

Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 29 November 2017 at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

D R Coren, J M Downes, C J Eginton,
R Evans, Mrs J Roach and C R Slade

Present

Officers:

David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Simon Trafford (Area Team Leader), Lucy Hodgson (Area Team Leader), Christie McCombe (Area Planning Officer), Hannah Cameron (Planning Officer), Michael Parker (Housing Options Manager), Sally Gabriel (Member Services Manager) and Adrian Devereaux (Principal Planning Officer)

80 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

81 **PUBLIC QUESTION TIME**

Mr M Greig, referring to item number 8 the agenda said, speaking on behalf of Mrs Violet Stevens, stated that the planning officer has referred to a number of properties in the proposed access cul-de-sac as being occupied by elderly and disabled residents, however he has not specified that these homes will always be occupied by elderly and disabled so will always be occupied by people with special needs. In fact, living there is a bit like living in an old people's sheltered housing complex. Does the Planning Officer agree that discussions about access should not just be about generalised highway safety but also the specific needs of those living in that cul de sac? Mrs Stevens has lived in her bungalow for over 30 years and during that time an ambulance has needed to come for residents on many occasions, a great deal more I am sure than the national average for a cul de sac given the care needs of almost all residents here. But a parked ambulance blocks or restricts access to the rest of the cul de sac. More houses would mean more people being inconvenienced so why does the Planning Officer consider this cul de sac to be the most appropriate means of access to any new housing when an alternative does exist?

At the meeting of this committee in October Section 106 money was discussed including a proposal that £50k would be allocated to the funding of a village hall in Copplestone, a sum that is just a drop in the ocean compared to the funds needed. It was also suggested that the hall would benefit the environment by significantly reducing traffic between Copplestone and Lords Meadow Leisure Centre, when in fact most users of Lords Meadow go for specialised facilities such as a swimming pool, things that are not designated in part of the new village hall. In the village it is seen as the talk of money towards the hall, something of a red herring seeking to justify development that the village rejects by offering what feels like jam tomorrow.

Section 2.6 of the implications report echoes comments made at this Committee in October and suggests a significant community benefit as a result of paths from the development to the schools. The Parish Council has discussed this with the schools head and the outdoor area behind the pre-school which needs to remain enclosed is located where the proposed path is shown to enter and the school would not allow access here on security grounds. Has the applicant or planning officer discussed this with the school and with what result?

Mrs A Greig, also referring to item 8 on the agenda, said at the October Planning Committee the Planning Officer was asked about access to the proposed site from the East but dismissed it on the grounds that there was no road beyond the farm yet Mr Pearcey has said that he would ask construction traffic to access the site from this way so does the Planning Officer agree that a road can if necessary be built?

In the Planning Committee reasons for deferral they stated the access was unsuitable. This was the considered opinion of people that understand the needs of the very elderly and disabled and the implications report seems to conclude that 3 of the 4 reasons are valid and defensible. What then is the justification for returning a different decision from the one that was made last time?

Mr E Cole, referring to item 9, said at the site meeting we were told that the private lane into 10 Mayfair is to be adopted. Section 87 of the 1980 Highways Act states that local authorities will not adopt private roads unless the adoption would constitute sufficient wider benefit. If access to area B through 10 Mayfair has been dismissed why are the council still intending to adopt the private lane for this proposed development of 5 dwellings?

Cllr Grantham, referring to item 4 on the Plans List said the recommendation refers to the prior signing of a S106 agreement relating to affordable housing for rent in perpetuity but members do not have the wording for approval. Should not the wording be available for scrutiny? We have examples of such alleged agreements in the past where some of the houses were then sold as they allegedly could not be let. We also have a recent case where a S106 agreement was incorrect over the parish to whom contributions should be paid. We also have a DCC case where the agreement said exactly opposite to what was intended. All these had been prepared by officers without there being an opportunity for comment from the relevant planning committee or parish council.

Figures are given as to housing need within Willand by the MDDC Housing Enabling Officer which are more than double those presented in a recent Housing Needs Survey commissioned by Willand in conjunction with MDDC and using figures obtained in a survey and figures provided by the Devon Homes Choice list. Where is

the evidence to show that these people in the officer figures who are seeking housing in Willand qualify for housing on an exception site by having a local connection as stipulated by MDDC policy and guidance given in NPPF. Even if the need for 37 houses is accepted by members Willand Parish Council has shown that these, and more, can be met over the next five years from within the planned and existing housing stock.

Cllr Warren, referring to item 4 on the Plans list said on page 61 of the reports pack the officer has summarised the Police advice which has amounted to not giving a true representation of what was said – why? The full wording is “I note and have concerns regarding the relocation of the proposed apartment blocks, plots 8-11 and 23-26 respectively and their associated parking courts. The change in layout of dwellings appears to provide little or no surveillance opportunities over the parking courts. Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, forcing residents to park on the street. Natural surveillance of these spaces could be improved by incorporating gable end windows in the adjacent plots (14, 26 & 27) along with adequate and appropriate street lighting. I would ask that this is considered if not already a design feature. However, it should be noted this places the burden of surveillance on the occupants of these plots, regrettably, there is overwhelming evidence to suggest that unless a crime directly involves a member of the public, many will not act or report it for fear of repercussions. Residents will also look to park as near to their choice of main access point, resulting in parking on footpaths and verge’s, thus creating potential for community conflict between residents and motorists. Why are these issues raised by the police and the Parish Council being discounted thereby planning for problems? How can the Officer justify the remark under 5 on page 66 – “The parking provided is well related to the dwelling houses and meets the requirements of policy DM8.” – when plots 16, 17, 27 & 28 are more likely to park in front of their houses partially obstructing the entrance into the whole complex?

On page 63 of your pack in the paragraph before heading 2 it states “....As such, it is not the case that the proposal would not have in principle policy support under the emerging plan. Furthermore, due to the outstanding objections to the emerging local plan and its early stage of submission, the plan holds limited weight at the current time and therefore the proposal must be determined based on the existing policy framework.” In other applications we are being told that the current plan is silent and does not have weight. How can this conflicting comment be relevant to the advice members are receiving?

There are 13 conditions listed on pages 68 & 69 with reasons on page 70. Is condition 6 practical or enforceable? Willand Parish Council can quote a number of similar examples on other applications where a similar condition has been applied. When it has been ignored or openly flouted, complaints have met with prevarication by officers and then the developer has gone so far that we then get told that it is not expedient to do anything about it. What assurance do committee have that the same will not happen in this case particularly as this is going to affect the main road through the village?

Ms C Romijm, referring to item 8 on the agenda, said previous questions have spoken about the impact on individual elderly and disabled people that live in the cul de sac that will give access but I thought it was a wider policy question and would like

to ask if the development goes ahead it will destroy the effectiveness of the cul de sac which currently provides an enclave of safe quiet accommodation for older and disabled people in the village and it is self-evident that it is more efficient if individual care needs can be met together in a single hub rather than widely scattered. I would like to ask the Planning Officer if you look at the Mid Devon Housing Strategy it provides as a priority managing the impact of an aging population together with a prediction that the number of over 75's in Mid Devon will rise from the current 7500 to 14000 by 2040. In this context I would like to ask does the Planning Officer agree that it would be counterproductive and out of line with that priority to allow us to lose the current good quality enclave of supportable elderly accommodation in Coplestone?

Mrs V Lucas, referring to item 9 on the agenda, said having been told at the last meeting that the lane would not be adopted Cllr Moore sought clarification as to how far the residents may need to tow their rubbish to be collected by the bin lorry. Can the officer confirm that the information given of just short of 60m was misleading as it was the estimate of the length of the first part of the lane and in fact residents of plot number 5 would be towing their rubbish in excess of 190m for collection?

Ms A Glover, of Willand, referring to item 4 on the Plans list said on page 63 of the pack the officer states a requirement under policy AL/WI/2 for there to be improved pedestrian links to the village and the retention and enhancement of the existing public right of way. Why was none of this dealt with as part of the application for the houses in Ash Close? Why is there nothing in this application to comply with those policies? Why are these features not considered under the need for pedestrian safety as outlined in the parish council response which would also include the reduction of the speed limit? Children must walk along the main road to get to school or any play areas. These will add to the families who currently cross over from the rear of Townlands to use this pavement which is too narrow opposite the new building site on the Old Village side. There is only provision for a small amenity area on the actual application site and this is badly placed in relation to the bungalow on the site.

Mrs B Chamberlain, referring to item 9 on the agenda, said if this application is agreed we will be overlooked in 5 of our 7 rooms. The officer's report makes no condition to the quality of the proposed screening. The plan shows existing trees in our garden that do not exist and says that these will provide screening. If this application is approved can she assure us that there are conditions added that specific height mature trees will be planted along the boundaries, which will provide all year round foliage?

Mr L Menheneott, referring to item 9 on the agenda, said in the officers report condition 6a states that no development shall take place until the access road has been laid out, kerbed and constructed to a base core level for the first 20 meters from its junction with the public highway. Can the officer say if this would make the improvements to the road beyond the entrance to the drive of number 8 Mayfair without a proper pavement that construction traffic will cause a hazard to pedestrians? Would she consider extending this distance to 40m?

Mrs S Sumner, referring to item 9 on the agenda, stated that the site at 10 Mayfair is clearly not part of area B, it is clearly part of Mayfair. The density figures of 13.5 dwellings per hectare quoted for the development are somewhat misleading. Can the

Planning Officer confirm that if one takes the area of the proposed site of the new dwelling and divides by 5, the number of new houses, a figure of 3.3 dph is achieved? This is set against a figure of 6.4 for the 4 houses bordering the application and a density of 6.95 for Mayfair as a whole.

Mr R Davey, referring to item 12 on the agenda, asked whether the report prepared for the Committee was independent? By that I mean has she been pressurised by the Chief Executive, Councillors or other officers to take a particular view of this scheme?

I assume she has collated the information, spoken to the developers, been to the site, has she talked to or contacted the residents or the objectors to the scheme?

If that is not the case she has been in close contact with the developer and has she been actively assisting them to overcome issues that have been raised, in the Gazette report it states that the site is located in flood zone 3 and that the Environment Agency has assessed it against the requirements of the National Planning Policy Framework, is the Gazette report correct and is it a fact that the Environment Agency have insisted that flood warning signs are posted on the site and that they list this site as highly probable to flood? Is it not also true that MDDC's own 2009 Flood Risk Plan report states that the Town Hall site is ranked 5th highest for flood risk, therefore increased flood risk makes it less suitable for development. In addition the flood assessment report for this scheme also states that the site will flood, is that true?

82 **MINUTES OF THE PREVIOUS MEETING (00-28-53)**

The minutes of the meeting held on 1 November 2017 were approved as a correct record and signed by the Chairman.

83 **CHAIRMAN'S ANNOUNCEMENTS (00-29-56)**

The Chairman had no announcements to make.

84 **DEFERRALS FROM THE PLANS LIST**

The Chairman informed the meeting that Item 5 (Application 17/01292/FULL – Veltham Barn, Morebath) had been deferred to allow for further information to be submitted.

85 **THE PLANS LIST (00-30-42)**

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 7 on the Plans *List (17/01464/FULL – retention of change of use from shop (A1) to Tattoo and Piercing Studio)(Sui Generis) – 17 West-Exe South, Tiverton*) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as Cabinet Member with property sat within his portfolio.

(b) No 1 on the Plans *List (17/00982/MFUL – Erection of 49 dwellings, including associated public open space, landscaping and all other associated external work – land at NGR 284671 100838 Cromwell’s Meadow, Crediton.*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan sitting adjacent to the existing Cromwell’s Meadow estate, the adopted and emerging policies, the development would be located outside of the flood plain, the concerns of the Town Council and the updated position of South West Water. He outlined the proposed site layout and the pedestrian connection into the existing site, the affordable housing distribution on the site, parking provision, the open space proposed and the connection to the proposed Pedlarspool site allocation. The proposed street scene and design types were identified, along with the drainage strategy, the refuse storage and collection points, elevations of the proposed dwellings and photographs from various aspects of the site.

Consideration was given to:

- The parking provision
- The drainage scheme and management of the attenuation ponds
- Flood history, high water tables and sewage issues
- The density of the proposal and possible over development of the site
- The site being allocated in the Allocation and Infrastructure Development Plan Document
- The distribution of the affordable housing
- The lack of a 5 year land supply and the reasoning as to why the development of 49 dwellings was being brought forward at this time
- Consultation feedback from South West Water and Devon County Highways Authority

RESOLVED that planning permission be granted subject to:

- The prior signing of a S106 Agreement relating to the provision of 35% affordable housing on site (a total of 17 units), air quality contribution of £139,008.00, an open space contribution of £40,768.00 and an education contribution of £179,487.00
- Conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Criterion D of Condition 6 as follows: D)

A site compound and car park shall have been constructed on site in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

(Proposed by the Chairman)

Notes:

- i) Mrs Phillips spoke on behalf of the objectors;
- ii) Mr West (Applicant) spoke;
- iii) Cllr J M Downes spoke as Ward Member;
- iv) Cllr F W Letch requested that his vote against the decision be recorded;
- v) The following late information was provided:

Page 22: In the proposed development section amend the third bullet point to delete the following words from the report: each with a double garage and 2 car parking spaces. This is a drafting error.

Page 22: In the applicants supporting information section update the plans as listed as follows. These revised plans reflect the changes to the layout that were agreed and assessed as set out in the report but with a delay in the plans being submitted.

Site layout plan (**rev P5**), Materials Layout (**rev P4**), Affordable Housing Distribution Plan (**rev P4**), Building Storey Heights Plan (**rev P3**), Street scene drawing (**rev P3**) Public Open Space Area Plan (**rev P2**): **Revised date 13th November and as received on 17th November.**

Drainage and Transport drawings prepared by Vectos: **Revised date 13th November and as received on 17th November.**

Page 19: Flood Risk Assessment & Drainage Strategy prepared Vectos: **Revised date 13th November and as received on 17th November.**

Page 29: Following further consideration at their meeting on 21st the Town Council have submitted the following further comments about the application.

To recommend OBJECTION to the application on the following grounds:

- It is overdevelopment of the site. The Local Plan Policy CRE3 has allocated 35 dwellings on the site, however, this application proposes 49 dwelling.
- South West Water sewerage system is incapable of coping with the current capacity generated from dwellings in the surrounding area such as Cromwells Meadow, Willow Walk, Hedgerow Close, Primrose Way etc. There are regular occurrences of the pumping station breaking down resulting in raw sewerage overflowing into the gardens of properties. The introduction of further dwellings on to the system will exacerbate these issues causing increased public health issues.

- The proposed development site is still a flood plain and has regularly flooded in the past. Raising the level of the development does not remove it from being on a flood plain. Neighbouring properties surrounding the development will be impacted by water run-off from the level being raised.
- The installation of an attenuation pond to accommodate surface water run-off is insufficient mitigation for the level of surface water run-off. It is questionable as to whether the drainage ditch located at the southern boundary will be able to cope with the increased volumes of water from the attenuation pond, as this already accommodates water run-off from other areas. This development could increase the risk of flooding elsewhere due to water run-off.
- The Management of the attenuation pond is of concern as this will be the responsibility of the residents of the development, who will not have the knowledge or expertise for such an important liability.
- The access to the site via Willow Walk is unsuitable. Willow Walk is unable to accommodate the increased level of traffic and parking that this development will generate.
- There is no play space on the site.
- There is no consideration for walking and cycling routes.

Case officer comments: The views of statutory consultees are set out above regards the flood risk, surface drainage and foul water impacts that are referred to by Crediton Town Council. The other issues as raised are addressed in the main body of the report.

Page 37. Please re-draft Criterion D of Condition 6 as follows:

D) A site compound and car park shall have been constructed on site in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

Page 38. Please correct the drafting as set out in the report in terms of the phrase **land rising** to **land raising**.

Following a number of concerns expressed by local stakeholders and the Town Council further clarification has been provided direct by the Planning and Sewer & Adoptions Team at South West water – comment below received via email on 28th November.

I have reviewed the site at Cromwell Meadow and based on foul flows only entering the foul/combined sewerage network, South West Water has not identified any hydraulic overloading issues in the public sewerage network. Therefore, the comment to advise SWW has no objection stands and we will not request a condition for the planning application.

Officer Comment. The scheme includes a new foul link to serve the new development which links to the existing public foul sewer connection at Willow Walk, with a separate arrangement to manage surface water (including a diversion of the existing surface water sewer that serves the existing Cromwells Meadow Housing estate).

Reflecting on the controls imposed by Condition 21 as recommended in the report, the scheme details as described above and the clarification provided by the Planning and Sewer & Adoptions Team it is recommended that members have sufficient information and clarity to conclude positively on this issue from a (town and county planning) development management assessment point of view.

(c) No 2 on the Plans *List (17/01487/HOUSE – Retention of replacement two-storey outbuilding – 6 Forestry Houses, Chenson, Chulmleigh)*.

The Area Team Leader outlined the contents of the report explaining that the application related to a 2 storey building already constructed to the rear of the property, he highlighted the site location plan and the outbuilding away from the main building on the site and provided photographs from various aspects which included pictures of other buildings used for storage.

Consideration was given:

- The rural location
- The fact that the remoteness didn't mean it was acceptable
- The siting of a greenhouse in the shade

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

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

Notes:

- (i) Cllr C J Eginton spoke as Ward Member;
- (ii) The following late information was reported: Page 45: Reason for Refusal number 2. add the following sentence to the reason as drafted in the Report pack. On this basis the application proposals (retrospective) would be contrary to Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).

(d) No 3 on the Plans *List (17/01414/FULL – Conversion of disused former office/workshop/store to dwelling – building at NGR 268200 111519, Eggesford Station Yard, Eggesford)*.

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan, the fact that the development was proposed in the open countryside, the existing building that was to be converted, the existing, proposed plans, elevations and photographs from various aspects of the site.

Consideration was given:

- Previous applications on the site
- The fact that the building was a former office and rest area used in conjunction with Eggesford Garage but outside the settlement limit
- The footprint of the original building

- The proposal would be adjacent to Eggesford Station and therefore ideally situated for train travel
- Houses in the vicinity of the application site
- The benefits of conversion
- The need for starter homes in the local area
- Employment opportunities in the local area

RESOLVED that:

- a) The application be granted planning permission for the following reason: The Local Planning Authority recognise that the application site is in the open countryside and is not an allocated site for new residential development and therefore there is no specific development plan policy support for the application scheme which is for the conversion and extension of a single storey dilapidated garage style/storage unit into a residential unit with accommodation over two levels, off street car parking and a rear garden area. However taking into account the provisions of paragraph 14 of the National Policy Framework, the improvements to the visual amenities of the site and to the general area that would arise from the application scheme and given the proximity of the site to the Eggesford Train Station the benefits of the proposals are considered to outweigh the objections on development plan policy grounds.
- b) Delegated authority to be given to the Head of Planning, Economy and Regeneration to produce a set of conditions for the development to include reference to contaminated land and to also produce a Section 106 agreement for the provision of contributions towards the delivery of new/improvement of existing public open space off site.

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

Notes:

- (i) Cllr J D Squire declared a personal interest as the applicant was known to him;
- (ii) Mr Churchill (Applicant) spoke;
- (iii) Cllr C J Eginton spoke as Ward Member;
- (iv) A proposal to refuse the application was not supported;
- (v) The following late information was provided: The consultation period has finished and no further comments have been received.

The applicant has submitted a further letter in support of the application (23/11/2017) which raises the following issues:

1. A site visit was carried out at the time of displaying the site notice (25/10/2017) and it was not considered that a further visit was necessary. Furthermore the applicant was advised that Planning Committee could

decide to make a site visit should they consider it necessary as part of their assessment of the application.

2. The applicant considers that the proposal is permitted development by virtue of Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) which allows the change of use of a building and any land within its curtilage from a use falling within B1(a) (offices) to C3 (dwelling).

3.

Officer comment: the building appears as a functional garage/ store type building and there was no evidence to suggest that it has been used, or furnished for use, as an office. As such it is considered unlikely that the building would qualify for change of use under these permitted development rights unless the applicant can submit evidence to demonstrate its use as an office in accordance with Class O. In addition, the Class O permitted development rights would not allow the significant alterations to the building that are proposed as part of the application scheme.

(e) No 4 on the Plans *List (17/011797/MFUL – Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure – land at NGR 303340 110341 (Land off Silver Street) Willand).*

The Planning Officer outlined the contents of the report by way of presentation highlighting the site location adjacent to the 7 affordable dwellings already in situ. She explained that each dwelling would have 2 parking spaces in line with policy, identified the communal bin storage area and the boundary treatment plan, access to the site, the dwelling sizes and design, elevations and floor plans and provided photographs from various aspects of the site. The developer had put forward an offer of funding to go towards education provision in the village and stated that the Parish Council had requested that the 30 mph zone be moved, the Highway Authority had confirmed that it would not support such a proposal, however this could be pursued further by the Parish Council at a later date.

The officer provided answers to questions posed within Public Question Time:

- With regard to the Parish Council viewing the S106 Agreement prior to signing - this was not standard practice and would be dealt with by the Legal Department.
- The Housing Need Survey commissioned by the Parish Council was 18 months old and that Devon Home Choice had up to date figures. With regard to other housing development in the area, this would still not meet the current need.
- With regard to the Police comments, they were summarised, it was only the Parish Council representation that was provided in full. The design of plots 14, 27 and 26 had all been amended so that the windows were on the side elevations.
- Parking was not ideal, but there had to be a balance.
- With regard to pedestrian links, the Highway Authority had stated that there was no need for those to be updated. Works to the hedgerow would take place to make walkways more friendly and no further work was required on the Right of Way.

- With regard to the bungalow close to the public open space – this would provide a nice outlook from the dwelling; this was a green area and not a formal play area.
- With regard to the policy framework, this was an allocated site and therefore in the current plan.
- Condition 6 – this was enforceable and a standard condition.

Consideration was given to:

- The access to the proposed dwellings would be outside the 30 mph zone
- The Section 106 financial information was available on the update sheet
- Parking issues
- The Housing Needs Survey and information provided by Devon Home Choice
- The housing need in the area
- The housings would be for social affordable rent
- Whether the application should be deferred to consider further the housing need
- The land allocation and whether it was required at the current time
- The advice of the Housing Options Manager with regard to the demand for affordable housing in the village
- The need for the Mid Devon cascade policy to be in place

RESOLVED that the application be granted planning permission subject to the prior signing of a S106 agreement relating to affordable housing provision in perpetuity and the provision of an education contribution with conditions as recommended by the Head of Planning, Economy and Regeneration.

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Mr Hourican spoke on behalf of the agent;
- (iii) Cllr Warren spoke on behalf of Willand Parish Council;
- (iv) Cllr R Evans spoke as Ward Member;
- (v) The Chairman read a statement on behalf of Cllr R J Chesterton (Ward Member);
- (vi) Mr Parker (Mid Devon District Council - Housing Options Manager) spoke;
- (vii) Cllrs: Mrs C A Collis, Mrs G Doe and R F Radford requested that their vote against the decision be recorded;
- (viii) The following late information was reported: 1 - Further comments from Willand Parish Council received on the 27th of November:

Willand Parish Council considered the revised plans at the meeting on 23 November and is concerned that the revision takes little or no account of the

numerous concerns raised by it and other consultees and respondents. The Parish Council wish to stand fully by their earlier representations.

Further comments from the Highway Authority in relation to moving the 30mph zone: The Highway Authority has confirmed that it would not be reasonable to condition a Traffic Regulation Order as it requires consultation and if it is objected to it may not go ahead. Highways have confirmed they would not be able to support moving the 30mph zone, as the Traffic Engineers stated that the 259 houses proposed (recently refused at appeal) did not require this change. The Highway Authority have advised that this matter could be pursued by the Parish with County Traffic Engineers.

Updated need figures for Willand and surrounding Parishes

All Devon Home Choice figures contained within the tables below show the number of people within each area with a need for affordable rented accommodation. The figures only show persons who live or work in each of the respective parishes at present. The figures are as of the end of November 2017.

Uffculme:

	Banding for Uffculme				
Bedroom Need	Band B	Band C	Band D	Band E	Grand Total
1	1	4	10	21	36
2	2	3	4	11	20
3	2	3	1	4	10
4		2			2
Grand Total	5	12	15	36	68

Halberton:

Count of Bedroom	Banding for Halberton				
Bedroom	Band B	Band C	Band D	Band E	Grand Total
1	3	1	3	4	11
2	1		3	5	9
3		2		1	3

Grand Total	4	3	6	10	23
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Willand:

Bedroom Need	Banding for Willand				Grand Total
	Band B	Band C	Band D	Band E	
1		4	21	19	44
2	1	5	2	14	22
3	1	2		4	7
4		3			3
5	1				1
Grand Total	3	14	23	37	77

Needs Summary for Uffculme and Halberton:

The total number of affordable houses coming forward in Uffculme (including two sites adjoin Uffculme but within the Halberton parish) is known to be 36. These affordable dwellings are coming forward through the following planning permissions:

15/00108/MOUT; 17/01370/MARM – Outline planning permission for 60 houses (Harvesters), with reserved matters pending consideration. This site will provide 21 affordable houses.

17/00300/MOUT – Outline planning permission for 30 houses, adjacent to the Harvesters site – to provide 11 affordable houses.

17/00106/MOUT – Outline planning permission for 16 houses at Ashley Road Uffculme, pending decision, agreement to grant subject to a S106 – this site will provide 4 affordable dwellings.

The 21 affordable dwellings at the Harvesters site is proposed to be jointly prioritised to the parishes of Uffculme and Halberton. The need for Uffculme and Halberton at the current time is 91, or 45 excluding band E. The need for Uffculme and Halberton will not be fully met by the development known to be coming forward in the Uffculme/Halberton area. As such, these developments are highly unlikely to contribute towards meeting the affordable housing need of Willand.

Needs Summary for Willand:

The most up to date figures show a need of 77 affordable houses, 40 excluding band E.

13/00993/FULL – Fir Close provided 7 units in June 2016, all are occupied.

Policy W11 – in the emerging plan which holds very limited weight at this time due to the outstanding objections would provide 13 affordable homes if 30% affordable housing is provided as per the allocation. At the current time there are no timescales for the development of this site; development could be a number of years away.

Application 17/00652/MOUT is pending consideration. This application proposes 10 social rented houses. As this application is yet to be determined it is unclear whether these units will gain permission.

The current pending application and forthcoming allocation, along with the current application (17/01179/MFUL) would provide a total of 51 affordable homes. The applications combined would not meet the total need of Willand which is 77 units. In addition, the current application for 28 homes intends to meet the current need, whereas the timescales for the other developments is unknown. The proposed allocation isn't likely to be complete for a number of years and therefore will not address the current need, but is capable of helping to address any outstanding or future need.

Education contribution:

The education contribution agreed with the applicants is £38,461.50.

(ix) Cllr R F Radford left the meeting at this point.

(f) **No 5 on the Plans List (17/01292/FULL – Erection of 3 dwellings following demolition of existing livestock building – land and buildings at NGR 295566 125028 (Veltham Barn) Morebath).**

As reported earlier in the meeting this item had been deferred to allow for further information to be provided.

(g) **No 6 on the Plans List (17/01395/FULL – Erection of 5 dwellings with associated parking following demolition of industrial units – The Garage, Silverton)**

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, 150 metres outside of the settlement limit, (the site being allocated within the emerging Local Plan Review (Policy SI2). He outlined the block plan of the proposal, the existing arrangements, parking provision, visibility splays, elevation and design plans.

Consideration was given to:

- Highway safety and possible overspill of parking onto a busy road
- The lack of a footpath
- The absence of a 5 year land supply
- The efficiency of the site layout
- The design of the proposed dwellings
- The Parish Neighbourhood Plan (which had not been submitted)
- The views of the Highway Authority

RESOLVED that the application be granted planning permission subject to the prior signing of a S106 agreement with regard to:

- Public Open Space contribution of £6,250 allocated to Provision of a new junior multiplay unit at Ellerhayes Play Area, Silverton
- Public Open Space monitoring fee of £110.80
- A contribution of £16,440 [based on the DfE extension rate of £21,921 per pupil] towards additional education infrastructure at the local secondary school
- A contribution of £2,546 towards secondary school transport costs due to the development being further than 2.25 miles from Clyst Vale Community College.

And conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 7 to add the following wording “has been submitted to and approved in writing by the Local Planning Authority” at end.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Mrs Bennett spoke in objection to the application;
- (ii) Ms Lyle spoke on behalf of the agent;
- (iii) Cllr Mrs J Roach spoke as Ward Member;
- (iv) The following late information was provided:

First Update - Pg 90 bottom of page “roof within the roof” should be room within the roof

Second Update - Pg 95 condition 7 needs to be updated so it reads “**has been submitted to and approved in writing by the Local Planning Authority**” at end.

Full condition should read as follows:

‘7. Prior to development commencing, the applicant shall carry out a detailed investigation, site characterisation and risk assessment aimed at identifying the full extent and type of land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site following development. The assessment should include for all possible human health, controlled water, ecosystem and building receptors. This will include identifying the presence or lack thereof of any buried fuel storage tanks prior to any site demolition. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required].

If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services

(and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required]. Development on the site shall not commence until the land contamination investigation report and remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been submitted to and approved in writing by the Local Planning Authority.'

Third Update -

One additional letter of objection received from Ros & Steve Bennett of Elbury House - The objections are summarised as follows:

Concern over insufficient parking for the development and that parking will spill out into the narrow road.

A restrictive covenant requires a turning head to be retained for use of neighbouring residents to the front of the site.

Parking in the area to the front will restrict visibility to residents of neighbouring property exiting onto the road.

The Local Highway Authority objected to a development of a dwelling on this site previously (07/00262/FULL) due to the substandard nature of the approach roads and remoteness of the site.

There is a septic tank, soakaway and drainage field the currently occupies approximately one third of the site which serves Elbury House and is protected.

Fourth Update –

For Members interest, with respect to the allocation of the site within the emerging local plan (Policy SI2 – The Garage, Silverton for 5 dwellings), three representations were received during the Local Plan Review Proposed Submission Consultation in 2015, all being supportive. No further representations were received in 2017 following the Local Plan Submission Consultation.

(h) No 8 on the Plans *List (17/0826/MFUL – Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units – Land at NGR 291466 112201 Jurishayes, Withleigh)*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan, the existing poultry houses, the proposed levels and access arrangements, the storm water strategy and landscaping of the proposed bund, the existing and proposed elevations and photographs from various aspects of the site

Consideration was given to:

- The height of the proposed poultry house
- The waste management strategy
- Noise levels
- Concerns of local residents with regard to odour, dust and ammonia

- Possible visual impact of the proposal

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

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as she had received correspondence regarding the application;
- (ii) Cllr R J Dolley declared a personal interest as he knew the farmer, was the Ward Member and had been on site;
- (iii) Mr Burgess (Objector) spoke;
- (iv) Cllr R J Dolley spoke as Ward Member.

86 MAJOR APPLICATIONS WITH NO DECISION (4-08-23)

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

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

87 APPLICATION 17/00914/OUT - OUTLINE FOR THE ERECTION OF 9 DWELLINGS WITH ASSOCIATED ACCESS AT LAND AT NGR 277111 102951 SUNNYMEAD, COPPLESTONE (4-10-39)

The Committee had before it an implications report of the Head of Planning and Regeneration regarding an application which had been considered but deferred from a previous meeting as Members were minded to refuse the application.

The Area Team Leader outlined the contents of the report reminding the meeting of the issues raised previously, the location of the site, proposed access arrangements, an indicative masterplan for the development and photographs from various aspects of the site. He had provided possible reasons for refusal as requested

He provided answers to questions posed in public question time: he referred to the occupation of the bungalows that were populated by elderly people and stated that there was no planning restriction on the occupancy of those bungalows. He felt that the issues highlighted by local residents were covered within the reasons for refusal within the report

Consideration was given to:

- The fact that this was only one part of the Sunnymead estate
- The occupation of the bungalows
- The proposal was outside the settlement limit and that reason for refusal 1 be used

- Lack of 5 year land supply
- The location of the school an open space adjacent to the development site.

RESOLVED that Planning Permission be granted subject to the signing of a Section 106 Agreement to include:

- Primary school contribution of £30,717 and Secondary school contribution of £5,320 as per DCC request.
- Air Quality contribution of £39,906. To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
- Open Space contribution of £10,845. To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
- Financial commuted contribution toward the delivery of two affordable housing units following completion.
- Pedestrian link between the application site and the Village school/ Recreation ground campus areas.

With conditions as recommended by the Head of Planning, Economy and Regeneration

(Proposed by Cllr P J Heal and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had had discussions with the applicant;
- (ii) Cllrs Mrs C A Collis, R J Dolley, B A Moore and R L Stanley requested that their vote against the decision be recorded;
- (iii) The following late information was reported: Please correct the conclusion and Summary Section (paragraph 2.20) on page 121 so that is clear that the Highway Authority would **NOT** be able to provide support at an appeal situation in order to defend a reason for refusal on highway grounds;
- (iv) *Report previously circulated copy attached to signed minutes.

88 APPLICATION 17/00910/FULL - ERECTION OF 5 DWELLINGS AND ALTERATIONS TO EXISTING BUNGALOW AND ERECTION OF GARAGE, 10 MAYFAIR, TIVERTON (4-36-00)

The Committee had before it a *report of the Head of Planning and Regeneration regarding an application which had been considered but deferred from a previous meeting to allow for a site visit to take place by the Planning Working Group.

The Area Team Leader outlined the contents of the report highlighting the site location plan, the established tree group, the distances between the existing and proposed dwellings in Mayfair, the proposed floor plans and elevations for the dwellings, junction improvements and photographs from various aspects of the site. She also explained via a plan the density of development between Mayfair, the proposed new dwellings and Area B of the Eastern Urban Extension.

The officer then provided answers to questions posed in public question time:

- Following a conversation with the Highways Engineer, under Section 38 of the Highways Act the developer may ask for the private drive to be adopted as there were to be more than 3 dwellings off of a private drive. The developer had elected to have the road adopted.
- The above therefore overcame the issue of waste collection.
- The pedestrian footpath would be provided for the full length of the drive.
- Condition 9 with regard to a landscape plan would overcome the issue of the quality of the screening and the applicant had offered up the use of heavy standards trees.
- An additional condition would overcome any ecological issues
- She reiterated the density of development highlighted in her presentation and that the density would be a transition from Mayfair to Area B of the Eastern Urban Extension

Consideration was given to:

- The concerns of local residents with regard to the access to the site, overlooking and over development issues, the height of the proposed dwellings and that the buildings did not reflect existing properties in Mayfair.
- The distance between the proposed and existing dwellings
- The proposed screening and the offering up of mature trees for screening
- The amenity of local residents
- Access issues

RESOLVED that planning permission be granted subject to the prior signing of a S106 agreement to secure a financial contribution of £7,210 towards off site public open space and conditions as recommended by the Head of Planning, Economy and Regeneration with additional conditions stating that:

The development shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Preliminary Ecological Appraisal' prepared by WYG dated May 2017 and shall be approved by the Local Planning Authority before construction begins.

Reason

To limit the impact of the development on any protected species which may be present

The landscape scheme, to be approved in writing by the Local Planning Authority prior to the commencement of any development, shall provide heavy standard trees.

Reason

In the interest of the character and visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

(Vote 6 for: 5 against – Chairman's Casting Vote)

Notes:

- (i) Cllr Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, P J Heal, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had received correspondence regarding this matter;
- (ii) Cllr R J Dolley declared a personal interest as he knew the residents of Mayfair;
- (iii) Mrs Menheneott spoke in objection to the application;
- (iv) Mr Upton (Agent) spoke;
- (v) Cllr C R Slade spoke as Ward Member;
- (vi) Cllrs: Mrs C A Collis, Mrs G Doe, R J Dolley, B A Moore and R L Stanley requested that their vote against the decision be recorded.
- (vii) The following late information was reported: This update is to confirm the density of the proposed development, the density of the existing Mayfair properties and the density proposed through the Adopted Masterplan SPD for Area B of the Tiverton Eastern Urban Extension:

Mayfair as existing (19 dwellings): 7.6 dwellings per hectare
10 Mayfair (5 proposed dwellings and retention of one existing dwelling): 13.6 dwellings per hectare
Area B park edge : 15 to 20 dwellings per hectare

One further email of objection has been received.

One email of objection has been received (to supplement an existing objection). A summary of it as follows: disappointment for the lack of opportunity members of the public had to speak at the Planning Member Working Site Visit; the proposal represents over development of the site; bungalows would be more in keeping; there may be a badger sett on the site which requires additional ecological assessment.

The following condition is recommended for inclusion should planning consent at 10 Mayfair be forthcoming:

The development shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Preliminary Ecological Appraisal' prepared by WYG dated May 2017 and shall be approved by the Local Planning Authority before construction begins.

Reason

To limit the impact of the development on any protected species which may be present

Following the PMWG site visit at which the applicant offered heavy standard trees for inclusion in the landscape scheme to following condition is recommended should planning consent be forth coming:

The landscape scheme, to be approved in writing by the Local Planning Authority prior to the commencement of any development, shall provide heavy standard trees.

Reason

In the interest of the character and visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

One further email of objection has been received.

Please add after it – details to be presented by the objector at public question time.

There is also an objection from a new objector. Please add the following text: An email of objection has been received, summarised as follows: the proposal would represent a loss of privacy and loss of country view.

(viii) *Report previously circulated copy attached to signed minutes.

89 **APPLICATION 15/00108/MOUT - DEED OF VARIATION RELATING TO OUTLINE FOR UP TO 60 DWELLINGS AT LAND AT NGR 305658 112080 (WEST OF HARVESTERS), UFFCULME ROAD, UFFCULME (5-07-47)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding proposed changes to the S106 agreement entered into in relation to this planning permission.

The Planning Officer outlined the contents of the report stating that the change to the S106 agreement was with regard to the cascade of affordable homes, there had been an oversight in the original agreement in that only Halberton Parish was mentioned and not Uffculme. It was suggested that both Halberton and Uffculme should have joint priority over the affordable housing.

Consideration was given to:

- The number of requests received by the developer from residents of Uffculme
- The application site was within Halberton and therefore the Parish should take priority
- The need for the cascading process to be clear
- The details of the original Section 106 Agreement

RESOLVED that:

- (a) A replacement S106 agreement be approved with regard to the affordable housing cascade: that Halberton be the lead parish followed immediately by Uffculme and that the normal cascade following these priorities take place; and

- (b) Delegated authority be given to the Legal Services Manager to progress the replacement S106 agreement.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Mr Coles (Agent) spoke;
- (iii) *Report previously circulated copy attached to signed minutes.

90 **APPLICATION 17/01370/MARM - RESERVED MATTERS FOR THE ERECTION OF 60 DWELLINGS - LAND AT NGR 305658 112080 (HARVESTERS) UFFCULME (5-32-41)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding the above application.

The Planning Officer outlined the contents of the report stating that this was a reserved matters application following the outline application that had been granted at appeal. The application before Members was to seek approval for the appearance, landscaping, layout and scale of the application. She provided a presentation which highlighted the proposed location, the layout, identification of public footpaths, the design of the proposed dwellings, the location of the public open space and attenuation ponds, the tree boundaries which would be strengthened, parking provision, the tenure plan which identified the affordable housing on site, the highway adoption plan, elevations and different house types. Photographs were also provided from different aspects of the site.

Consideration was given to:

- The work that had taken place between the developer, the local parish council and Uffculme residents.
- The involvement of the Design Panel
- The fact that the proposal was attractive and refreshing and had considered the views of local residents.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an additional condition stating that: The development hereby approved shall be carried out in accordance with the submitted floodplain compensation scheme as shown on drawing 16407-052 Rev B, the scheme shall be implemented in full prior to the construction of residential plots 31 and 32 and shall be retained and maintained as such thereafter.

Reason – To ensure adequate compensatory floodplain storage is provided in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Mr Crosby spoke on behalf of the applicant;
- (iii) The following late information was reported: A revised flood compensation storage scheme has been submitted. The Environment agency have provided further comments in relation to the scheme and have confirmed that the floodplain compensation scheme submitted satisfies their concerns about the small loss of floodplain storage resulting from the development. The scheme shall be fully implemented as approved and the works should be undertaken prior to the construction of plots 31 and 32.

On this basis an additional condition is proposed:

The development hereby approved shall be carried out in accordance with the submitted floodplain compensation scheme as shown on drawing 16407-052 Rev B, the scheme shall be implemented in full prior to the construction of residential plots 31 and 32 and shall be retained and maintained as such thereafter;

- (iv) *Report previously circulated copy attached to signed minutes.

91 **APPLICATION 17/01509/MFUL ERECTION OF 39 DWELLINGS FOLLOWING DEMOLITION OF EXISTING GARAGES AND ADJACENT SUBSTRUCTURE, TOGETHER WITH BIKE STORAGE, UNDERGROUND CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS - LAND AND BUILDINGS AT NGR 295350 112455 (REAR OF TOWN HALL) ANGEL HILL TIVERTON (5-32-41)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding the above application.

The Area Team Leader outlined the contents of the report highlighting by way of presentation the application, the site location plan and the 3 previous consents on the site that had not come to fruition. Members viewed the site location plan, a plan showing the 14 affordable dwellings that had already been built as part of the allocation on the site, the proposed roof plans, photographs of the site and an impression of the development, an impression of the internal street scheme supplied by the architects and proposed views from Westexe looking back into the site towards the Town Hall and St Georges Church. She highlighted the site elevations, the landscape sections, the layouts of the upper level, ground floor and lower grounds floors and elevations of the dwellings and apartment blocks.

She then provided answers to questions posed within public question time:

- Her report had been written independently, it was a professional report based on the facts of the application.
- She had collated all the information available and had contacted residents.
- She had acted to assist the developer to overcome outstanding issues as she would with any application.

- It was correct that the land fell within Flood Zone 3 and the Environment Agency were aware.
- A flood risk assessment had been provided and recommendations had been made for additional conditions including the provision of flood warning signs particularly to the under storey area which could be prone to flooding.
- With regard to the site being considered as the 5th most likely site for flood risk in 2009, she had not read that but in 2017 the site was sequentially sound.

Consideration was given to:

- Whether the linking bridges were covered
- The number of lifts
- Accessibility for disabled people
- The steepness of the site
- The views of the objector with regard to the possibility of a town centre garden, the size of the development, access issues, lack of planting, the impact of the development on Ham Place
- The comments of Historic England
- The need to develop the site

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 11 to read: No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Ref. L1008-C-RP-0001; Rev. 03; dated 24th November 2017), Webb Yates Sketch Showing Proposed Alternative Drainage Strategy (drawing No. L1008-C-SK-0035-00-59; dated 29th November 2017), Webb Yates Mark-up Showing Flood Exceedance Routes (drawing No. L1008-C-SK-0034-00-59; dated 29th November 2017) and Civil & Structural Engineering Stage 3 Report (Ref. L1008-S-RP-0001; Rev. 01; dated 24th November 2017).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and in the interests of ensuring that adequate drainage is provided to serve the development and to reduce the risk of pollution in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

With additional conditions to read:

The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy DM2 Local Plan Part 3 (Development Management Policies)

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Prior to their installation, details of the link bridges between blocks E to F and G to H, at first and second floor levels and details of the balustrading for the balconies within blocks E, F, G and H shall be submitted to and approved in writing by the Local Planning Authority. The link bridges and the balconies shall be completed in accordance with the approved details and shall be so retained.

Reason: To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local Plan Part 3 (Development Management Policies).

No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

The development shall be carried out in accordance with the Conservation Action Statement prepared by Acorn Ecology Ltd received 29th November 2017.

Reason: To protect the habitats of protected species in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr B A Moore)

Notes:

- (i) Cllr R L Stanley declared a personal interest as a Director of the 3 Rivers Development Company and chose to leave the meeting during the discussion thereon;
- (ii) Mr Davey spoke in objection to the application;
- (iii) Cllrs R J Dolley and F W Letch requested that their vote against the decision be recorded;
- (iv) The following late information was reported: additional conditions added above:

The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy DM2 Local Plan Part 3 (Development Management Policies)

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Prior to their installation, details of the link bridges between blocks E to F and G to H, at first and second floor levels and details of the balustrading for the balconies within blocks E, F, G and H shall be submitted to and approved in writing by the Local Planning Authority. The link bridges and the balconies shall be completed in accordance with the approved details and shall be so retained.

Reason: To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local Plan Part 3 (Development Management Policies).

Condition 11 was amended verbally and two additional conditions included in the resolution were added verbally at the meeting.

(v) *Report previously circulated copy attached to signed minutes.

92 **PLANNING PERFORMANCE AGAINST TARGETS - QUARTER 2 (6-30-34)**

The Committee had before it and **NOTED** a * report of the Head of Planning, Economy and Regeneration providing information on the performance of aspects of the planning function of the Council for quarter 2 – 2017/18.

The Group Manager for Development outlined the contents of the report stating that performance was continuing to meet targets and some of the key targets were being exceeded.

Note: *Report previously circulated copy attached to signed minutes.

(The meeting ended at 9.25 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 29th November 2017

Applications of a non-delegated nature

UPDATES

ENFORCEMENT LIST	
1.	

THE PLANS LIST	
1.	<p>17/00982/MFUL - Erection of 49 dwellings, including associated public open space, landscaping and all other associated external works - Land at NGR 284671 100838 Cromwells Meadow Crediton.</p> <p>Page 22: In the proposed development section amend the third bullet point to delete the following words from the report: each with a double garage and 2 car parking spaces. This is a drafting error.</p> <p>Page 22: In the applicants supporting information section update the plans as listed as follows. These revised plans reflect the changes to the layout that were agreed and assessed as set out in the report but with a delay in the plans being submitted.</p> <p>Site layout plan (rev P5), Materials Layout (rev P4), Affordable Housing Distribution Plan (rev P4), Building Storey Heights Plan (rev P3), Street scene drawing (rev P3) Public Open Space Area Plan (rev P2): Revised date 13th November and as received on 17th November.</p> <p>Drainage and Transport drawings prepared by Vectos: Revised date 13th November and as received on 17th November.</p> <p>Page 19: Flood Risk Assessment & Drainage Strategy prepared Vectos: Revised date 13th November and as received on 17th November.</p> <p>Page 29: Following further consideration at their meeting on 21st the Town Council have submitted the following further comments about the application.</p> <p>To recommend OBJECTION to the application on the following grounds:</p> <ul style="list-style-type: none"> • It is overdevelopment of the site. The Local Plan Policy CRE3 has allocated 35 dwellings on the site, however, this application proposes 49 dwelling. • South West Water sewerage system is incapable of coping with the current capacity generated from dwellings in the surrounding area such as Cromwells Meadow, Willow Walk, Hedgerow Close, Primrose Way etc. There are regular occurrences of the pumping station breaking down resulting in raw sewerage overflowing into the gardens of properties. The introduction of further dwellings on to the system will exacerbate these issues causing increased public health issues. • The proposed development site is still a flood plain and has regularly flooded in the past. Raising the level of the development does not remove it from being on a flood plain. Neighbouring properties surrounding the development will be impacted by water run-off from the level being raised. • The installation of an attenuation pond to accommodate surface water run-off

2.	<p>is insufficient mitigation for the level of surface water run-off. It is questionable as to whether the drainage ditch located at the southern boundary will be able to cope with the increased volumes of water from the attenuation pond, as this already accommodates water run-off from other areas. This development could increase the risk of flooding elsewhere due to water run-off.</p> <ul style="list-style-type: none"> • The Management of the attenuation pond is of concern as this will be the responsibility of the residents of the development, who will not have the knowledge or expertise for such an important liability. • The access to the site via Willow Walk is unsuitable. Willow Walk is unable to accommodate the increased level of traffic and parking that this development will generate. • There is no play space on the site. • There is no consideration for walking and cycling routes. <p>Case officer comments: The views of statutory consultees are set out above regards the flood risk, surface drainage and foul water impacts that are referred to by Crediton Town Council. The other issues as raised are addressed in the main body of the report.</p> <p>Page 37. Please re-draft Criterion D of Condition 6 as follows:</p> <p>D) A site compound and car park shall have been constructed on site in accordance with details that shall have been submitted to and approved in writing by the local planning authority.</p> <p>Page 38. Please correct the drafting as set out in the report in terms of the phrase land rising to land raising.</p> <p>Following a number of concerns expressed by local stakeholders and the Town Council further clarification has been provided direct by the Planning and Sewer & Adoptions Team at South West water – comment below received via email on 28th November.</p> <p>I have reviewed the site at Cromwell Meadow and based on foul flows only entering the foul/combined sewerage network, South West Water has not identified any hydraulic overloading issues in the public sewerage network. Therefore, the comment to advise SWW has no objection stands and we will not request a condition for the planning application.</p> <p>Officer Comment. The scheme includes a new foul link to serve the new development which links to the existing public foul sewer connection at Willow Walk, with a separate arrangement to manage surface water (including a diversion of the existing surface water sewer that serves the existing Cromwells Meadow Housing estate).</p> <p>Reflecting on the controls imposed by Condition 21 as recommended in the report, the scheme details as described above and the clarification provides by the Planning and Sewer & Adoptions Team it is recommended that members have sufficient information and clarity to conclude positively on this issue from a (town and county planning) development management assessment point of view.</p>
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	<p>Chenson Chulmleigh.</p> <p>Page 45:</p> <p>Reason for Refusal number 2. Please add the following sentence to the reason as drafted in the Report pack.</p> <p>On this basis the application proposals (retrospective) would be contrary to Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).</p>
<p>3.</p>	<p>17/01414/FULL - Conversion of disused former office/workshop/store to dwelling - Building at NGR 268200 111519 Eggesford Station Yard Eggesford.</p> <p>The consultation period has finished and no further comments have been received.</p> <p>The applicant has submitted a further letter in support of the application (23/11/2017) which raises the following issues:</p> <ol style="list-style-type: none"> 1. A site visit was carried out at the time of displaying the site notice (25/10/2017) and it was not considered that a further visit was necessary. Furthermore the applicant was advised that Planning Committee could decide to make a site visit should they consider it necessary as part of their assessment of the application. 2. The applicant considers that the proposal is permitted development by virtue of Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) which allows the change of use of a building and any land within its curtilage from a use falling within B1(a) (offices) to C3 (dwelling). Officer comment: the building appears as a functional garage/ store type building and there was no evidence to suggest that it has been used, or furnished for use, as an office. As such it is considered unlikely that the building would qualify for change of use under these permitted development rights unless the applicant can submit evidence to demonstrate its use as an office in accordance with Class O. In addition, the Class O permitted development rights would not allow the significant alterations to the building that are proposed as part of the application scheme.
<p>4.</p>	<p>17/01179/MFUL - Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure - Land at NGR 303340 110341 (Land off Silver Street) Willand Devon.</p> <p>UPDATE 1 - Further comments from Willand Parish Council received on the 27th of November: Willand Parish Council considered the revised plans at the meeting on 23 November and is concerned that the revision takes little or no account of the numerous concerns raised by it and other consultees and respondents. The Parish Council wish to stand fully by their earlier representations.</p> <p>Further comments from the Highway Authority in relation to moving the 30mph</p>

	<p>zone: The Highway Authority has confirmed that it would not be reasonable to condition a Traffic Regulation Order as it requires consultation and if it is objected to it may not go ahead. Highways have confirmed they would not be able to support moving the 30mph zone, as the Traffic Engineers stated that the 259 houses proposed (recently refused at appeal) did not require this change. The Highway Authority have advised that this matter could be pursued by the Parish with County Traffic Engineers.</p> <p>29.11.17 - PLEASE ALSO SEE ATTACHED SHEET - UPDATE 2</p>
5.	17/01292/FULL - Erection of 3 dwellings following demolition of existing livestock building - Land and Buildings at NGR 295566 125028 (Veltham Barn) Morebath.
6.	<p>17/01395/FULL - Erection of 5 dwellings with associated parking following demolition of industrial units - M H West & Son The Garage Silverton.</p> <p>Pg 95 condition 7 needs to be updated so it reads “has been submitted to and approved in writing by the Local Planning Authority” at end.</p> <p>Full condition should read as follows:</p> <p>‘7. Prior to development commencing, the applicant shall carry out a detailed investigation, site characterisation and risk assessment aimed at identifying the full extent and type of land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site following development. The assessment should include for all possible human health, controlled water, ecosystem and building receptors. This will include identifying the presence or lack thereof of any buried fuel storage tanks prior to any site demolition. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required].</p> <p>If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required]. Development on the site shall not commence until the land contamination investigation report and remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been submitted to and approved in writing by the Local Planning Authority.’</p> <p><u>Third Update</u> -</p> <p>One additional letter of objection received from Ros & Steve Bennett of Elbury House - The objections are summarised as follows:</p> <ul style="list-style-type: none"> - Concern over insufficient parking for the development and that parking will spill out into the narrow road. - A restrictive covenant requires a turning head to be retained for use of neighbouring residents to the front of the site.

	<ul style="list-style-type: none"> - Parking in the area to the front will restrict visibility to residents of neighbouring property exiting onto the road. - The Local Highway Authority objected to a development of a dwelling on this site previously (07/00262/FULL) due to the substandard nature of the approach roads and remoteness of the site. - There is a septic tank, soakaway and drainage field the currently occupies approximately one third of the site which serves Elbury House and is protected. <p><u>Fourth Update –</u></p> <p>For Members interest, with respect to the allocation of the site within the emerging local plan (Policy SI2 – The Garage, Silverton for 5 dwellings), three representations were received during the Local Plan Review Proposed Submission Consultation in 2015, all being supportive. No further representations were received in 2017 following the Local Plan Submission Consultation.</p>
7.	17/01464/FULL - Retention of change of use from shop (A1) to Tattoo and piercing studio (Sui Generis) - 17 West-Exe South Tiverton Devon.
8.	17/00826/MFUL - Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units - Land at NGR 291466 112201 Jurishayes Witleigh.

AGENDA REPORTS

1.	<p>17/00914/OUT - Outline for the erection of 9 dwellings with associated access – Sunnymead, Copplestone</p> <p>Please correct the conclusion and Summary Section (paragraph 2.20) on page 121 so that is clear that the Highway Authority would NOT be able to provide support at an appeal situation in order to defend a reason for refusal on highway grounds.</p>
2.	<p>17/00910/FULL - Erection of 5 dwellings and alterations to existing bungalow and erection of garage, 10 Mayfair, Tiverton</p> <p>This update is to confirm the density of the proposed development, the density of the existing Mayfair properties and the density proposed through the Adopted Masterplan SPD for Area B of the Tiverton Eastern Urban Extension:</p> <p>Mayfair as existing (19 dwellings): 7.6 dwellings per hectare 10 Mayfair (5 proposed dwellings and retention of one existing dwelling): 13.6 dwellings per hectare Area B park edge : 15 to 20 dwellings per hectare</p> <p>One further email of objection has been received.</p> <p>One email of objection has been received (to supplement an existing objection). A summary of it as follows: disappointment for the lack of opportunity members of the public had to speak at the Planning Member Working Site Visit; the proposal represents over development of the site; bungalows would be more in keeping; there may be a badger sett on the site which requires additional ecological</p>

	<p>assessment.</p> <p>The following condition is recommended for inclusion should planning consent at 10 Mayfair be forthcoming:</p> <p>The development shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Preliminary Ecological Appraisal' prepared by WYG dated May 2017 and shall be approved by the Local Planning Authority before construction begins.</p> <p>Reason To limit the impact of the development on any protected species which may be present</p> <p>Following the PMWG site visit at which the applicant offered heavy standard trees for inclusion in the landscape scheme to following condition is recommended should planning consent be forth coming:</p> <p>The landscape scheme, to be approved in writing by the Local Planning Authority prior to the commencement of any development, shall provide heavy standard trees.</p> <p>REASON In the interest of the character and visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).</p> <p>One further email of objection has been received. Please add after it – details to be presented by the objector at public question time.</p> <p>There is also an objection from a new objector. Please add the following text: An email of objection has been received, summarised as follows: the proposal would represent a loss of privacy and loss of country view.</p>
3	15/00108/MOUT – Deed of variation relating to - Outline application for up to 60 dwellings with access onto Uffculme Road, with all other matters reserved – Harvesters, Uffculme
4	<p>17/01370/MARM - Reserved matters for the erection of 60 dwellings, Harvesters, Uffculme</p> <p>A revised flood compensation storage scheme has been submitted. The Environment agency have provided further comments in relation to the scheme and have confirmed that the floodplain compensation scheme submitted satisfies their concerns about the small loss of floodplain storage resulting from the development. The scheme shall be fully implemented as approved and the works should be undertaken prior to the construction of plots 31 and 32.</p> <p>On this basis an additional condition is proposed:</p> <p>The development hereby approved shall be carried out in accordance with the submitted floodplain compensation scheme as shown on drawing 16407-052 Rev</p>

	<p>B, the scheme shall be implemented in full prior to the construction of residential plots 31 and 32 and shall be retained and maintained as such thereafter.</p>
<p>5</p>	<p>17/01509/MFUL - Erection of 39 dwellings following demolition of existing garages and adjacent substructure, together with bike storage, underground car parking, landscaping and associated works - Rear of Town Hall, Angel Hill, Tiverton</p> <p>1) Reworded condition 11 (as on agenda) Notwithstanding the submitted details, no part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system and associated attenuation on site has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. The surface water drainage system and attenuation shall be implemented in accordance with the approved details prior to the first occupation of each residential unit to which it relates and shall be so retained.</p> <p>Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and in the interests of ensuring that adequate drainage is provided to serve the development and to reduce the risk of pollution in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).</p> <p>Additional conditions</p> <p>2) The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy DM2 Local Plan Part 3 (Development Management Policies)</p> <p>3) <u>No</u> part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.</p> <p>Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage</p>

management system is safely managed.

- 4) No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

- 5) Prior to their installation, details of the link bridges between blocks E to F and G to H, at first and second floor levels and details of the balustrading for the balconies within blocks E, F, G and H shall be submitted to and approved in writing by the Local Planning Authority. The link bridges and the balconies shall be completed in accordance with the approved details and shall be so retained.

Reason: To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local Plan Part 3 (Development Management Policies).

UPDATE 2 – 29.11.17

Update: Plans List Item 4 17/01179/MFUL 28/11/17

Updated need figures for Willand and surrounding Parishes

All Devon Home Choice figures contained within the tables below show the number of people within each area with a need for affordable rented accommodation. The figures only show persons who live or work in each of the respective parishes at present. The figures are as of the end of November 2017.

Uffculme:

Bedroom Need	Banding for Uffculme				Grand Total
	Band B	Band C	Band D	Band E	
1	1	4	10	21	36
2	2	3	4	11	20
3	2	3	1	4	10
4		2			2
Grand Total	5	12	15	36	68

Halberton:

Count of Bedroom	Banding for Halberton				Grand Total
	Band B	Band C	Band D	Band E	
1	3	1	3	4	11
2	1		3	5	9
3		2		1	3
Grand Total	4	3	6	10	23

Willand:

	Banding for Willand				
Bedroom Need	Band B	Band C	Band D	Band E	Grand Total
1		4	21	19	44
2	1	5	2	14	22
3	1	2		4	7
4		3			3
5	1				1
Grand Total	3	14	23	37	77

Needs Summary for Uffculme and Halberton:

The total number of affordable houses coming forward in Uffculme (including two sites adjoin Uffculme but within the Halberton parish) is known to be 36. These affordable dwellings are coming forward through the following planning permissions:

15/00108/MOUT; 17/01370/MARM – Outline planning permission for 60 houses (Harvesters), with reserved matters pending consideration. This site will provide 21 affordable houses.

17/00300/MOUT – Outline planning permission for 30 houses, adjacent to the Harvesters site – to provide 11 affordable houses.

17/00106/MOUT – Outline planning permission for 16 houses at Ashley Road Uffculme, pending decision, agreement to grant subject to a S106 – this site will provide 4 affordable dwellings.

The 21 affordable dwellings at the Harvesters site is proposed to be jointly prioritised to the parishes of Uffculme and Halberton. The need for Uffculme and Halberton at the current time is 91, or 45 excluding band E. The need for Uffculme and Halberton will not be fully met by the development known to be coming forward in the Uffculme/Halberton area. As such, these developments are highly unlikely to contribute towards meeting the affordable housing need of Willand.

Needs Summary for Willand:

The most up to date figures show a need of 77 affordable houses, 40 excluding band E.

13/00993/FULL – Fir Close provided 7 units in June 2016, all are occupied.

Policy W11 – in the emerging plan which holds very limited weight at this time due to the outstanding objections would provide 13 affordable homes if 30% affordable housing is provided as per the allocation. At the current time there are no timescales for the development of this site; development could be a number of years away.

Application 17/00652/MOUT is pending consideration. This application proposes 10 social rented houses. As this application is yet to be determined it is unclear whether these units will gain permission.

The current pending application and forthcoming allocation, along with the current application (17/01179/MFUL) would provide a total of 51 affordable homes. The applications combined would not meet the total need of Willand which is 77 units. In addition, the current application for 28 homes intends to meet the current need, whereas the timescales for the other developments is unknown. The proposed allocation isn't likely to be complete for a number of years and therefore will not address the current need, but is capable of helping to address any outstanding or future need.

Education contribution:

The education contribution agreed with the applicants is £38,461.50.

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