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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 14 June 2017 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, R J Dolley,
D J Knowles, F W Letch, B A Moore,
R F Radford, J D Squire and R L Stanley

Apologies

Councillor(s)

P J Heal

Also Present

Councillor(s)

R M Deed, R Evans and Mrs M E Squires

Present

Officers:

Thea Billeter (Area Planning Officer), Simon Trafford (Area Planning Officer), Alison Fish (Area Planning Officer), Kathryn Tebbey (Legal Services Manager and Monitoring Officer) and Sally Gabriel (Member Services Manager)

15 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr P J Heal who was substituted by Cllr Mrs G Doe.

16 VICE CHAIRMAN

In the absence of the Vice Chairman, the Chairman requested that a Member of the Committee take on the role for this meeting only.

It was **AGREED** that Cllr B A Moore act as Vice Chairman for the meeting.

17 PUBLIC QUESTION TIME (00-02-52)

Cllr Grantham - Willand Parish Council referred to Item 10 on the agenda (Junction 27) and highlighting the Town and County Planning Act 1990 (Listed Buildings and Conservation Areas) Act. The report sought to vary conditions 5, 6, 15, 23 etc of 13/009470MOUT and to consider legal advice that would be presented at this meeting. I agree with most of this report, as it just confirms the principles of Section 73 of the Town and Planning Act 1990 which I believe is in the process of being amended but is not yet law and that we must consider the application on the present law. The applicants have asked for a variation of conditions (Listed Buildings and Conservations Areas) which is part of the Act. It states in the Government guidelines (flexible options for planning permissions):

1. Can this procedure be used to make non material amendments to listed building consents? It states no, this cannot be used. The applicant on all of

these applications has used the incorrect terminology (listed buildings) so this application to vary conditions fails and does not comply with the core principles of Section 73.

2. Using Section 73 of the Town and Planning Act and using Government guidance notes - it states a time limit for determination of 28 days, a decision must be made in this period. Nowhere in the briefing notes does it state an extension has been agreed, so this application must fail.

In my opinion MDDC have already put themselves in a precarious position of being accused of pre-determination.

The so called land application at Junction 27 (which we all know is the exact size and proportions that is needed by Eden Westwood for their development) the granting again in 2017 of planning permissions for the garage and services by MDDC whether it is implemented or not, knowing Eden Westwood is promoting this site, giving them priority on both sides. This could be seen by the inspector as giving Eden Westwood a district advantage acquiring all of the land allocation at Junction 27 and no other developer could get direct access to the site from the M5 motorway.

The application for variations should be dismissed, as in its present form, it does not comply with Section 73 of the Town and Country Planning Act of 1990.

Cllr Hugill - Halberton Parish Council referring to Item 9 on the agenda (Uffculme) stated that the Parish Council supported the decision to refuse the application for 30 dwellings on the Uffculme straight. Officers have been asked for reasons for refusal and Halberton Parish Council continue to ask you to refuse the application. Officers continue to talk about the land supply matter and disregard the contents of the Local Plan Review because it has not been tested. I say as a Parish Councillor and a resident that the Local Plan is valid and we expect you to follow it, we therefore ask that you continue to vote against the application.

Paula Mossman referring to Item 1 on the Plans List (White Cross, Cheriton Fitzpaine) representing the Shop Management Committee for the Community Shop asked if Councillors were aware that the community of Cheriton Fitzpaine stood to benefit from this retail space. Can we ask the Committee that 90 sqm of retail floor space relates to the Cheriton Fitzpaine community shop only as discussions with the developer, DCC and Planning Officers have also been along the lines of plans already submitted.

Jill Hordon again referring to Item 1 on the Plans List asked if Councillors are aware of the impact of refusal of the application on the residents of Cheriton Fitzpaine if there was not a site for the community shop which could be a hub for the whole village.?

Cllr R M Deed referring to Item 11 on the agenda (TPO - Greenslinch Lane) stated that he had been asked by the landowner to speak on his behalf as he lived in Silverton North which was in his Ward. The land was in Silverton Ward meaning that Cllr Mrs Roach would normally address you, but she had agreed with Cllr Deed that he would attend and speak. The owner of the land that the TPO is proposed on has always maintained good husbandry on his land but a couple of people adjacent have taken against him and applied for a TPO on a piece of track which the farmer has no

intention of developing. The TPO would preserve the visual amenity of the area, the landowner has no intention of developing the area proposed by the TPO. Do Members believe that just because the person in the village does not like him that a vexatious TPO application on the land of any farmer should be approved? Please reject this application.

The Chairman apologised to Cllr Deed and to Cllr Mrs Roach, she stated that if she had known that Cllr Deed had been asked to speak on behalf of the Ward Member Cllr Mrs Roach regarding this application then her decision not to let Cllr Deed speak prior to the application being determined would have been different, she had not had this information when she made the decision.

Mr Gordon referring to Item 1 on the Plans List (White Cross, Cheriton Fitzpaine) stated that he lived opposite the site, the land was relatively flat with drainage ditches around the site as it is wet and can often be two thirds flooded and holds water from the rest of the village which goes via a culvert to bypass the village. I feel that 28 dwellings on the site will create flood issues for Cherry Meadow as it is lower than the application site. There are other locations in the village for a shop which could be made good rather than a big development outside the village. 28 dwellings on a boggy field will create problems.

18 MINUTES OF THE PREVIOUS MEETING (00-19-14)

The minutes of the meeting held on 17 May were approved as a correct record and **SIGNED** by the Chairman.

19 CHAIRMAN'S ANNOUNCEMENTS (00-20-14)

The Chairman had the following announcements to make:

- She informed the meeting that Thea Billeter (Area Planning Officer) would be leaving the authority; she would be sad to see her go and wished her well for the future.
- Members were also informed that Shane Broad Administration and Performance Manager) was retiring.
- She welcomed Mrs Kathryn Tebbey to her first committee as Legal Services Manager.
- She was also pleased to welcome Pat Patterson Enforcement Officer to Committee and informed Members that Jo Williams had returned as an Enforcement Officer.

20 DEFERRALS FROM THE PLANS LIST (00-23-51)

The Chairman informed the meeting that Item 4 on the Plans List (Highfield Farm, Oakford) has been deferred so that the Local Planning Authority could investigate if there had been any breaches of planning control on the site.

21 THE PLANS LIST (00-24-52)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) **No 7 on the Plans List (17/00593/HOUSE – *Erection of first floor extension to single storey dwellings – Woodlawn, Calverleigh*)** be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as they all knew the applicant as a fellow Councillor;
- (ii) Cllr R J Dolley declared a personal interest as the applicant was a personal friend.

(ii) **No 8 on the Plans List (17/00812/CAT – *Notification of intention to reduce height of 82 leylandi trees by 2 m within the Conservation Area – Treetops, 28 High Street, Halberton*)** be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllr R F Radford declared a disposable pecuniary interest as he was the applicant and left the meeting for the discussion and whilst the vote was taken;
- (ii) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as they all knew the applicant as a fellow Councillor;
- (iii) The meeting was informed that Halberton Parish Council had discussed the matter at its meeting the previous evening and had no objections. The tree officer had provided no written comments on the notification but had verbally

confirmed that she was content with the proposals and did not wish to impose a Tree Preservation Order.

(b) No 1 on the Plans List ***(17/00173/MOUT – Outline for the erection of up to 28 dwellings and up to 90 sqm of A1 retail floorspace, including incidental open space and car parking – land at NGR 287483 106365 (White Cross) Cheriton Fitzpaine).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the illustrative layout, mitigation to manage surface water, the preferred location of the community shop, the proposed block plan of the shop, the proposed access and photographs from various aspects of the site. He also highlighted an amendment to Condition 3.

Answering questions posed in public question time with regard to the community shop, he stated that this was not required as part of the planning application, but following discussions between the applicant and the Community Shop Group the proposal had been amended to include the provision of a shop. With regard to the possible flood issues, conditions as set out in the report mitigated against such issues.

Consideration was given to:

- The conditions to mitigate flood issues on the site
- The community shop and the benefits for the village

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with the redrafting of Condition 3 to state that “The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later and the prior signing of the provision of a S106 agreement to secure:

- a) Affordable Housing: 30% affordable housing on-site
- b) A secondary school contribution of £13,442.00 towards school transport to Queen Elizabeth’s Academy Trust.
- c) A contribution of £16,500.00 (£5,500.00 per year for three years) towards local bus services in the locality.
- d) Specification for layout of and ongoing maintenance provisions for the formal open space area and sustainable urban drainage scheme (SUDs).

(Proposed by Cllr F W Letch and seconded by Cllr Mrs H Bainbridge.)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she knew people involved in the application and had been present at the Parish Council meeting when the application had been discussed;
- (ii) Cllr F W Letch declared a personal interest as he knew people involved in the application;

- (iii) Cllr Mrs M E Squires declared a personal interest as she had been present at the Parish Council meeting when the application was discussed;
- (iv) Mr Plumridge spoke on behalf of the supporters.
- (v) The following late information was reported, the redrafting of condition 3.

c) No 2 on the Plans List **(17/00199/OUT – Outline for the erection of 5 dwellings – land at NGR 300011 112475 (Adjacent to The Pethers) Crown Hill, Halberton).**

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site which adjoined the settlement limit, the indicative site plan and layout, the section drawings and the relative relationship between the proposed development and existing dwellings. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The issue of a 5 year land supply and what weight could be given to the Local Plan Review
- The narrowness of the existing roads and lack of pavements
- Building on Grade 1 agricultural land
- Overlooking issues
- The height of the site in relation to the existing dwellings

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration and the prior signing of a S106 agreement seeking an education payment of £2,802 towards secondary school transport.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs F J Colthorpe)

(Vote 6 for: 5 against)

Notes:

- (i) Cllr R F Radford declared a personal interest as the applicant and residents were known to him;
- (ii) Cllr Mrs F J Colthorpe made a declaration in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as she knew the Parish Councillor;
- (iii) Mr Hubble spoke in objection to the application;
- (iv) Cllr Hugill – Halberton Parish Council spoke;
- (v) The following late information was reported: Halberton Parish Council still objects to the application on the grounds of:
 - it is outside the local plan settlement limit
 - it will cause additional traffic and disturbance to residents

- it is grade 1 agricultural land
- the development will overlook adjoining properties
- increased traffic will cause a danger to pedestrians who use the road to access the canal as there is no footpath
- increased traffic on an official Sustrans cycle route (route 3)

I trust you will take the parish's objections into account when considering the application.

The applicant has paid the £6,025 Public Open Space contribution already and has advised that the DCC Education contribution of £2,802 will be paid shortly by unilateral undertaking

REVISED RECOMMEDATION: Grant outline planning permission subject to the prior signing of a s106 agreement seeking an education payment of £2,802 towards secondary school transport, and conditions

In the second paragraph of the Highway Authority response, the word 'regarded' should read 'reggraded'

d) No 3 on the Plans List (17/00353/FULL – *Erection of 6 affordable dwellings and formation of access – land at NGR 307578 116857 (SE of Oakfield), Burlescombe*).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the site, the new and existing access, the proposed footpath, block plans, elevations, site sections and photographs from various aspects of the site. She outlined the response received from the Flood Authority.

Consideration was given to:

- The vehicular access
- The sustainability of the site with regard to lack of shops and other community facilities
- The removal of trees
- The impact of the lorries leaving the quarry on the proposed development
- The volume of traffic climbing out of Burlescombe
- Air quality and road safety issues
- The need for transport to travel anywhere in the vicinity of the application site

RESOLVED that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- Highway safety
- Air quality
- The sustainability of the site

(Proposed by Cllr F W Letch and seconded by Cllr B A Moore)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and chose to leave the meeting during the discussion thereon;
- (ii) Cllr R F Radford declared a personal interest as the landowner was known to him;
- (iii) Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, G Doe, R J Dolley, D J Knowles, F W Letch, B A Moore, R F Radford J D Squire and R L Stanley made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as this was a Council application;
- (iv) Mrs Downing spoke as an objector
- (v) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- (vi) The following late information was reported:

A CONSULTATION RESPONSE FROM DCC LEAD LOCAL FLOOD AUTHORITY HAS BEEN RECEIVED AS FOLLOWS:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

The applicant has now submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined.

The strategy presented within the submitted within the Drainage Statement (Ref: 16.11.283, Rev, 01, dated May 2017) is acceptable and SWW have agreed the proposed discharge point. However given concerns raised by adjacent residents about changes in overland flow routes, it would recommended that the proposed 300 mm high edge protection to development as shown on Drawing No. 16.11.283-1002-P01 to prevent overland flows is reduced in length to still provided to prevent exceedance from entering the proposed new dwellings but allow exceedance flows to enter the green space. However flows should be prevented from entering the proposed attenuation facility if this option is explored.

The applicant has provided plans which show the pedestrian access being provided up to the concrete apron of the bus stop as suggested by DCC Highways

REVISED RECOMMENDATION: Subject to the prior signing of a section106 agreement to ensure that the site is only developed as an affordable housing exception site, grant planning permission subject to conditions.

e) No 4 on the Plans List **(17/00462/FULL – Erection of a workshop – land and buildings at NGR 286112 123782 (Highfield Farm) Oakford).**

This item had been deferred as previously explained.

f) No 5 on the Plans List **(17/00542/FULL – Erection of 2 dwellings – Brick House, Silver Park, Kentisbeare)**

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the proposal the site block plan and vehicular access, the layout of both the proposed properties, the proposed street view and photographs from various aspects of the site. She highlighted the revised recommendation as set out in the update sheet.

Consideration was given to:

- Possible overlooking and overbearing
- Access issues and parking problems
- Previous schemes on the site

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration and the prior signing of a S106 agreement to secure:

- £2,332 towards improvements to Silver Park Playing Fields, Kentisbeare (Public Open Space contribution)
- £10,436, or any other lesser amount agreed by the Head of Planning and Regeneration, towards community car share schemes and clubs for Cullompton (Air Quality contribution)

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R J Dolley)

Notes:

- (i) Mrs Turner (Objector) spoke;
- (ii) Mr Issac (Applicant) spoke;
- (iii) Cllrs Mrs C A Collis and F W Letch requested that their vote against the decision be recorded;
- (iv) The following late information was reported: The applicant has put forward an argument to reduce the air quality contribution requested from a total of £10,436 to £1669.76 on the basis of the majority of traffic arising from the proposed development would not pass through the Cullompton Air Quality Management Area. This figure has not yet been agreed by Officers.

The recommendation is therefore amended as follows:

Grant planning permission subject to the provisions of a S106 agreement to provide the following:

- £2,332 towards improvements to Silver Park Playing Fields, Kentisbeare (Public Open Space contribution)
- £10,436, or any other lesser amount agreed by the Head of Planning and Regeneration, towards community car share schemes and clubs for Cullompton (Air Quality contribution).

g) No 6 on the Plans List **(17/00557/FULL – Erection of a temporary agricultural work's caravan – land at NGR 283175 113696 (Menchine Farm) Nomansland)**

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan amongst the previously approved developments on the site, the proposed block plans, elevations, floor and roof plans. He stated that he did not consider that the need for a second dwelling was essential.

Consideration was given to:

- The Agent's view that there was a need and that the temporary dwelling was proposed to establish that need
- The requirement for the 2 units be totally separate
- Whether this was a piecemeal application

RESOLVED that planning permission be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant and his extended family were known to her as was the agent;
- (ii) Cllr Mrs M E Squires declared a personal interest as the applicant was known to her and that she had visited the site;
- (iii) Cllr R J Dolley declared a personal interest as the applicant was known to him;
- (iv) Mr Crocker (Agent) spoke;
- (v) Cllr Mrs M E Squires spoke as Ward Member;
- (vi) Cllrs Mrs H Bainbridge, Mrs C A Collis, D J Knowles and J D Squire requested that their vote against the decision be recorded;
- (vii) Cllr R F Radford requested that his abstention from voting be recorded.

22 MAJOR APPLICATIONS WITH NO DECISION (2-44-03)

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

It was **AGREED** that the following applications be determined by the Committee

Application 17/00855/MFUL - Bow Garden Centre, Bow
Application 17/00617/MFUL – Hartnoll Business Centre

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

23 APPEAL DECISIONS (2-51-43)

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

Consideration was given to the appeal at Ingleton Farm, Members were advised that following this decision there would be a need to change the procedure when imposing different conditions to any decision in that discussion would need to take place with the applicant prior to the decision being made.

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

24 APPLICATION 17/00300/MOUT - OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND PEDESTRIAN ACCESSES AT LAND AT NGR 305578 112053, UFFCULME (2-55-07)

The Committee had before it an * implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site and the outcomes of the Harvesters appeal. She identified the proposed access to the site, the pedestrian footway, the indicative layout and photographs from various aspects of the site.

Consideration was given to:

- The issue of the 5 year land supply
- The reasons for refusal within the report
- The implications of refusing the application

RESOLVED that the application be refused on the following grounds:

- (i) The application site is outside the current settlement limit boundaries of the village of Uffculme and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control

development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 -2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

- (ii) The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development of the adjacent site (policy UF1 in the Local Plan Review) would lead to a detrimental impact upon the rural character of the area as a result of the ribbon form of development running west from the village of Uffculme and the effect of closing the existing green gap between Uffculme and the Langlands Business Park, contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr R L Stanley and seconded by Cllr R J Dolley)

(Vote: 6 for; 5 against)

Notes:

- (i) A proposal to approve the application was not supported;
- (ii) Cllrs Mrs F J Colthorpe, F W Letch and J D Squire requested that their vote against the decision be recorded;
- (iii) In the case of an appeal, Cllrs R J Dolley, B A Moore and R L Stanley would represent the Local Planning Authority;
- (iv) *Report previously circulated , copy attached to minutes.

- 25 **APPLICATION 17/00407/FULL - VARIATION OF CONDITIONS 5, 6, 15, 23, 27, 28, 31, 32, 34 AND 35 TO ALLOW CERTAIN WORKS TO BE UNDERTAKEN BEFORE ADDITIONAL DETAILS ARE SUBMITTED TO THE LOCAL PLANNING AUTHORITY, TO PHASE THE CONSTRUCTION MANAGEMENT PLAN/S AND TO ENABLE WORKS TO BE CARRIED OUT BEFORE THE TREE AND HEDGEROW PROTECTION FENCING IS ERECTED; AND REMOVAL OF CONDITIONS 24 AND 26 (DUPLICATION OF THE REQUIREMENTS OF OTHER CONDITIONS) OF**

**PLANNING PERMISSION 13/00947/MOUT AT LAND AT NGR 305036 113872
(JUNCTION 27) SAMPFORD PEVERELL (3-12-58)**

The Committee had before a report of the Head of Planning and Regeneration following discussions at the previous meeting where Members resolved to defer the item to obtain legal advice with regard to:

- The legal implications of decision making with regard to this application
- Whether the Committee were at risk of being accused of pre-determination
- The process of changing conditions on a previously approved planning application.

The Area Planning Officer outlined the contents of the report highlighting the location of the site, the previous planning permission and emphasised that this application merely sought to amend the conditions of the approved application. Members viewed photographs from various aspects of the site.

She referred to the questions posed in public question time with regard to non material amendments on a listed building application, this was not a listed building and the application was submitted under S73 of the Act and not S96a (non-material amendment) and therefore the 28 day time limit was not relevant to this proposal. We do have 8 weeks to consider the application and we have negotiated an extension of time.

Consideration was given to:

- The history of applications on the site
- That this was a separate issue from the Local Plan Review
- The amalgamation of conditions
- The contents of the report which referred to the question of pre-determination

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

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr F W Letch.)

Notes:

- (i) Mr Clements (Agent) spoke;
- (ii) Cllr R Evans spoke;
- (iii) Cllr Mrs C A Collis requested that her vote against the decision be recorded;
- (iv) *Report previously circulated, copy attached to minutes.

26 **APPLICATION 17/00001/TPO - TREE PRESERVATION ORDER FOR AN AREA OF TREES - 1 SYCAMORE, 1 ELM, 1 OAK, 1 HOLLY, 1 HAZEL - TRACK AT NGR 296538 103662 (GREENSLINCH LANE), SILVERTON. (3-30-59)**

The Committee had before a report of the Head of Planning and Regeneration which had been deferred from the previous meeting as the landowner had not received the appropriate notice that the application was to be determined.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the trees and providing photographs which highlighted the felling of a significant amount of trees along both edges of Greenslinch Lane

Consideration was given to:

- The implementation of a track improvement scheme
- Whether the area of trees warranted a Tree Preservation Order
- The views of local residents
- Maintaining trees which were the subject of a Tree Preservation Order

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllr F W Letch had left the meeting prior to determination of this application;
- (ii) Mr Crocker (Agent) spoke;
- (iii) Mr Jones spoke in support of the Tree Preservation Order;
- (iv) The Chairman again apologised for not allowing Cllr Deed to speak on behalf of the Ward Member, Cllr Mrs Roach, in her absence, this request had been lost in translation by us and that was why Cllr Deed spoke in public question time and not prior to the determination of the application, this was our mistake;
- (v) Cllrs Mrs C A Collis and J D Squire requested that their vote against the decision be recorded;
- (vi) * Report previously circulated, copy attached to minutes.

(The meeting ended at 6.15 pm)

CHAIRMAN

Minute Annex

PLANNING COMMITTEE AGENDA - 14th June 2017

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>17/00173/MOUT - Outline for the erection of up to 28 dwellings and up to 90 sq m of A1 retail floorspace, including incidental open space and car parking - Land at NGR 287483 106365 (White Cross) Cheriton Fitzpaine Devon.</p> <p>Redraft condition as follows on page 28 as follows:</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.</p>
2.	<p>17/00199/OUT - Outline for the erection of 5 dwellings - Land at NGR 300011 112475 (Adjacent to The Pethers) Crown Hill Halberton.</p> <p>Halberton Parish Council still objects to the application on the grounds of:</p> <ol style="list-style-type: none"> 1. it is outside the local plan settlement limit 2. it will cause additional traffic and disturbance to residents 3. it is grade 1 agricultural land 4. the development will overlook adjoining properties 5. increased traffic will cause a danger to pedestrians who use the road to access to the canal as there is no footpath 6. increased traffic on an official Sustrans cycle route (route 3) <p>I trust you will take the parish's objections into account when considering the application.</p> <p>The applicant has paid the £6,025 Public Open Space contribution already and has advised that the DCC Education contribution of £2,802 will be paid shortly by unilateral undertaking</p> <p>REVISED RECOMMEDATION: Grant outline planning permission subject to the prior signing of a s106 agreement seeking an education payment of £2,802 towards secondary school transport, and conditions</p> <p>In the second paragraph of the Highway Authority response, the word 'regarded' should read 'regraded'</p>
3.	<p>17/00353/FULL - Erection of 6 affordable dwellings and formation of access - Land at NGR 307578 116857 (SE of Oakfield) Burlescombe Devon.</p> <p>A CONSULTATION RESPONSE FROM DCC LEAD LOCAL FLOOD AUTHORITY HAS BEEN RECEIVED AS FOLLOWS:</p> <p>Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we</p>

	<p>have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.</p> <p>Observations:</p> <p>The applicant has now submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined.</p> <p>The strategy presented within the submitted within the Drainage Statement (Ref: 16.11.283, Rev, 01, dated May 2017) is acceptable and SWW have agreed the proposed discharge point. However given concerns raised by adjacent residents about changes in overland flow routes, it would recommended that the proposed 300 mm high edge protection to development as shown on Drawing No. 16.11.283-1002-P01 to prevent overland flows is reduced in length to still provided to prevent exceedance from entering the proposed new dwellings but allow exceedance flows to enter the green space. However flows should be prevented from entering the proposed attenuation facility if this option is explored.</p> <p>The applicant has provided plans which show the pedestrian access being provided up to the concrete apron of the bus stop as suggested by DCC Highways</p> <p>REVISED RECOMMENDATION: Subject to the prior signing of a s106 to ensure that the site is only developed as an affordable housing exception site, grant planning permission subject to conditions.</p>
4.	<p>17/00462/FULL - Erection of workshop - Land and Buildings at NGR 286112 123782 (Highfield Farm) Oakford Devon.</p> <p>DEFERRED for the Local Planning Authority to investigate if there have been any breaches of planning control on the site.</p>
5.	<p>17/00542/FULL - Erection of 2 dwellings - Brick House Silver Park Kentisbeare.</p> <p>The applicant has put forward an argument to reduce the air quality contribution requested from a total of £10,436 to £1669.76 on the basis of the majority of traffic arising from the proposed development would not pass through the Cullompton Air Quality Management Area. This figure has not yet been agreed by Officers.</p> <p>The recommendation is therefore amended as follows:</p> <p>Grant planning permission subject to the provisions of a S106 agreement to provide the following:</p> <ul style="list-style-type: none"> • £2,332 towards improvements to Silver Park Playing Fields, Kentisbeare (Public Open Space contribution) • £10,436, or any other lesser amount agreed by the Head of Planning and Regeneration, towards community car share schemes and clubs for Cullompton (Air Quality contribution)
6.	<p>17/00557/FULL - Erection of a temporary agricultural worker's caravan - Land at NGR 283175 113696 (Menchine Farm) Nomansland Devon.</p>

7.	17/00593/HOUSE - Erection of first floor extension to single storey dwelling - Woodlawn Calverleigh Tiverton.
8.	17/00811/CAT - Notification of intention to reduce the height of approximately 100 Sycamore trees by 1.75m within the Conservation Area - Land at NGR 301044 112936 (Between Nos. 46 and 48) High Street.
9.	<p>17/00812/CAT - Notification of intention to reduce height of 82 Leylandi trees by 2m within the Conservation Area - Treetops 28 High Street Halberton.</p> <p>The consultation period has now ended. Halberton Parish Council discussed the application at their meeting last evening and have no objections.</p> <p>The Tree Officer has provided no written comments on the notification but has verbally confirmed that they are content with the proposals and do not wish to impose a Tree Preservation Order.</p>

AGENDA REPORTS

	<p>17/00300/MOUT – Outline for the erection of 30 dwellings and new vehicular and pedestrian accesses at Land at NGR 305578 112053, Uffculme Road, Uffculme – MEMBERS RESOLVED TO REFUSE DEFERRED FOR IMPLICATIONS REPORT</p> <p>Halberton Parish Council -The Council has previously objected to this application, and these objections remain in place.</p>
	<p>17/00407/FULL – Variation of conditions 5, 6, 15, 23, 27, 28, 31, 32, 34 and 35 to allow certain works to be undertaken before additional details are submitted to the Local Planning Authority, to phase the Construction Management Plan/s and to enable works to be carried out before the tree and hedgerow protection fencing is erected, and removal of conditions 24 and 26 (duplication of the requirements of other conditions) of planning permission 13/00947/MOUT at Land at NGR 305036 113872 (Junction 27) Sampford Peverell – DEFERRED FOR LEGAL ADVICE</p>
	<p>17/00001/TPO – Tree Preservation Order for an area of trees – 1 Sycamore, 1 Elm, 1 Oak, 1 Holly, 1 Hazel – Track at NGR 296538 103662 (Greenslinch Lane) Silverton - DEFERRED</p>

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