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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 3 January 2018 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,  
J D Squire, R L Stanley and R Evans

### **Apologies**

#### **Councillor(s)**

R F Radford

### **Present**

#### **Officers:**

David Green (Group Manager for Development), Simon Trafford (Area Team Leader), Philip Langdon (Solicitor), Catherine Marlow (Conservation Officer), Daniel Rance (Principal Planning Officer), Adrian Devereaux (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

## 93 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was substituted by Cllr R Evans.

## 94 **PUBLIC QUESTION TIME**

Cllr Mrs Hicks (Bampton Town Council) referring to Enforcement Item 1 on the agenda (land at Ashleigh Park, Bampton) stated that: you have all the responses from Bampton to the current application for Ashleigh Park. This is yet another revised scheme for dwellings, I note, rather than bungalows.

The responses all include concerns regarding the huge spoil heap which has dominated peoples' lives since last spring. Its visual impact is immense and depressing. The concerns are genuine. We are not looking at a NIMBY situation regarding the development of the site. We are looking at concerns for the insensitive way in which the development is being undertaken. There is no confidence in the developer. Mr Clarke called on individual households and even phoned Mr Derek Webster our Flood Co-ordinator directly to influence the application believing that he was employed as an officer of MDDC or DCC.

The heap has been generated without consideration for residents and has blighted their lives all year. No-one can understand why spoil is mounded like this. At the time only four bungalows were proposed. We cannot see the justification for that amount of spoil being left. It is not clean topsoil which might be recommended as a capping to previously quarried ground. Its weight must be considerable. It has compacted over the months but still discharges large rocks as does the steep

embankment formed earlier at the verge of the Old Tiverton Road. There has been land slip here. Could it be that one is influencing the other? Original reports may not have taken the creation of a spoil heap and the height and angle of this slope into consideration.

The Town Council has formally registered concerns but we would also like to refer you to para 2.4 of the Hydro-geology section of the Geo-Environmental Assessment Report where the ground is referred to as a minor aquifer. This is emphasised in the final paragraph, 3.3.

Once upon a time Ashleigh Park was a quarry and a sump for water cascading from the high ground above. The site is high above the Town and there are historic drainage problems left by the same developer. The Council has had to supply and make arrangements to deploy a flood barrier to deflect water from the lower Ashleigh Park properties. It is therefore important that any water movement through this site does not increase the flood risk in the town below. There is imminent work by Highways to the drains in Briton Street to mitigate the current situation!

We ask that any planning application is suspended until the heap is removed and the implications of natural aquifer drainage on the disturbed ground of the site and through the steep embankment are examined by the EA. The improvement to the drainage in Briton St has been accomplished. Bampton Town Cllrs would be grateful for your cooperation in what is a serious matter for the town.

#### 95 **MINUTES OF THE PREVIOUS MEETING (00-07-06)**

The minutes of the meeting held on 29 November were approved as a correct record and signed by the Chairman.

#### 96 **CHAIRMAN'S ANNOUNCEMENTS (00-07-45)**

The Chairman had the following announcements to make:

- Naomi Morgan (Planning Assistant) had returned to the authority.
- Catherine Marlow (Conservation Officer) would be leaving the authority at the end of the month taking up the post of Inspector with Historic England, she thanked her for her hard work and wished her well for the future on behalf of the committee.

#### 97 **ENFORCEMENT LIST (00-09-03)**

Consideration was given to the cases in the Enforcement List \*.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/17/00076/COU – Untidy site having an adverse effect upon the visual amenity of the locality arising from the unauthorised deposition of excavated soil on the land – land and buildings at NGR 296197 122000, Ashleigh Park, Bampton.***)

The Area Team Leader outlined the contents of the report stating that the untidy site was having an adverse effect on the amenity of the area; the planning history of the site was contained within the report and the comments made by Bampton Town Council would be considered by the case officer. He highlighted the location of the site, the spoil heap adjacent to the road and photographs from various aspects of the site.

Consideration was given to:

- The history of the site
- How the spoil heap had been formed
- The work undertaken to create the heap
- The fact that the spoil heap was not underpinned and therefore the danger it could pose to passers-by

**RESOLVED** that the Legal Services Manager be given delegated authority to: take all such steps and action necessary to secure the improvement of the appearance of the land, including the issue of a Section 215 (Untidy Site) Notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

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

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as County Councillor for the area who had been involved in highway matters;
- (ii) Cllr B A Moore and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as they had been involved in discussions regarding the issue as Ward Members;
- (iii) Cllr Mrs Celia Hicks (Bampton Town Council) spoke.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00243/UDRU–Erection of two storey building in rear garden – 6 Forestry Houses, Chenson, Chulmleigh***).

The Area Team Leader outlined the contents of the report and the history of the site, an application to regularise the unauthorised development had been submitted in September 2017 and refused by Committee on 29 November, it was therefore necessary to commence enforcement action to secure the demolition and removal of the unauthorised building.

**RESOLVED** that the Legal Services Manager be given delegated authority to: take all such steps and action necessary to secure the demolition and removal of the unauthorised development, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

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

## 98 DEFERRALS FROM THE PLANS LIST

Members had previously been informed that Item 2 on the Plans List – land NE of Rydon House, Willand had been deferred because of administrative issues with the application.

## 99 THE PLANS LIST (00-23-38)

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 4 on the Plans List (***17/001700/FULL – Change of use of ground floor common room to a one bedroom flat, Common Room (Ground Floor of Flat 41), Broad Lane, Tiverton***) be approved subject to:

- a) An additional condition stating that the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 09 October 2017 and the Flood Prevention Measures detailed within the FRA, to include raising electrical circuitry. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reason**

To reduce the risk of flooding to the proposed development and future occupants.

- b) Conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

### Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and informed the meeting that he would abstain from voting;
- (ii) Cllr R J Dolley declared a personal interest as Ward Member as he had taken part in discussions regarding the application;
- (iii) Cllr Mrs F J Colthorpe declared a personal interest as the County Councillor for the area;

- (iv) Cllrs F W Letch and R L Stanley requested that their abstention from voting be recorded;
- (v) The following late information was available: The following planning condition is recommended in light of the response received from the Environment Agency which should be included within the recommendation made to approve.

#### **Condition**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 09 October 2017 and the Flood Prevention Measures detailed within the FRA, to include raising electrical circuitry. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### **Reason**

To reduce the risk of flooding to the proposed development and future occupants.

Consultee Response to be included within Committee Report

#### **Environment Agency – 11th December 2017**

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. Furthermore, the development must also provide a means of unobstructed access to the first floor of the building.

The applicant should demonstrate that this is achievable prior to determination of the application.

#### **Reason**

The building lies within an area at risk of flooding from the Cottey Brook. Indications are that potential depths of water in an extreme flood event would be shallow. Despite this we consider it important that access to the first floor is made available given the ground floor nature of the proposal and that flood mitigation measures are installed during refurbishment.

- (ii) No 5 on the Plans *List (17/01792/LBC – Listed Building Consent to replace two windows with patio door on west elevation and creation of cupboard and shower room on first floor – Old Bartows, Bartows Causeway, Tiverton.)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans *List (17/01660/MOUT – Outline for the erection of 10 dwellings, - Land at NGR 287219 106314, Barnhill Close, Cheriton Fitzpaine).*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the access proposed within the outline application, the site location plan, the additional gated access, the aerial view, the indicative layout of dwellings, the drainage strategy and photograph from various aspects of the site.

Consideration was given to:

- The density of dwellings on the site in line with policy COR 1
- Affordable housing on site which had been well received by the Parish Council
- The indicative layout of the site
- The involvement of the Parish Council and local residents in the application

**RESOLVED** that planning permission be granted subject to:

The prior signing of a S106 Agreement to secure:

- 30% affordable housing on site (3 units)
- A secondary school contribution of £5,377 towards school transport to Queen Elizabeth's Academy Trust
- A contribution of £8,425 towards the provision of off-site open space.

And 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 Mrs F J Colthorpe declared a personal interest as Ward Member;
- ii) Mr Upton (Agent) spoke;
- iii) Cllr Norton (Cheriton Fitzpaine Parish Council) spoke;

(c) No 2 on the Plans *List (17/0652/MOUT –Outline application for a mixed development of 30 dwellings, commercial buildings, access, public open space, landscaping and associated works – land at NGR 303116 110179 (NE Rydon House) Willand.*

This item had been deferred as previously advised.

(d) No 3 on the Plans *List (17/0924/MFUL – change of use of agricultural buildings to Class B1/B8 (commercial use) with associated yard and parking areas, landscaping and alterations to access – land and buildings at NGR 304296 107112, Newlands Farm, Cullompton).*

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the redundant buildings on site at the present time, the proposals for the units, the existing and proposed elevations of each of the units and photographs from various aspects of the site. He informed the

meeting that he had had discussions with the Lead Officer for the Garden Village proposal and that she felt that the proposal would not have a negative impact on the project.

Consideration was given to:

- Parking Policy
- Continued management of the site
- Possible air quality contributions via S106 and Policy DM6
- Possible additional lighting in the area

**RESOLVED** that planning permission be granted subject to:

- a) The prior signing of a S106 Agreement (between the applicant and Devon County Council only) relating to a financial contribution of £10,000 towards improvements at J28 of the M5;
- b) Conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 17 so as to read: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of an approved detailed remediation scheme to bring the site to a condition suitable for the intended use, which is subject to the approval in writing of the Local Planning Authority. Reason remains the same
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration to frame an additional condition relating to a management plan for the site.

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

#### 100 **MAJOR APPLICATIONS WITH NO DECISION (1 - 06-00)**

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

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

#### 101 **APPEAL DECISIONS (1-07-52)**

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

Discussion took place regarding the importance of the contents of the appeal decisions and that Members should be receiving this information in a complete format.

It was therefore:

**RESOLVED** that: the appeals list be NOTED and that in future all Members receive an electronic version of all appeal decisions in full and that the planning agenda pack contain only a list of appeal decisions received highlighting the application and the inspector's decision.

(Proposed by the Chairman).

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

(The meeting ended at 3.35 pm)

**CHAIRMAN**



## PLANNING COMMITTEE AGENDA - 3rd January 2018

### Applications of a non-delegated nature

### UPDATES

ENFORCEMENT LIST	
1.	17/00076/CLU – Land at Ashleigh Park
2.	16/00243/UDRU - 6 Forestry House, Eggesford

THE PLANS LIST	
1.	17/01660/MOUT - Outline for the erection of 10 dwellings - Land at NGR 287219 106314 Barnshill Close Cheriton Fitzpaine.
2.	17/00652/MOUT - Outline for a mixed development of 30 dwellings, commercial buildings, access, public open space, landscaping, and associated works - Land at NGR 303116 110179 (NE of Rydon House) Willand Devon. <b>DEFERRED.</b>
3.	17/00924/MFUL - Change of use of agricultural buildings to Class B1/B8 (Commercial Use) with associated yard and parking areas, landscaping and alterations to access - Land and Buildings at NGR 304296 107112 Newlands Farm Cullompton.
4.	17/01453/FULL - Erection of a dwelling (100sqm) including camp site reception facilities (58sqm) - Kingsmead Centre Clayhidon Devon.
5.	<p>17/01700/FULL - Change of use of ground floor common room to a one bedroom flat - Common Room (Ground Floor of Flat 41) Broad Lane Tiverton.</p> <p><b>20<sup>th</sup> December 2017</b></p> <p>The following planning condition is recommended in light of the response received from the Environment Agency which should be included within the recommendation made to approve.</p> <p><b>Condition</b> The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 09 October 2017 and the Flood Prevention Measures detailed within the FRA, to include raising electrical circuitry. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p><b>Reason</b> To reduce the risk of flooding to the proposed development and future occupants.</p> <p>Consultee Response to be included within Committee Report</p> <p><b>Environment Agency – 11th December 2017</b> The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. Furthermore, the development must also provide a means of unobstructed access to the first floor of the building.</p>

	<p>The applicant should demonstrate that this is achievable prior to determination of the application.</p> <p><b>Reason</b> The building lies within an area at risk of flooding from the Cottey Brook. Indications are that potential depths of water in an extreme flood event would be shallow. Despite this we consider it important that access to the first floor is made available given the ground floor nature of the proposal and that flood mitigation measures are installed during refurbishment.</p>
6.	17/01792/LBC - Listed Building Consent to replace two windows with patio door on west elevation and creation of cupboard and shower room on first floor - Old Bartows Bartows Causeway Tiverton.

<b>AGENDA REPORTS</b>	