could accommodate pedestrians as each arm of the roundabout had pedestrian islands. The update sheet gave details of the response of the Highway Authority regarding the pedestrian issues.

165 **MINUTES OF THE PREVIOUS MEETING (00-27-52)**

The minutes of the meeting of 4 March 2015 were approved as a correct record and SIGNED by the Chairman.

166 **CHAIRMAN'S ANNOUNCEMENTS (00-30-00)**

The Chairman had the following announcements to make:

- She reminded Members that there were two meetings in April, the 1st and the 22nd.
- She informed Members that this was the last meeting for the Head of Planning and Regeneration, she expressed her gratitude to him personally and she was sure that Members both past and present thanked him and wished him well.

167 **ENFORCEMENT LIST (00-36-00)**

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

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

Arising thereon:

No. 1 in the Enforcement List (Enforcement Case ENF/14/00124/UDRU – without planning permission, an unauthorised change of use has been undertaken namely the use of agricultural land to domestic garden – land west of Rowey Bungalow, Plainfield Lane, Witleigh).

The Head of Planning and Regeneration outlined the contents of the report highlighting the history of the site as identified in the report and the complaints that had been received regarding the site from local residents regarding the use of the land. He was able to provide Members with photographs of the land in question. He stated that planning permission was not required for the planting of a hedge and that chickens and ducks were allowed to run on the land. The grass was being cut by a lawnmower and not by agricultural machinery. Referring to Mrs Coffey's questions, he stated that the use of the land was not predominately being used for agriculture, the grass was being cut but that was the only non-agricultural issue taking place, the

land had not changed from agricultural to garden, there was potential for a change of use but we were not at the point where an enforcement notice could be served.

Consideration was given to the need to keep the land tidy and the need to monitor the situation. It was therefore:

RESOLVED that

- The owner be advised that the regular domestic mowing of an agricultural field may constitute a breach of planning control and the Council will monitor the use of the site over the spring/summer period to ensure a predominantly agricultural use is maintained on the land.
- No further action be taken at this time.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr P F Williams)

Notes:

Cllr E G Luxton declared a Disclosable Pecuniary Interest as his son was the landowner in question and left the meeting during the discussion thereon;

Cllrs A V G Griffiths and D J Knowles declared personal interests as the landowner was known to them;

Mrs Coffey (neighbour) spoke;

Cllrs A V G Griffiths, R L Stanley and K D Wilson requested that their abstention from voting was recorded.

168 **14/01847/MFUL - ERECTION OF 44 APARTMENTS FOR OLDER PERSONS, INCLUDING COMMUNAL FACILITIES, ASSOCIATED CAR PARKING INCLUDING CONSTRUCTION OF PARKING DECK AND LANDSCAPING (REVISED SCHEME) - LAND AND BUILDINGS AT NGR 295350 112455 (REAR OF TOWN HALL) ANGEL HILL TIVERTON (00-57-00)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. He referred to the questions as set out in the minutes of the previous meeting: Mr Davey had asked about the security issues, this had been addressed in Condition 14. Mr Hutchings had referred to the deck being moved 1metre away from Memorial Cottage, the slides would show this movement. Regarding loss of light and privacy and that the development was not in keeping with the surrounding area; there would be some issues with regard to this but Members needed to weigh up whether these issues warranted refusal of the application.

He outlined the contents of the report identifying the differences between the original and revised scheme: 44 flats were proposed instead of 45, the balance of the 1 and 2 bedroomed flats had shifted, the 2 access points, the reduction in the size of the parking deck, part of the building has been pulled away from the boundary with properties at Ham Place, elevation and accommodation details had been amended

and there were changes to the garage areas. Members viewed photographs from various aspects of the site and computerised frontage images.

Consideration was given to the existing parking arrangements behind the Town Hall and any additional traffic using the archway; the sheer bulk of the development in the Conservation Area and the impact on Ham Place; and the improvements to the original plans

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-:

Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;

Cllr D J Knowles declared a personal interest as a Member of the British Legion;

Cllr K D Wilson declared a personal interest as he had been in discussion with local residents and the British Legion as Ward Member;

Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, 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, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Mr Williams (Agent) spoke;

Mr Davey (Objector) spoke;

Cllr W Burke (Tiverton Town Council) spoke;

Cllrs P F Williams and K D Wilson spoke as Ward Members;

Cllr K D Wilson requested that his vote against the decision be recorded.

169 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

170 **THE PLANS LIST (1-52-00)**

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 ***(14/01915/FULL – Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anerobic Digestions (1,000Kw installed capacity) Facility –Land at NGR 283096 113579 (Menchine Farm, Nomansland)***

The Area Planning Officer outlined the contents of the report informing Members that this application had already been appealed for non-determination and therefore Members were requested to consider what decision they would have come to if they had been able to consider the application. He outlined the history of the site and the result of the previous appeal that had been granted planning permission at appeal. Members considered the site location plan and an aerial photograph, and received information regarding the increase in feedstock required to increase the fuel production. The officer explained that there was he felt a lot of outstanding issues that needed to be addressed and therefore he was recommending refusal of the application as set out in the report.

He considered the questions put forward at the beginning of the meeting, he agreed that there was a certain amount of uncertainty with regard to the feedstock, including: where they were coming from and the number of trips to the site. He added that with regard to the pollution issues, he was aware of these and that they were being dealt with by the Environment Agency.

Consideration was given to where the additional feedstock was coming from, whether there were any binding agreements with farms who were supplying the plant; the imposition of the application on local residents, the impact on the roads surrounding the site and proposed vehicle movements. A number of Members asked whether the application could be refused having regard to Development Management Policies DM6 and DM22.

RESOLVED that had the Committee had the opportunity to determine the application the application would have been refused for the following reasons:

In the opinion of the Local Planning Authority (LPA) it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance. On this basis the application proposals are considered to be contrary to policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr Mrs M E Squires and seconded by Cllr P F Williams)

Notes:

Cllr R F Radford declared a Disclosable Pecuniary Interest as a chicken farmer and that he may in future be involved in the production of feed for the AD plant and therefore left the meeting during the discussion thereon;

Cllrs M D Binks, Mrs F J Colthorpe, E G Luxton, R L Stanley, Mrs M E Squires and K D Wilson all declared personal interest as they either knew the applicant and/or local residents;

Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, 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, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Miss Coffey (Templeton Parish Council) spoke in objection to the application;

Cllr Mrs Smyth (Cruwys Morchard Parish Council) spoke;

Cllr Mrs M E Squires spoke as Ward Member.

b) No 2 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 by way of presentation highlighting the location plan, an aerial photograph which outlined the existing industrial units in the area and the residential accommodation close to the site. The proposed site plan identified the pedestrian footway, bollards, road crossing points and pedestrian refuge provision. The proposed elevations of the proposed development were highlighted and photographs were shown from various aspects of the site.

Consideration was given to: the need to address sensible pedestrian crossing points, the narrowness of the island at South View Road; that the Parish Council and local residents were pleased with the development but had concern regarding pedestrian safety; the possibility of the provision of an illuminated zebra crossing on South View Road and the cost of any such provision.

RESOLVED that this application be deferred 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

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

Cllrs Mrs D L Brandon, Mrs F J Colthorpe, R Evans and R F Radford 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 R Evans and Mrs D L Brandon spoke as Ward Members;

The Chairman read a message from Cllr R J Chesterton;

Mr Ingram (Agent) spoke;

Cllr Warren (Willand Parish Council) spoke;

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

The following late information was reported: 1 further objection summarised as follows: Further correspondence from DCC Highways – Email dated 3rd March 2015

to Local Ward Member and copied to MDDC – I have spoken to the safety team and given the Traffic flows and the existing facilities, it is felt to be adequate for the development and it would be unreasonable to impose a condition for controlled crossings and given the evidence I could not justify such a condition at appeal. I will look at the existing crossings to ensure they are adequately constructed, e.g. tactile provision etc. and if they fall short their upgrade to current best practice would I feel be reasonable.

Email dated 4th March 2015 - Further to My email yesterday I visited the site and can confirm that the current crossing facilities are to current standards and no additional works will be required. If the developer wishes to make a magnanimous gesture and offer zebra crossing facilities they will probably be feasible from a technical perspective. But would need to be a good will gesture by the developer. I would be happy to work with the developer if they so wish to make the gesture

Update on drainage – following the consultation response from the Environment Agency, the applicant has confirmed that the finished floor level will be 82.35AOD and the EA have confirmed that this is acceptable. There are no outstanding drainage issues.

Update on amenity of nearby residents – The formal response of Env Health was received just as the agenda was published so consultation response was able to be published on the agenda. EH were specifically asked to consider the noise from generators, deliveries etc. They have advised that they have no objections to the proposals and therefore the impact on amenity is considered to be acceptable.

c) No 3 on the Plans List **(15/00069/FULL - Creation of new farm entrance – land and buildings at NGR 271138 108264 (Road from West Barton Cross to Eggesford Cross, Nymet Rowland).**

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the new entrance to the farm yard, the existing access next to the listed church, site location plans, the existing site layout and photographs from various aspects of the site. It was generally felt that the new entrance would improve the setting of the listed church and no objections had been received from the Highways Authority.

Consideration was given to: the topography of the site, the steepness of the existing entrance and that the new entrance would enable lorries to enter the yard, rather than be unloaded from the road; the new entrance would be 40 metres away from the church and therefore would have little impact on the Grade 1 listed building; the views of the Conservation Officer and whether English Heritage had been consulted.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration, with an amendment to the conditions to include a requirement for the replacement hedging along the visibility splays to be planted with native species.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

Cllrs P J Heal and J D Squire declared personal interest as the applicant was known to them;

Cllr Mrs M E Squires made a declaration in accordance with the Protocol of Good practice for Councillors dealing in planning matters as she had received correspondence regarding this application as the local County Councillor;

Mr Smith spoke in objection to the application;

Cllr K D Wilson requested that his vote against the decision be recorded;

Cllrs M D Binks, Mrs M E Squires and P F Williams requested that their abstention from voting be recorded.

171 **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. (3-37-21)**

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 Masterplan, with all matters relating except means of access to be considered at the reserved matters stage. The APO then went onto to confirm the proposed access arrangements, and highlighted a number of conditions in the report and the terms of the S016 agreement that would control and manage the delivery of the access arrangement, including Condition 13 which required passing places to West Manley Lane to be incorporated into the development scheme design.

He addressed the questions presented earlier in the meeting: Natural England had previously objected to the application, however further information had been submitted and they had now withdrawn their objection subject to the provisions of Condition 15. Other conditions dealt with flooding issues and the single track lane. With regard to development on West Manley Lane, that was for Members to decide but it was confirmed that the application proposals was in accordance with the adopted masterplan.

With regard to Dr Bell's questions, the noise survey had been completed and Devon County Council had received it although it had not been reviewed. With regard to air quality issues, the application was supported by Environmental Impact Assessment,

which included a review of air quality issues. This information had been considered by officers, including Environmental Health Officers and that the updated Condition 2 was relevant to this issue. The issue of employing a district heating system was referenced in the the Allocations and Infrastructure Development Plan Document, however the size and amount of development proposed as part of the masterplan area is unlikely to generate sufficient demand for a district heating scheme.

Discussion took place regarding the traffic calming on Blundells Road with Mr Sorenson (Devon County Council – Highways Authority) informing the Committee that the LILO would not be constructed before the summer of 2016 as further design work was necessary. The traffic calming in Blundells Road could only take place during the school summer holidays because of the impact on Blundells School, the summer of 2015 was too early for any development and therefore there would be no development on the Eastern Urban Extension before the summer of 2016, this gave the Highway Authority an opportunity to look at the design of the scheme with regard to materials and appearance.

Further discussion took place the trigger points set out in the Masterplan, a low emissions strategy outlined in the update sheet as an addition to Condition 2; development on West Manley Lane and concerns about the threat to the SSSI at Tidcombe Fen

At this point the lateness of the hour was realised and it was therefore:

RESOLVED that the application be deferred to allow for further consideration to take place at the meeting of the Committee on 1 April 2015.

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

Notes:

Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, A V G Griffiths, D J Knowles, R L Stanley and K D Wilson declared personal interests as local residents were known to them;

Cllr Mrs M E Squires declared a personal interest as a grandchild went to Blundells School;

Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, 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, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Mr Jones spoke on behalf of Sir Ian Amory (applicant);

The Chairman read a message from Cllr N V Davey (Ward Member);

Cllr D J Knowles spoke as one of the Ward Member's;

Cllrs Mrs F J Colthorpe and Mrs M E Squires requested that their vote against the decision to defer be recorded;

Mr Sorenson and Mr Black (Devon County Council – Highways Authority) spoke;

The following late information was reported: **Page 134 / 135:**

Add condition and reason 18 as follows:

Noise from operations conducted at any of the employment premises on the application site shall not at any time exceed a decibel level of LAeq (1hour) 55 dB as measured on any boundary of the site with adjoining residential properties, between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays, and LAeq (15min) 45 dB(A) during any other time including Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the amenity of residents in the locality by reason of noise.

Page 131: amend condition 2 as follows:

2. Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:

i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines,

ii) A strategy for the management and maintenance of all green infrastructure across the application site and the other land owned by the applicant that falls within the boundaries of the adopted Masterplan Area. The Strategy document shall set out the management, maintenance, access and use arrangements for each land parcel and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels.

iii) A low emissions strategy.

Reserved matters applications for the site shall incorporate the approved details.

111/128

A further response has been received from South West Water, and a verbal update will be provided on any further changes to the recommendation at the meeting in connection with sewerage infrastructure.

Page 96, Further comments from the Highway Authority regarding specific comments to address comments made by Blundells School:

Taking the points in order the designs of the junctions are such that they cater for the capacity, these may have changes to them through the reserved matter applications which will inform the design and by the street scene and frontage treatment sought by the planning Authority and the planning committee. The conditions imposed by the Highway Authority require full details to be approved in writing, therefore the DWGC698/21 does not prejudice our design for the traffic

calming which has recently been consulted upon and the influence of the street design has been emphasised and will influence the scheme that comes forward.

Traffic modelling has been undertaken on the junctions and the Highway Authority are happy with the outcomes and the modelling has influenced the design of the roundabout and has allowed a reduction in size to a 28 ICD. It should also be noted that sufficient land is to be made available to increase this diameter should future development to the East come forward. Again the pallet of materials and indeed the type of roundabout will be influenced by the estates design through the reserved matter application. While a standard roundabout is shown a "Poynton style roundabout " can be constructed subject to additional traffic calming necessary for this type of design to work. The initial safety audit for the design has been carried out by the highway Authority as part of the process of assessing the planning application. It's further design and construction will be subject to stage 2,3, and 4 safety audits secured through the highway legal agreements necessary for the construction. Further construction design and material choices are all conditioned and subject to LPA approval.

Page 111 and 128:

With regards to the matters raised by local residents and South West Water (SWW) regarding sewerage infrastructure, the following clarification has been provided by SWW regarding how they plan for and ensure there is sufficient capacity to accommodate new development:

SWW do not automatically include an allocated site in our business planning process as there is no guarantee that anyone site will be promoted and built out. Once developer interest has been expressed and there is some certainty with regard to the commencement of development of a site a detailed evaluation process can be undertaken, and then utilising the Requisition process for network upgrades, (after a developer has certainty of timing), we can provide certainty to the developer and LPA that the extra flows can be accommodated. In order to make this work though we may need to have planning conditions suitable for the development of a site to be controlled until any necessary network upgrades can be provided.

Given that SWW have confirmed that they know that the extra flows from up to 650 houses across the masterplan area can be accommodated before they may need to undertake any further capacity work, and a resolution has been passed approving up to 330 houses under LPA ref: 13/01616/MOUT, the following conditions is recommended as condition 19 for consideration by the committee to redress this issue:

No more that 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity at the Tiverton Sewage Works to accommodate the foul water drainage from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.

Reason: To ensure there are adequate water company (public) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.

Page 91 replace clause xviii as it is drafted regarding the transfer of land for use as allotments to only be necessary if the local residents continue to be of the view that it would be a positive use for this area of green infrastructure. Whilst the applicant would be happy to facilitate the use he would not support any land transfers but would be willing to make the land available.

*Report previously circulated copy attached to signed minutes.

172 **APPLICATION 15/00033/FULL - CHANGE OF USE OF RESIDENTIAL GARAGE/WORKSHOP TO DWELLING AT RAVENSDALE, BLACKBOROUGH (4-51-45)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. He outlined the contents of the report by way of presentation highlighting the site plan and the proposed split curtilage, the existing and proposed elevations and the site access. He explained a previous application which was very similar on a site near Tiverton which had been refused by the Planning Committee, and dismissed at appeal.

Consideration was given to the National Planning Policy Framework and building outside of an adopted settlement limit and in the countryside.

RESOLVED that this application be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs D L Brandon)

Notes:

Cllrs Mrs H Bainbridge, Mrs D L Brandon, Mrs F J Colthorpe, P J Heal, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;

Mr York (Applicant) spoke;

The Chairman read a message from the Ward Member, Cllr D F Pugsley

Cllr K D Wilson requested that his vote against the decision be recorded;

Cllr Mrs H Bainbridge requested that her abstention from voting be recorded;

The following late information was reported, the omission from the report stating that: this application was called to Committee by Cllr D Pugsley for the following reasons:

It will not affect the appearance of the place.

The access is already there.

Extra traffic will be minimal and the road is quite adequate for it.

The Parish Council have considered it carefully and in detail, and are happy with it.

*Report previously circulated, copy attached to signed minutes.

- 173 **APPLICATION 14/01748/MARM - RESERVED MATTERS FOR THE ERECTION OF 112 DWELLINGS, INCLUDING GARAGES, DOMESTIC OUTBUILDINGS AND STRUCTURES, ASSOCIATED INFRASTRUCTURE, ESTATE ROADS, FOOTWAYS, CAR PARKING COURTS, DRAINAGE, PUMPING STATION AND LANDSCAPING, TOGETHER WITH ALL OTHER ASSOCIATED DEVELOPMENT, FOLLOWING OUTLINE APPROVAL 13/00859/MOUT - LAND AND BUILDINGS AT NGR 302994 107178 (FORMER CUMMINGS NURSERY) CULM LEA, CULLOMPTON**

The Chairman informed Members that this application had been withdrawn.

Update Sheet

(The meeting ended at 7.45 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 18th March 2015

Applications of a non-delegated nature

UPDATES

Enforcement Item

14/00124/UDRU – Rowey Bungalow, Withleigh

<u>Item No.</u>	Description
1.	14/01915/FULL - Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anaerobic Digestion (1,000Kw installed capacity) Facility at Land at NGR 283096 113579 (Menchine Farm), Nomansland, Devon.
2.	<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><u>Further correspondence from DCC Highways</u> - Email dated 3rd March 2015 to Local Ward Member and copied to MDDC - I have spoken to the safety team and given the Traffic flows and the existing facilities, it is felt to be adequate for the development and it would be unreasonable to impose a condition for controlled crossings and given the evidence I could not justify such a condition at appeal. I will look at the existing crossings to ensure they are adequately constructed, e.g. tactile provision etc. and if they fall short their upgrade to current best practice would I feel be reasonable.</p> <p>Email dated 4th March 2015 - Further to My email yesterday I visited the site and can confirm that the current crossing facilities are to current standards and no additional works will be required. If the developer wishes to make a magnanimous gesture and offer zebra crossing facilities they will probably be feasible from a technical perspective. But would need to be a good will gesture by the developer. I would be happy to work with the developer if they so wish to make the gesture</p> <p><u>Update on drainage</u> – following the consultation response from the Environment Agency, the applicant has confirmed that the finished floor level will be 82.35AOD and the EA have confirmed that this is acceptable. There are no outstanding drainage issues.</p> <p><u>Update on amenity of nearby residents</u> – The formal response of Env Health was received just as the agenda was published so consultation response was able to be published on the agenda. EH were specifically asked to consider the noise from generators, deliveries etc. They have advised that they have no objections to the proposals and therefore the impact on amenity is considered to be acceptable.</p>
3.	15/00069/FULL - Creation of new farm entrance at Land and Buildings at NGR 271138 108264(Road from West Barton Cross to Eggesford Cross), Nymet Rowland, Devon.

PLANNING COMMITTEE AGENDA - 18th March 2015

Applications of a non-delegated nature

UPDATES

	AGENDA ITEMS
	<p>14/00881/MOUT – Land East of Tiverton, South of A361, and both North and South of Blundells Road, Uplowman Road, Tiverton</p> <p>Page 134 / 135:</p> <p>Add condition and reason 18 as follows:</p> <p>Noise from operations conducted at any of the employment premises on the application site shall not at any time exceed a decibel level of LAeq (1hour) 55 dB as measured on any boundary of the site with adjoining residential properties, between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays, and LAeq (15min) 45 dB(A) during any other time including Bank Holidays.</p> <p>Reason: To ensure that the proposed development does not prejudice the amenity of residents in the locality by reason of noise.</p> <p>Page 131: amend condition 2 as follows:</p> <p>2. Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines,</p> <p>ii) A strategy for the management and maintenance of all green infrastructure across the application site and the other land owned by the applicant that falls within the boundaries of the adopted Masterplan Area. The Strategy document shall set out the management, maintenance, access and use arrangements for each land parcel and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels.</p> <p>iii) A low emissions strategy.</p> <p>Reserved matters applications for the site shall incorporate the approved details.</p> <p>111/128</p> <p>A further response has been received from South West Water, and a verbal update will be provided on any further changes to the recommendation at the meeting in connection with sewerage infrastructure.</p> <p>Page 96, Further comments from the Highway Authority regarding specific comments to address comments made by Blundells School:</p>

PLANNING COMMITTEE AGENDA - 18th March 2015

Applications of a non-delegated nature

UPDATES

Taking the points in order the designs of the junctions are such that they cater for the capacity, these may have changes to them through the reserve matter applications which will inform the design and by the street scene and frontage treatment sought by the planning Authority and the planning committee. The conditions imposed by the Highway Authority require full details to be approved in writing, therefore the DWGC698/21 does not prejudice our design for the traffic calming which has recently been consulted upon and the influence of the street design has been emphasised and will influence the scheme that comes forward.

Traffic modelling has been undertaken on the junctions and the Highway Authority are happy with the outcomes and the modelling has influenced the design of the roundabout and has allowed a reduction in size to a 28 ICD. It should also be noted that sufficient land is to be made available to increase this diameter should future development to the East come forward. Again the pallet of materials and indeed the type of roundabout will be influenced by the estates design through the reserved matter application. While a standard roundabout is shown a "Poynton style roundabout" can be constructed subject to additional traffic calming necessary for this type of design to work. The initial safety audit for the design has been carried out by the highway Authority as part of the process of assessing the planning application. It's further design and construction will be subject to stage 2,3, and 4 safety audits secured through the highway legal agreements necessary for the construction. Further construction design and material choices are all conditioned and subject to LPA approval.

Page 111 and 128:

With regards to the matters raised by local residents and South West Water (SWW) regarding sewerage infrastructure, the following clarification has been provided by SWW regarding how they plan for and ensure there is sufficient capacity to accommodate new development:

SWW do not automatically include an allocated site in our business planning process as there is no guarantee that anyone site will be promoted and built out. Once developer interest has been expressed and there is some certainty with regard to the commencement of development of a site a detailed evaluation process can be undertaken, and then utilising the Requisition process for network upgrades, (after a developer has certainty of timing), we can provide certainty to the developer and LPA that the extra flows can be accommodated. In order to make this work though we may need to have planning conditions suitable for the development of a site to be controlled until any necessary network upgrades can be provided.

Given that SWW have confirmed that they know that the extra flows from up to 650 houses across the masterplan area can be accommodated before they may need to undertake any further capacity work, and a resolution has been passed approving up to 330 houses under LPA ref: 13/01616/MOUT, the following conditions is recommended as condition 19 for consideration by the committee to redress this issue:

PLANNING COMMITTEE AGENDA - 18th March 2015

Applications of a non-delegated nature

UPDATES

	<p>No more that 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity at the Tiverton Sewage Works to accommodate the foul water drainage from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.</p> <p>Reason: To ensure there are adequate water company (public) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.</p> <p>Page 91 replace clause xviii as it is drafted regarding the transfer of land for use as allotments to only be necessary if the local residents continue to be of the view that it would be a positive use for this area of green infrastructure. Whilst the applicant would be happy to facilitate the use he would not support any land transfers but would be willing to make the land available.</p>
	<p>14/01748/MARM – Land and Buildings at NGR 302994 107178 (Former Cummings Nursery) Culm Lea, Cullompton</p> <p>APPLICATION WITHDRAWN BY APPLICANT</p>
	<p>14/01847/MFUL – Land and Buildings at NGR 295350 112455 (Rear of Town Hall) Angel Hill, Tiverton</p>
	<p>15/00033/FULL – Ravensdale, Blackborough, Cullompton</p> <p>This application was called to Committee by Cllr D Pugsley for the following reasons:</p> <ol style="list-style-type: none"> 1. It will not affect the appearance of the place. 2. The access is already there. 3. Extra traffic will be minimal and the road is quite adequate for it. 4. The Parish Council have considered it carefully and in detail, and are happy with it.