

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 31 January 2018 at 2.15 pm

**Present  
Councillors**

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, R L Stanley and R Evans

**Apologies  
Councillor(s)**

Mrs F J Colthorpe

**Also Present  
Councillor(s)**

R J Chesterton, D R Coren, Mrs J Roach and F J Rosamond

**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), Daniel Rance (Principal Planning Officer), Paul Dadson (Conservation Officer), Maria De Leburne (Solicitor) and Sally Gabriel (Member Services Manager)

### 102 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs F J Colthorpe who was substituted by Cllr R Evans.

In the absence of the Chairman, Cllr P J Heal (Vice Chairman) took the Chair.

### 103 VICE CHAIRMAN

The Chairman indicated the need for a Member of the Committee to stand in as a Vice Chairman.

**RESOLVED** that Cllr R Evans be Vice Chairman for the meeting.

(Proposed by Cllr Mrs G Doe and seconded by Cllr F W Letch)

### 104 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

The Chairman reminded Members about the need to make declarations of interest.

## 105 PUBLIC QUESTION TIME

The following public questions were referring to Item 1 on the Plans List – Land NE of Rydon House, Willand.

Cllr Warren (Willand Parish Council) stated that: It has been said that failing to plan is planning to fail. Mid Devon has a current plan and they have an emerging plan, but it has been delayed for reasons that would not be appropriate to visit in this forum. The plans set out locations and numbers of houses to be built at each location. These are coordinated with sites for employment development and with relevant transport systems. We have an Inspector confirm that there is not a proven five-year land supply and every time an applicant mentions this fact some seem to react like a rabbit caught in headlights and want to give in. Some applications have been refused and granted on appeal but is it not the case that if all these extra unplanned sites continue to be added the emerging plan will not be viable and sustainable as housing will be in the wrong places and in wrong numbers to fall in with other policies? There have been a number of unplanned sites approved directly or on appeal and this site is just another such site and will lead to others.

Much is made of the recent Inspector's report in dismissing the appeal for 259 houses where in spite of the recognised benefits he felt it was outweighed by the significant weight which he placed on the conflict with policies and the scale of the scheme impacting on the sustainability of Willand as a village. The Inspector did not limit his comments purely to the scale but also referred to conflict with policies which he felt still had weight. Is it not the case that the cumulative effect of the number of smaller applications and the loss of the services at this site will have the same scale and harmful effect?

Will this Authority consider standing its ground and refuse these applications as being contrary to policy and then robustly defend them if appealed?

Andrea Glover stated that: This application was validated on the 24<sup>th</sup> of April 2017. Why has it taken over 9 months to come to committee? The last communication between the agent and an officer shown on the website is dated 22 May 2017. Public consultation ended in May 2017. What has been happening in the intervening 8 months by way of discussion or negotiation which is not placed in the public domain?

Clare Radford stated that: The officer states, 'The loss of these Community facilities will potentially damage the settlements ability to meet its day to day needs and reduce the supply in the immediate area'. Mention is made of the proposed retail/commercial units and he also says that there is an existing petrol filling station to the north which provides an adequate provision. That filling station is scheduled to close in February 2018. Do members realise that if our employment site is also lost then 8 jobs will go at the hairdressers and 12 in the restaurant on top of those employed in the filling station and shop? Is it realised that Willand, a settlement of about 4,000 souls will be left without a filling station, hairdressers or café?

Sue Leach stated that: It is noted that the new site, although outside of the settlement limits and relatively isolated from the built form of the village is reported to be adjacent to a section of the settlement area. Will members please note that that part of the settlement immediately adjacent to the site is 6 houses on the opposite side of the road? It does then expand into a few more houses but access to the village is by

a relatively narrow road which has no pavements, is on a bus route and suffers from considerable 'on street' parking as you get nearer to the church and post office.

Vivian Marrow stated that: Under the Planning Service Charter it says that the "aim is to maintain high professional standards making the best possible decisions for local communities." If this is the case why has the officer submitted a 35 page report which in places is repetitive in relation to a recent appeal yet the objections raised by 72 residents of Willand are summarised and have the appearance of being dismissed and discounted in 8 'one liners' amounting to a total of 53 words?

Cllr Grantham (Willand Parish Council) stated that: Could someone please explain in clear terms the mathematics of the recommendations surrounding the proposed S106 agreement? If the affordable housing provision is 35% under the current local plans then surely the affordable housing provision should be 10.5 or rounded up 11 houses. There appears to be a calculation under Paragraph 8 of the report which shows an equation to take off 2 reducing it to 9. How is this arrived at please?

Why are 5 dwellings only being shown to contribute to public open space at Chestnut Drive? How are the children from this proposed site meant to get to that play area? This is not the nearest play area and it is understood that MDDC have it under managed decline.

Why is there no mention of a contribution to re-site the bus stop and extend a section of footpath as outlined in the Highways response as a binding agreement rather than be put in condition 13 which can be varied or ignored? Surely this is relevant to fit in with policies surrounding transport and pedestrian safety?

The officer proposes that the commercial units should be provided before the demolition of the existing businesses. How is that proposed to work as the indicative plans would not allow that and the entrance would be over the existing fuel tanks? It is noted that the officer appears to support the Parish Council view that the commercial units should be to the front of the site. Does he mean accessed from the roadside? This could mean a further separate entrance and parking. Why does this not have to happen until the 5<sup>th</sup> house is occupied? There is also to be a 'football pitch'.

What assurance can there be that this would happen? Willand has previous experience of such agreements which have come to nought. Two developments where there were to be commercial units where officers subsequently agreed to housing being built instead. There was also to be an all-weather pitch on another site but instead we have houses and even less public open space.

The proposed public open space will be managed by a management company for the development. What measures will there be to ensure that this is open to all and maintained in a useable condition?

Cllr Mander (Willand Parish Council) stated that: The officer reports that the 'proposal would make a small contribution towards increasing the housing supply in Mid Devon and weight must be given to this'. Why has he not balanced this by mentioning the fact that 28 affordable houses have recently been approved and that there are 42 houses [not 40 as he refers to] included in the emerging local plan? If these 30 houses are approved we are advised that the 42 will still stay in the local plan and so

with the 28 we have a total of 100 extra houses with no additional infrastructure and a loss of facilities. On top of that there is mention of an additional 51 houses in Willand since the last census and no infrastructure improvements other than a minor addition to the school building. Although 259 were turned down on appeal approval of this site will open up the appeal site for further applications as it will then be within the settlement area if it is extended to include this application.

The Chairman indicated that these issues would be discussed further when the item was debated.

#### 106 **MINUTES OF THE PREVIOUS MEETING (00-15-48)**

The minutes of the meeting held on 3 January 2018 were approved as a correct record and signed by the Chairman.

#### 107 **CHAIRMAN'S ANNOUNCEMENTS (00-16-10)**

The Chairman reiterated that in the absence of Cllr Mrs F J Colthorpe he would be chairing the meeting.

#### 108 **ENFORCEMENT LIST (00-16-30)**

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/17/00213/LB – Dilapidation of listed building in particular thatched roof at the Three Tuns, Public House, 14, Exeter Road, Silverton***).

The Area Team Leader outlined the contents of the report highlighting the location and history of the site, the planning permission granted for 2 dwellings in the car park of the public house and the conversion of the inn to 1 dwelling. She explained that the building was in a poor state of repair and that the thatched roof had become dilapidated, water was penetrating through the thatch and entering into the first floor rooms, the render and the windows were also in a damaged state. The original tarpaulin that had been put in place had blown away during recent bad weather and had not been replaced. She presented recent photographs which showed the damage to the thatch and that it was spilling out onto the road.

Consideration was given to:

- The deterioration of the building
- The fact that the thatch was now sinking inwards following further deterioration
- Whether the building was becoming a dangerous structure and whether any further action was required
- The timescales for taking action
- The impact on the neighbouring property

- A Building Control Officer had viewed the property and found it to be safe at the present time
- The delegated authority of the Head of Planning, Economy and Regeneration to take any action required if the inn became a dangerous structure.

**RESOLVED** that the Legal Services Manager be given delegated authority to:

- a) Issue a Repairs Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifying the works reasonably necessary for the proper preservation of the building; and
- b) Take all such steps and action necessary to secure the improvement of the appearance of the building in order to remedy the adverse impact it currently has on the amenity of the area; including the issue of a notice under Section 215 of the Town and Country Planning Act 1990 and subsequent prosecution and/or direct action in the event of non-compliance with the notice.

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

Note: The following late information was reported: The owner of The Three Tuns has contacted the Council this week confirming the purchase of a tarpaulin. A site visit undertaken on 29th January 2018 confirmed that the tarpaulin is not in place on the roof and as such the Officer recommendation remains unchanged.

31st January 2018 – A site visit was carried out by Lucy Hodgson/Area Team Leader.

#### 109 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

#### 110 **THE PLANS LIST (00-31-24)**

The Committee considered the applications in the plans list \*.

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

- (a) Applications dealt with without debate.

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

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

- (i) No 2 on the Plans List (***17/01991/FULL – Installation of access ramp and change of one window at ground floor level to patio doors – 114 and 115 St Andrews Estate, Cullompton***) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest in the application as the Cabinet Member for Housing.

(ii) No 6 on the Plans List **(17/01732/FULL – Installation of a ground mounted adjustable frame consisting of 110 solar photovoltaic panels – land at NGR 270036 111582 (Southcott Farm) Chawleigh.)** be granted planning permission subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(iii) No 7 on the Plans List **(17/00057/FULL – Conversion of outbuildings to form 2 dwellings – The Elms, Willand Old Village, Willand)** be granted planning permission subject to the prior signing of a Section 106 Agreement to secure:

- £2,608 Public Open space contribution toward the refurbishment of Chestnut Play area, Willand;
- £10,436 contribution to improving air quality in Cullompton through the provision of secure cycle parking in Cullompton

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

(Proposed by the Chairman)

Note: the following late information was reported: the inclusion of the prior signing of a Section 106 agreement as indicated above.

(b) No 1 on the Plans List **(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)**

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation the detail of the proposed development. The proposal sought the principle of development of the erection of 30 dwellings and the commercial unit on the site along with the access, all other details would be dealt with under a reserved matters application.

He outlined the location of the site, the indicative detail of the proposal, highlighting the location of the employment units and that those units were proposed to be put in place prior to the demolition of the original units. He informed the meeting that the proposal would see the loss of the petrol station. Photographs were viewed from various aspects of the site.

He answered questions posed during public question time:

- With regard to the fact that the proposal was unsustainable and unplanned; this was the nature of the lack of a 5 year land supply, development was not always where you would have planned to have it, but that there was a need to consider the National Planning Policy Framework.



- With regard to the application for 259 dwellings adjacent to the site which had been dismissed at appeal, the inspector had stated that there was some weight within our policies but that the main conflict had been the number of dwellings proposed on the site against the size of Willand.
- With regard to the delay in determining the application, the validation of the application had taken place on 24 April 2017 but it had been submitted after the application for the 259 dwellings on the adjacent site and that there had been a need to determine that application first and to await the outcome of the appeal.
- With regard to the community facilities, it was intended that the commercial elements of the application be brought forward at an early stage, the detail of which would form part of the reserved matters application.
- The site was adjacent to the settlement limit, people would be able to catch a bus or use the already established pavement. The Highway Authority had been satisfied with this issue.
- With regard to the affordable housing provision, when the calculation took place, 2 dwellings were automatically removed. There had been no concern regarding the number of affordable dwellings proposed.

Consideration was given to:

- Policy DM25, whether the garage was required as part of the amenity of the village
- The location of the proposal with regard to the motorway with possible noise and pollution implications
- The impact on Willand when the motorway became blocked
- Representations of the Highway Authority with regard to the application
- The lack of a 5 year land supply
- The need to look at the planning application on an individual basis and not consider previous or proposed applications.
- The fact that the application was outside the settlement limit, the proposal was against policy and was not featured in the current or emerging Local Plan
- The fact that the garage at the other end of the village was closing
- Whether the commercial units would be built and if so whether the current businesses on the site would be transferred to these units
- The infrastructure for continued development in the village
- The allocation of dwellings for the village within the emerging Local Plan
- The needs of the village and the popularity of the businesses already on the site
- The capacity of the village school
- The affordable housing targets in the village had been met

**RESOLVED** that Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the reasons for refusal to include:

- The adverse impact of the development
- The sustainability of the site

- The cumulative impact of the current and likely development in respect of the number of housing developments in Willand and the impact of this on the local community
- The site was not contiguous and outside of the Local Plan allocation
- The loss of community facilities as stated in Policy DM25
- The impact of the development on the local infrastructure
- The fact that the proposal was outside the settlement limit.

(Proposed by Cllr B A Moore and seconded by Cllr R Evans)

Notes:

- (i) Mr Lowes (spoke in behalf of the agent);
- (ii) Cllr Warren spoke on behalf of Willand Parish Council;
- (iii) Cllrs R J Chesterton, Mrs G Doe and R Evans spoke as ward Members;
- (iv) The following late information was reported: An Outline Planning application has been submitted to the Authority but is awaiting registration for 125 dwellings, with public open space, landscaping and associated infrastructure at Meadow Park, Willand.

The application is on behalf of Gallagher Estates Ltd the same company who submitted the application on the same site for 259 houses and was dismissed at appeal. Copy of which is within Appendix 1 of the submitted Planning Committee report for the 30 dwellings and commercial space at Ryder House (17/00652/MOUT).

Applications are to be considered on their merits and this application (17/00652/MOUT) has been assessed this way, however it is considered that the Committee should be aware of the proposal for the 125 dwellings which is with our registration team presently.

The application before you is for 30 dwellings and commercial premises. In this respect the Planning Committee should consider the application on its merits in light of the information received

**(c) No 3 on the Plans List (17/01453/FULL – *Erection of a dwelling (100 sqm) including camp site reception facilities (29sqm) Kingsmead Centre, Clayhidon*)**

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation the detail of the proposal; he informed the meeting that there was already a dwelling on the site and that a further dwelling to support the campsite facilities as proposed. There was a need to consider the functional need for a further dwelling and no essential need had been demonstrated. The proposal was also outside any settlement limit. He highlighted the location of the site, the camping area, the block plan, proposed plans and elevations and an isometric view of the proposal. Members also considered photographs from various aspects of the site.



Consideration was given to:

- Whether a business plan to determine the need had been submitted
- The number of pitches on the site
- Security issues if no one was present on the site 24 hours a day
- The fact that the site was isolated
- The need to encourage economic growth in the rural areas
- The daily duties of the landowner with regard to the camping site including the welfare and safety of campers
- The views of the Parish Council and the local Ward Member who supported the application
- The importance of the proposal for the local area
- The design features of the proposal

**RESOLVED** that this application be refused for the following reasons:

The proposed design/size mass and scale of the dwelling is considered to be inappropriate for the rural location and in particular the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The design of the proposed is considered not to respect the local vernacular of the area and in-particular the AONB. The introduction of balconies does not provide an area which is essential for occupation of the building as a rural workers dwelling and increases the mass and size of the building. Dwellings within the AONB should have a functional simplicity, built from locally available materials, with the most characteristic of the area being chert stone. The proposed is therefore in conflict with DM2 and DM29 of the local plan part 3 and policy PD1/B of the AONB Management Plan.

Policy AL/IN/3 requires that new residential proposals will contribute to the provision of public open space of at least 60sqm of equipped and landscaped public open space per market dwelling, within the local area. In this case there is a requirement for the provision of £1166 to be provided towards Improvements, including lighting and re-surfacing of tennis courts at Longmead Sports Pavillion, Hemyock. To date, no arrangements have been made by the applicant to secure the provision of this contribution. The proposed is therefore contrary to policy AL/IN/3 of the adopted Allocations and Infrastructure Development Plan Document.

(Proposed by Cllr R L Stanley and seconded by Cllr Cllr R Evans)

Notes:

- (i) Mr Purvis (Applicant) spoke;
- (ii) Cllr Kallaway, (Clayhidon Parish Council) spoke;
- (iii) Cllr F J Rosamond spoke as Ward Member.
- (d) No 4 on the Plans List ***(17/015043/FULL – Erection of a dwelling and construction of new vehicular access following demolition of skittle alley, garage and store – land and building at Mare and Foal, The Village Yeoford)***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the proposed creation of a single residential plot, the site location plan,

previous applications on the site, the site and demolition plan, proposed floor plans and elevations and photographs from various aspects of the site.

Consideration was given to:

- The work of the community action group to take forward a project to purchase the public house and the funding that had already been raised
- The fact that the public house should be retained for use by the local people
- The impact of development on the Conservation area contrary to Policies DM2 and DM14. The loss of a community facility as highlighted in Policies DM1 and DM25

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

(Proposed by Cllr J D Squire and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllr D R Coren declared a personal interest as he knew some of the local people and had been involved in discussions at Parish Council level;
- (ii) Cllr P J Heal made a declaration in accordance with Protocol of Good Practice for Councillors in deal with Planning matters as he had been involved in discussions with the Parish Council;
- (iii) Mrs Morrison (Local Action Group) spoke in objection to the application;
- (iv) Cllr Mortimer spoke on behalf of Crediton Hamlets Parish Council;
- (v) Cllrs D R Coren and P J Heal spoke as Ward Members;
- (vi) The following late information was reported: The applicant has provided an updated plan confirming the access arrangements in terms of the visibility splay (Drawing 2G). The Highway Authority have provided an updated response as follows: The attached drawing is now in accordance with the requirements of the Highway Authority and can be conditional of any consent. The Works necessary through this drawing will need to be secured post planning through a n appropriate legal agreement under the Highways act.

Officer Comment: This does not change the officer recommendation as set out in the report as issued.

(e) No 5 on the Plans List ***(17/01517/FULL – Erection of a dwelling and alterations to existing vehicular access – 27 Downeshead Lane, Crediton)***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the size of the application site, the history of the site, the impact of the proposal on the listed building and Conservation Area, the aerial view of the proposal, the proposed block plan, floor plans, elevations, proposed parking for the existing dwelling and photographs from various aspects of the site.

Consideration was given to:

- The removal of a mature oak
- The impact of the development on the Listed Building and Conservation Area
- The views of the Conservation Officer
- The 3 new dwellings erected in the vicinity and the fact that the Conservation Officer had worked with the developer
- The design of the proposal and whether the proposal would affect the curtilage of the listed building

**RESOLVED** that the application be deferred to allow a site visit to take place by the Planning Working Group to consider:

- The impact of the proposed development on the setting of the conservation areas and the listed building of 27 Downeshead Lane
- The impact of the proposal on the local amenity and in relation to the character and appearance of this part of the Crediton Conservation Area
- The proximity of the listed building to the industrial site
- The properties surrounding the site and the new dwellings erected on the corner of Downeshead Lane
- The access into and out of the site

(Proposed by Cllr F W Letch and seconded by Cllr J D Squire)

Notes:

- (i) Cllr F W Letch declared a personal interest as the applicant was known to him;
- (ii) Cllrs Mrs H Bainbridge, Mrs Collis, Mrs G Doe, P J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with Protocol of Good Practice for Councillors in deal with Planning Matters as they had received correspondence regarding the application;
- (iii) Ms Burley spoke on behalf of the applicant
- (iv) The Chairman read a statement from Cllr N A Way (Ward Member)
- (v) The following late information was reported: The applicant has circulated to members a summary note as to why the officer recommendation presented in the report should not be supported. Your officers have carefully considered these points with a summary response as set out below. As members will note officers maintain that the report is accurate and presents a robust assessment of the application scheme against the relevant local and national policy to justify the recommendation for refusal as set out in the report.

**Officer's comments on applicants statement to Planning Committee.**

**1 Proposed Development**

The relationship of the proposed building to the listed buildings is clearly shown on the plans. The legal point about orchard and garden is not relevant to the

planning policy issues in this case. There is no perceived difference between garden and orchard. Officers are of the view that it is curtilage land. Legal hereditament issues are not relevant.

## **2. Impact on the setting of the conservation area and listed buildings**

The report does say under the heading 'proposed development' that the site is in the conservation area.

The report makes it clear that the fact that the site is in the conservation area does not itself override other policy considerations.

There have been no changes to the character of the conservation area since the appraisal was approved by members 15 years ago. The applicant has not pointed out any changes. The site remains an important open space on the edge of the town beyond which there is open fields. The new house will be viewed against that open backdrop.

Officers have been consistent in their opposition to the development in principle for the reasons given in the report.

The end of the proposed house which includes the highest two-storey element will be clearly prominent from the immediate curtilage of the listed building. Given the close proximity between the existing listed building and the proposed house, whilst the applicant infers that the officers are seeking to confuse the situation about the relationship the report as it is drafted in terms of the relationship is not considered to be misleading, and further clarification will be provided as part of the officer presentation.

It is the firm view that the impact of the house on the conservation area and the listed buildings is not neutral and does not preserve setting. It is harmful. The applicants have not offered any response to the stated policy requirement to identify public benefits of the proposal.

## **3 Design**

The officers have not discussed the design issues with the applicant due to the overwhelming objection in principle to the proposal.

### **(f) No 8 on the Plans List *(17/01726/FULL – Conversion of an existing workshop/barn to form a dwelling – 72 Bampton Street, Tiverton)***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location, the access, the block plan identifying the position and size of the proposed new dwelling, the existing and proposed elevations. She explained that some of the windows of the original structure would be required to be blocked up and that one of the windows proposed to be retained looked out onto the garden of the neighbouring dwelling. In order to counter any issues of loss of privacy, the window would need to be fixed shut with obscure glazing. She provided an image of the proposed property and photographs from various aspects of the site.

Consideration was given to:

- The views of the applicant with regard to new build and conversions
- Access to the site and the impact of the proposal on the neighbouring property
- Standard room sizes, the principles of development and the “National Space Standards”
- The fact that there was nothing to prevent an adjoining property owner from putting up a fence, the effect of which would be to severely limit the entrance of daylight through one of the two windows on the ground floor.

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

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

(Vote 6 for: 5 against)

Notes:

- (i) Mrs Nicolson (Applicant) spoke;
- (ii) The Chairman read a letter from neighbours who had written in objection to the application;
- (iii) Cllr B A Moore left the meeting following the decision on this application.

#### 111 **MAJOR APPLICATIONS WITH NO DECISION |(3-41-35)**

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

It was **AGREED** that:

Application 17/02020/MFUL Astra Printing and Crown Works Site, Willand Road, Cullompton be brought before committee and that a site visit take place.

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

#### 112 **APPEAL DECISIONS (3-57-37)**

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

#### 113 **PRE-APPLICATION PLANNING ADVICE SERVICE (3-57-57)**

The Committee had before it a \* report of the Head of Planning, Economy and Regeneration requesting consideration of revised arrangements for our customers to gain pre-application advice.

The Group Manager for Development outlined the contents of the report stating highlighting the pre-application process, the Governments recent 20% increase in planning fees and the need to assist in cost recovery for the planning service. He

highlighted the table at appendix 1 of the report and comparisons with other local authorities.

Consideration was given to:

- Benchmarking against other local authorities of a similar size to Mid Devon
- The amount of officer time spent on major applications using wind turbines, ground mounted solar PV and anaerobic digesters as examples
- The need to review the prices regularly

**RESOLVED** that:

- i) The revisions to the pre-application advice service as set out in the report and appendix 1 be approved;
- ii) The increased charges come into force on 17 February 2018;
- iii) The guidance document be updated accordingly and be reviewed on a quarterly basis.

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

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

**Update sheet 31.01.18**

(The meeting ended at 6.22 pm)

**CHAIRMAN**



## PLANNING COMMITTEE AGENDA - 31st January 2018

Applications of a non-delegated nature

### UPDATES

ENFORCEMENT LIST	
1.	<p>17/00213/LB - Dilapidation of listed building in particular thatched roof at The Three Tuns, Exeter Road, Silverton</p> <p>The owner of The Three Tuns has contacted the Council this week confirming the purchase of a tarpaulin. A site visit undertaken on 29<sup>th</sup> January 2018 confirmed that the tarpaulin is not in place on the roof and as such the Officer recommendation remains unchanged.</p> <p>31<sup>st</sup> January 2018 – A Site Visit was carried out by Lucy Hodgson/Area Planning Officer.</p>

THE PLANS LIST	
1.	<p>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.</p> <p>An Outline Planning application has been submitted to the Authority but is awaiting registration for 125 dwellings, with public open space, landscaping and associated infrastructure at Meadow Park, Willand.</p> <p>The application is on behalf of Gallagher Estates Ltd the same company who submitted the application on the same site for 259 houses and was dismissed at appeal. Copy of which is within Appendix 1 of the submitted Planning Committee report for the 30 dwellings and commercial space at Ryder House (17/00652/MOUT).</p> <p>Applications are to be considered on their merits and this application (17/00652/MOUT) has been assessed this way, however it is considered that the Committee should be aware of the proposal for the 125 dwellings which is with our registration team presently.</p> <p>The application before you is for 30 dwellings and commercial premises. In this respect the Planning Committee should consider the application on its merits in light of the information received.</p>
2.	17/01991/FULL - Installation of access ramp and change of one window at ground floor level to patio doors - 114 & 115 St Andrews Estate Cullompton Devon.
3.	17/01453/FULL - Erection of a dwelling (100sqm) including camp site reception facilities (58sqm) - Kingsmead Centre Clayhidon Devon.
4.	17/01504/FULL - Erection of a dwelling and construction of new vehicular access following demolition of skittle alley, garage and store - Land and Buildings at Mare & Foal The Village Yeoford.

	<p>The applicant has provided an updated plan confirming the access arrangements in terms of the visibility splay (Drawing 2G). The Highway Authority have provided an updated response as follows:</p> <p>The attached drawing is now in accordance with the requirements of the Highway Authority and can be conditional of any consent. The Works necessary through this drawing will need to be secured post planning through a n appropriate legal agreement under the Highways act.</p> <p>Officer Comment: This does not change the officer recommendation as set out in the report as issued.</p>
5.	<p>17/01517/FULL - Erection of a dwelling and alterations to existing vehicular access - 27 Downeshead Lane Crediton Devon.</p> <p>The applicant has circulated to members a summary note as to why the officer recommendation presented in the report should not be supported. Your officers have carefully considered these points with a summary response as set out below. As members will note officers maintain that the report is accurate and presents a robust assessment of the application scheme against the relevant local and national policy to justify the recommendation for refusal as set out in the report.</p> <p><b>Officer's comments on applicants statement to Planning Committee.</b></p> <p><b>1 Proposed Development</b></p> <p>The relationship of the proposed building to the listed buildings is clearly shown on the plans. The legal point about orchard and garden is not relevant to the planning policy issues in this case. There is no perceived difference between garden and orchard. Officers are of the view that it is curtilage land. Legal hereditament issues are not relevant.</p> <p><b>2 Impact on the setting of the conservation area and listed buildings</b></p> <p>i) The report does say under the heading 'proposed development' that the site is in the conservation area. The report makes it clear that the fact that the site is in the conservation area does not itself override other policy considerations.</p> <p>ii) There have been no changes to the character of the conservation area since the appraisal was approved by members 15 years ago. The applicant has not pointed out any changes. The site remains an important open space on the edge of the town beyond which there is open fields. The new house will be viewed against that open backdrop.</p> <p>iii) Officers have been consistent in their opposition to the development in principle for the reasons given in the report.</p> <p>iv) The end of the proposed house which includes the highest two-storey element will be clearly prominent from the immediate curtilage of the listed building. Given</p>

	<p>the close proximity between the existing listed building and the proposed house, whilst the applicant infers that the officers are seeking to confuse the situation about the relationship the report as it is drafted in terms of the relationship is not considered to be misleading, and further clarification will be provided as part of the officer presentation.</p> <p>v) It is the firm view that the impact of the house on the conservation area and the listed buildings is not neutral and does not preserve setting. It is harmful. The applicants have not offered any response to the stated policy requirement to identify public benefits of the proposal.</p> <p><b>3 Design</b></p> <p>The offers have not discussed the design issues with the applicant due to the overwhelming objection in principle to the proposal.</p>
6.	17/01732/FULL - Installation of a ground-mounted adjustable frame consisting of 110 solar photovoltaic panels - Land at NGR 270036 111582 (Southcott Farm) Chawleigh Devon.
7.	<p>17/00057/FULL - Conversion of outbuildings to form 2 dwellings - The Elms Willand Old Village Willand.</p> <p>Recommendation amended to refer to the S106 requirements.</p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure:</p> <ul style="list-style-type: none"> <li>• £2,608 Public Open space contribution toward the refurbishment of Chestnut Play area, Willand;</li> <li>• £10,436 contribution to improving air quality in Cullompton through the provision of secure cycle parking in Cullompton</li> </ul>
8.	<p>17/01726/FULL - Conversion of an existing workshop/barn to form a dwelling - 72 Bampton Street Tiverton Devon.</p> <p>An initial bat assessment undertaken by Quantock Ecology has been submitted. The assessment concludes that the building appears to provide a negligible habitat value for bats and on this basis the proposed development is not considered to have any impact on bats and no further surveys are recommended.</p> <p>As a result of the submission of this document, reason for refusal 2 is to be withdrawn.</p> <p>31<sup>st</sup> January 2018 – Letter from Objector to be read out as unable to attend.</p>

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