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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 5 September 2018 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

B A Moore

Also Present

Councillor(s)

R J Chesterton, R J Dolley and C R Slade

Present

Officers:

David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Lucy Hodgson (Area Team Leader), Alison Fish (Area Team Leader) and Sally Gabriel (Member Services Manager)

44 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr B A Moore who was substituted by Cllr R B Evans.

45 **PUBLIC QUESTION TIME (00-02-50)**

Mr Leach referring to item 1 (Meadow Park, Willand) on the agenda stated that this application is for 125 dwellings when, in the current policy plans to 2026 no houses, other than windfall sites, were included for Willand. 51 dwellings are recorded as having come forward under that windfall provision. Additionally, there were exceptions sites identified and 35 additional houses have or are being currently built under that provision. No additional facilities have been provided but a filling station and small shop associated with it has been lost. A Co-op is to open and a butchery has opened a retail element to its wholesale business on an industrial site.

Under the emerging Local Plan Review 42 dwellings have been identified for part of the application site for the plan period up to 2033 – not necessarily now. No additional facilities or infrastructure are identified to accompany that plan for 42.

Why are officers recommending approval for 125 dwellings – three times the planned for number – when 2 applications – one for only 30 houses – have been refused and made the subject of appeals which have been dismissed? Is there any point to

having a Local Plan when officers are prepared to recommend approvals under these circumstances to just apparently boost numbers?

Comment is made that only 11 residents put forward objections. Is it any wonder when 72 put forward objections to another application and these were summarised by officers in 53 words? People have lost faith in councils' ability to plan, follow policy and listen to the views of those that are to be affected and so are not engaging.

Mrs Leach also referring to item 1 (Meadow Park, Willand) on the agenda stated that on page 15 of the bundle the officer reports that a noise bund is indicated along the western boundary. Will Members also please note that the indicative layout and planning statement also shows that there will be a line of higher buildings to the East of that bund which are identified as to aid 'noise reduction'. Will these higher buildings be in keeping with the neighbouring housing?

Members attention is drawn to page 22 of the bundle under the heading of 'Noise' where in paragraph 4.4.2 of the Parish Council response attention is drawn to paragraph 5.88 of the applicants Planning Statement. They state: "The site has been designed to maximise the reasonable protection from an acoustic barrier along the motorway boundary, and to utilise new buildings as a screen for those further removed from the motorway." Will these higher buildings form the affordable housing clusters?

In paragraph 4.4.3 The Parish Council draw attention to paragraph 5.85 of the planning statement where it is stated that the noise levels in a number of gardens on the west side of the site 'would fall above the usual criteria of acceptability'

On page 28 the officer reports that public health has no objection to the noise levels and this is further emphasised towards the bottom of page 35. Did MDDC Environmental Health Officers actually read the relevant papers from the applicant? Do they really consider that it is acceptable to have housing built in areas where the noise levels are in excess of guidelines? Are your officers really recommending you approve a scheme where dwellings in which people have to live should be part of a noise reduction barrier?

Cllr Warren (Willand Parish Council) also referring to item 1 (Meadow Park, Willand) on the agenda stated that on the bottom of page 16 is the commencement of the Willand Parish Council response to you. If you look at the bottom of page 19 paragraph 3.4 you will see the comment in brackets [Underlining is that of the consultee for ease of reference] but there is no underlining. The Parish Council response as submitted and recorded on the MDDC public access site contains underlining, bold type and italics to avoid any confusion between Parish Council comment and quotations from others to make the representation very clear.

Why has the officers report removed all of these clarification aids?

The submission has numbered paragraphs and the last paragraph was 6.10 followed by a concluding recommendation for refusal. Why has the officer report cut off the response at paragraph 6.7 on page 25 of the report?

On page 40 of your bundle in the last paragraph of the officer report under 7) Planning Balance the officer states “Without the offer to fully fund a major project to improve the facilities at the school, fit out the Health and Community Centre and to improve recreational equipment in the village which could be used by all sectors of the community, Officers would remain concerned about the level of development proposed and the effects on social cohesion.” The amount that is being offered is far less than half of the figure that was being sought in the S106 agreement for the 259 houses. How sound and secure is this offer and when will the monies actually materialise? Could it be amended when reserved matters are considered?

The £250,000 for the school, although badly needed, is the subject of further costing detail enquiry of DCC by the applicant. The Parish Council are supporting this figure as DCC are not seeking any contribution. It is our understanding that, in the event of approval, DCC will make the monies available to the school now although it may be some time before the monies come forward under any S106 agreement.

The offer for the Community Centre project was at first refused by the developer but reinstated after representation by the Parish Council. No idea as to when the monies would be available. Although on your update sheet it is now offered to be made available at the commencement of the development.

The offer of £125,000 in relation to the Skate Park or other Recreation/Teen facilities is about £40,000 short of that which we made detailed and costed application for and has been the subject of detailed exchanges with the officer and Parish/Ward Councillors but not actioned. We were concerned about the trigger points but that has now been answered to a degree but we were concerned to read in the officers report that it was going to be sorted out between officers and the Ward Councillors without any reference to the Parish Council, but as it has moved on that will be irrelevant but when will MDDC make the monies available to the parish for those items if approval is given and the development starts, how long will we have to wait?

If these provisions are the main reason for recommending approval did Members ought to be made aware of the view of the Inspector who dismissed the recent appeal in relation to the Esso Garage site where in paragraph 25 he says “However, paragraph 010 of Planning Practice Guidance sets out that planning permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 or an agreement under other powers. Such a condition is unlikely to pass the test of enforceability.”?

The Chairman indicated that answers to questions would be supplied when the item was debated.

46 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-14-28)

Members were reminded of the need to declare any interests when appropriate.

47 MINUTES OF THE PREVIOUS MEETING (00-14-28)

The minutes of the meeting held on 8 August 2018 were approved as a correct record and signed by the Chairman.

48 CHAIRMAN'S ANNOUNCEMENTS (00-15-33)

The Chairman had the following announcements to make:

- She informed the meeting that the new Conservation officer Alex Marsh had taken up his post.
- She reminded Members of the special meeting of the Committee to take place on 19th September to consider the Creedy Bridge application.

49 DEFERRALS FROM THE PLANS LIST (00-16-00)

There were no deferrals from the Plans List.

50 THE PLANS LIST (00-16-11)

The Committee considered the applications in the plans list *.

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

- (a) No 1 on the Plans List ***(18/00175/MOUT- outline for the erection of up to 125 dwellings with public open space and associated infrastructure – land at NGR 303288 110467 Adj Meadow Park, Silver Street, Willand).***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location which adjoined Meadow Park but was outside the settlement limit, she provided an aerial view of the site and explained that the recent appeal decision received for land surrounding the Willand Service Station did not change the officer recommendation within the report. The meeting viewed the illustrative concept of the application, the style and design of the proposed dwellings and the proposed bund which would all be dealt with at the reserved matters stage; however the plan did show the point of access and improvements to the Public Right of Way. She explained the history of the site: the previous appeal decision the allocation in the Local Plan Review for 42 dwellings, photographs from various aspects of the site and the trigger points as highlighted within the update sheet.

In response to questions posed in public question time, with regard to the number of proposed dwellings to be built in Willand she stated that this was explained within pages 33 and 34 of the report. With regard to noise issues and the height of the bund, these were all matters to be dealt with under the reserved matters application and in any event the inspector who dealt with the appeal for 259 dwellings did not raise this as an issue. With regard to issues raised by Cllr Warren: the clarification aids had been removed by the internal computer system which was beyond her control. The issue of the trigger points used by Devon County Council with regard to the 259 dwellings and the proposal for 125 dwellings and the feeling that the calculations should just be halved; DCC had their own triggers for specific S106 payments on strategic applications. Updated trigger points were available on the update sheet. With regard to the contribution towards the skate park and that this was not what the Parish Council wanted, it was the subject of correspondence with officers and the Parish Council and those figures were discussed. With regard to the appeal and the fact that inspectors cannot put forward affordable housing via a

condition, she stated that the provision of affordable housing would be dealt with via a S106 agreement.

Consideration was given to:

- The views of the agent with regard to the outcome of the appeal for 259 dwellings and that many of the issues raised by the inspector had been mitigated, the provision of the S106 agreement that had been offered up for community projects and the triggers that had been put in place.
- The views of the Parish Council with regard to the current and emerging Local Plan and the allocation for 42 dwellings, the fact that policies COR 18 and 18 still carried some weight with the inspectors when dismissing appeals on this and adjoining land. The offer of funding did not fully fund all the facilities identified by the Parish Council.
- The views of the Ward Members with regard to the number of dwellings proposed, the need for community facilities, the disappearance of some of the items in the original S106 aligned to the 259 dwellings, and the triggers put in place for those that had been identified within the current application.
- The impact of the proposal on the village of Willand.
- Recent appeal decisions.
- The S106 agreement and previous discussions regarding the trigger points and the County Council's mechanism.

RESOLVED that Members were minded to refuse the application and therefore wished to deter the application for consideration of an implications report to consider the following issues:

- The size and scale of the proposal and the impact on the character of the village
- The precedence set by previous inspectors decisions with regard to policies used
- The proposal conflicted with Policies COR1, COR12, DM1 and COR9
- The lack of amenity and the impact of social cohesion in the area.

(Proposed by Cllr R B Evans and seconded by Cllr F W Letch)

Notes:

- i) Cllrs Mrs G Doe and R B Evans made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had been involved in the application as Ward Members;
- ii) Cllr Mrs F J Colthorpe informed the meeting that she sat on the County Council's Public Rights of Way Committee
- iii) Mr Ross (Agent) spoke;

- iv) Cllr Warren spoke on behalf of Willand Parish Council;
- v) All 3 Ward Members spoke;
- vi) The following late information was reported:

Further to my email below we have now seen the published Committee Report; if possible could you still please call to talk through the following points:

Plans list 1:

In response to the issue set out in the agenda report about triggers for the payment of s106 contributions and provision on site (page 41 of agenda refers), the developers have provided the following:

1. **S106 Payment Triggers** – we note at the end of Section 8 the need to discuss and agree S106 payment triggers to ensure early payments so that mitigation is delivered in line with the development. For the items g)-i) we would suggest as follows (for discussion/agreement), which have been added into the attached comprehensive table. If these can be agreed between us then we assume that they could be included in any update report?

Primary Education	£250K towards Primary School Studio Project	Suggested b=to be as follows to ensure early delivery (needs MDDC/DCC input – 50% prior to commencement of development 50% prior to occupation of 10% of dwellings
Willand Health and Community Centre	£52,500.00 towards implementation of Willand Health and Community Centre Project	To be paid to MDDC prior to commencement of development
Offsite POS	£125 towards Teen/recreations provision in village (to comprise skatepark and trim trail/play equipment	To be paid to MDDC prior to commencement of development

2. **WHCC Contribution** – given the ongoing discussions about this project, we wonder if this contribution wording should be broadened to allow it to also be used for an alternative community facilities project (with agreement of the LPA), should the WHCC not proceed at all, or take a different form to that currently anticipated. Grateful for your thoughts on this?

3. **Skate/Teen Facilities** - On item i) for the BMX/Skate/Recreation/Teen facilities we wonder if the wording should say “and/or” to give most flexibility in terms

of how the money is directed to these different elements (as it may be used for a mixture of these items)?

UPDATED RECOMMENDATION:

Accordingly the recommendation has been updated as follows:

The recommendation to grant planning permission is subject to the prior signing of a s106 agreement as follows:

- a) 35% affordable housing (tenure mix, size mix and other details to be agreed);
- b) On-site provision and maintenance of LEAP for the lifetime of the development
- c) On-site provision and maintenance of SUD's for the lifetime of the development
- d) Submission, adherence to and reporting on a Travel Plan;
- e) Public Transport (Bus) Contribution of £100,000.00 towards improvement of No.1 service (by way of increased frequency of service), to be phased at £20,000.0pa over 5 years, triggered on occupation of 25th Dwelling;
- f) deleted
- g) £250,000 contribution towards the implementation of planning application - 50% due prior to commencement of development and 50% due prior to occupation of 10% of dwellings 17/00405/DCC to provide studio facilities at Willand Primary School
- h) £52,500 contribution towards the Willand Health and Community Centre project for the fitting out that part of the building to be used for a mixed community use to include memory café, day centre and other community uses or for an alternative community facilities project (with agreement of the LPA), should the WHCC not proceed to be paid to MDDC prior to commencement of development.
- i) £125,000 contribution for the costs of upgrading the Jubilee Field BMX/Skate Park and/or other Recreation/Teen facilities in the village to be paid to MDDC prior to commencement of development

The requirement at (f) to provide improvements (widening) to Silver Street footway connecting to Village Centre has been removed from the s106 requirement as this can be adequately dealt with via condition 10 on page 42.

(b) No 2 on the Plans *List (18/00177/FULL- Creation of new access for residential development of up to 125 dwellings – land at NGR 303174 110748, Meadow Park, Silver Street, Willand).*

The Area Team Leader outlined the contents of the report stating that the application could be looked at in isolation from the previous application for 125 dwellings. The land was allocated in the emerging Local Plan for 42 dwellings and the access would serve that number of dwellings. The meeting viewed a site location plan, a block plan and photographs from various aspects of the site.

Consideration was given to:

- Whether the application could be considered in view of the decision to defer the previous application.
- The view of the agent with regard to the access that could serve both the 42 dwellings highlighted within the emerging Local Plan or the 125 dwelling proposed in the previous application
- Whether there was synergy between the 2 applications.

RESOLVED that the application be deferred so that the consequences of any decision to grant planning permission for this application be considered in the event that planning application 18/00175/MOUT not be granted.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllrs Mrs G Doe and R B Evans made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had been involved in the application as Ward Members;
 - ii) Cllr Mrs F J Colthorpe informed the meeting that she sat on the County Council's Public Rights of Way Committee;
 - iii) Mr Ross (Agent) spoke.
- (c) No 3 on the Plans *List (18/00474/FULL- Erection of 2 dwellings, alterations to existing access and associated works, land west of Elmdene, Hemyock).*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the site, the block plan, the proposed floor plans, the proposed elevations for the 2 dwellings and landscaping details. The meeting viewed photographs from various aspects of the site.

She provided a verbal update on the consideration of the Landscape Character Assessment, referred to in the recent letter of representation. The impact of the development on the character and appearance of the area had been considered within the officer report, without specific reference to the Landscape Character Assessment.

The agricultural land classification was Grade 3 good to moderate quality agricultural land. The landscape character of the application site was defined as upper farmed and wooded valley slopes. The majority of this landscape type was made up of medium-scale fields of permanent pasture. Dense, beech hedgerows were well managed and bound regularly shaped, medium to large scale enclosures of pasture. Larger settlements were connected by winding, bending narrow roads.

The application site was in an edge of settlement location on a section of land currently not used and heavily vegetated mainly with self-seeded species. The hedgerow to the front of the site would need to be removed to facilitate the proposed new access off of the road which would alter the appearance of the area but was not considered to significantly adversely affect the existing landscape character of the wider area. The site gently sloped from the front of the site to the south up to the

north of the site. To the south of the site on the other side of the road were larger more open agricultural pasture fields which were characteristic of the landscape character bounded by mature hedges typical of the area.

In conclusion while it was noted that the site falls within the defined landscape character area, the proposal for 2 dwellings which would be seen in connection with other linear residential development along Millhayes, it was not considered to significantly adversely impact on the landscape character of the area.

Consideration was given to:

- Any impact on the neighbouring residence of Elmdene
- The landscaping scheme
- The views of the objectors to the proposal with regard to the impact of the development on the AONB, the history of the site and the medieval landscape and orchard, the inappropriate strip development, access issues, the removal of the boundary bank and possible sewage issues.
- The views of the agent with regard to the fact that the impact on the AONB had been considered, the village of Hemyock was sustainable and that the proposal was only 7 metres outside of the settlement limit, the positive benefits of the proposal and the fact that the application could be deemed as infill.
- The views of the Parish Council with regard to foul drainage and surface water in the area, the current owner of Elmdene had not been consulted with regard to the drainage proposals, the narrowness of the lane, the impact of the visibility display and the impact of this on the lane.
- The views of the Ward Member with regard to the impact of the application on the AONB and whether this had been considered.
- Whether the neglected land would be improved by the development
- The size of the plot and any impact on the neighbouring properties
- The proposal being outside the settlement limit.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an additional condition with regard to the submission of a landscaping scheme and an informative note with regard to the use of mature species to be used within the landscaping scheme and subject to an amendment to Conditions 4, 5 and 6 as follows:

4. The dwellings hereby permitted shall not be occupied until the site access has been hardened and surfaced for a distance of not less than 6.00 metres back from its junction with the public highway, and drained so that no water drains onto the public highway. Thereafter the site access shall be permanently so retained and maintained.

5. The dwellings hereby permitted shall not be occupied until the proposed parking, turning and access with waiting bay has been constructed.

6. The dwellings hereby permitted shall not be occupied until a visibility splay measuring 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25m to the west and to the centre line of the road to the east shall be provided with no obstruction greater than 600mm in either direction.

Once provided, such visibility splays shall be permanently so retained and maintained for that purpose.

And an amendment to the reasons for conditions:

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To protect the amenities of neighbouring residents.
4. To prevent mud and other debris being carried onto the public highway, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. To ensure that sufficient parking and turning space is provided within the site for the intended use of the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).
6. To provide adequate visibility from and of emerging vehicles, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To safeguard the residential amenity of neighbouring residents in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).

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

Vote: (6 for: 5 against)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, R B Evans, P J Heal, D J Knowles, F W Letch, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application;
- ii) Mrs Jenkins spoke as an objector;
- iii) Ms Lyle (Agent) spoke;
- iv) Cllr Mrs Stallard spoke on behalf of Hemyock Parish Council;
- v) The Chairman read a written representation from Cllr F J Rosamond (Ward Member);
- vi) Cllrs Mrs C A Collis, Mrs G Doe, R B Evans, R F Radford and R L Stanley requested that their vote against the decision be recorded;

vii) The following late information was reported:

3rd September 2018 – additional information from objector

Evidence-base of the landscape character assessment document from Wendy Lutley, retired Landscape Conservationist).

5th September 2018

Conditions 4, 5 & 6 on the committee report as below should read as 'dwellings'

Amend from:

4. The dwelling hereby permitted shall not be occupied until the site access has been hardened and surfaced for a distance of not less than 6.00 metres back from its junction with the public highway, and drained so that no water drains onto the public highway. Thereafter the site access shall be permanently so retained and maintained.

5. The dwelling hereby permitted shall not be occupied until the proposed parking, turning and access with waiting bay has been constructed.

6. The dwelling hereby permitted shall not be occupied until a visibility splay measuring 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25m to the west and to the centre line of the road to the east shall be provided with no obstruction greater than 600mm in either direction. Once provided, such visibility splays shall be permanently so retained and maintained for that purpose.

Amend to:

4. The dwellings hereby permitted shall not be occupied until the site access has been hardened and surfaced for a distance of not less than 6.00 metres back from its junction with the public highway, and drained so that no water drains onto the public highway. Thereafter the site access shall be permanently so retained and maintained.

5. The dwellings hereby permitted shall not be occupied until the proposed parking,
turning and access with waiting bay has been constructed.

6. The dwellings hereby permitted shall not be occupied until a visibility splay measuring
2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25m to the west and to the centre line of the road to the east shall be provided with no obstruction greater than 600mm in either direction.
Once provided, such visibility splays shall be permanently so retained and maintained for that purpose.

5th September 2018

Second amendment to conditions/reasons (wording/ formatting issue)

Change from:

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To protect the amenities of neighbouring residents.
4. To prevent mud and other debris being carried onto the public highway, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development management Policies).
5. To ensure that sufficient parking and turning space is provided within the site for the intended use of the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).
6. To provide adequate visibility from and of emerging vehicles, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To safeguard the [visual amenities of the area] [character and appearance of the area] [residential amenities of the area] [residential amenity of neighbouring residents] in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).

Change to:

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To protect the amenities of neighbouring residents.
4. To prevent mud and other debris being carried onto the public highway, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development management Policies).
5. To ensure that sufficient parking and turning space is provided within the site for the intended use of the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).
6. To provide adequate visibility from and of emerging vehicles, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

7. To safeguard the residential amenity of neighbouring residents in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).

One further letter of objection has been received (and circulated to members with its associated map), summaries as follows:

-This proposed development would effectively result in strip development - into a quiet rural and upper- valley part of the Blackdown Hills AONB – contrary to COR1

-It appears that the evidence-base of the landscape character assessment has not yet fully been taken into account: particularly the importance of separate ancient farmsteads and ancient field patterns and associated boundary banks. The area covered by this planning application is completely within Landscape Character Type 3A Upper farmed and wooded valley slopes of the Mid Devon Landscape Character Assessment, 2012. This is relevant evidence base and includes guidance relevant to this landscape character type, including mention of the need to conserve rural and tranquil character, orchards, separate farmsteads, ancient field patterns, hedge banks, etc.

-there is absolutely no existing or old gateway into the plot from the road. Any new access and its visibility splays would thus really change the lane's character contrary to COR2

- The site is shown as an old orchard enclosure on the Hemyock Tithe map and was formerly, one of the enclosures of and is closely adjacent to Deepsellick Farmstead. Such field enclosures in the Blackdown Hills are regarded as ancient

- the development does not meet any of the criteria for considering development beyond settlement boundaries in Policy COR18 - Countryside, which indicates that it should be strictly controlled to enhance the character, appearance and biodiversity of the countryside.

(d) No 4 on the Plans List (***18/00657/FULL- Retention of change of use of an existing agricultural building to office with parking – Bradford Farm, Uplozman***).

The Area Team Leader outlined the contents of the report highlighting by way of presentation the proposal seeking permission for the retention of change of use of an existing agricultural building to office with parking, she outlined the site location, the original dwelling and outbuilding, the access to the office area and the parking. The meeting viewed the block plan for the proposal which also identified the planting in place and the proposed additional planting, the existing ground and first floor plan, the section plans of the courtyard, the elevations and photographs from various aspects of the site.

Consideration was given to:

- The additional planting proposed
- The access to the site along the narrow lane adjacent to Bradford Barn

- Whether the business could be located somewhere else
- Whether the office space would be tied to the dwelling
- Whether the employment hours could be controlled
- The views of the objector with regard to the retrospective application, the impact of the proposal on his property, the proposed screening, whether the application was sustainable and a request for a site visit.
- The views of the applicant (read by the Group Manager for Legal Services) with regard to misleading allegations by the neighbour and that he would welcome random visits by officers, additional planting that had taken place recently to try to mitigate the concerns of the neighbour and the fact that he would welcome a site visit.
- The views of the Ward Members with regard to the parking on the site, the other unplanned issues on the site, the adverse impact on the occupants of the neighbouring property, whether office space in Tiverton could be considered, the inadequate planting, possible parking elsewhere on site, whether office hours could be enforced and the need for a site visit.

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

- The relationship between the neighbouring property and the proposed office space
- The impact of the development on the neighbouring property
- The number of traffic movements to be made by staff
- The suitability of the proposed surface of the car parking area and the impact of this on the neighbouring property
- The visibility splay
- The quality of design of the proposal
- Whether the scale and impact of the proposal was acceptable in the location
- The suitability of the car parking area for the number of vehicles proposed.

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

Notes:

- i) Cllr R L Stanley made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as he had all received correspondence regarding this application;
- ii) Cllrs D J Knowles and R F Radford declared personal interests as the objector was known to them;
- iii) Mr Blackmore (objector) spoke;
- iv) The Group Manager for Legal Services read a written representation from the applicant;
- v) Cllr C R Slade and D J Knowles spoke as Ward Members;
- vi) The Chairman read a written statement by Cllr N V Davey (Ward Member);
- vii) The following late information was reported:

Officer note - In respect of the relationship between the application site and the neighbouring property, Members may wish to consider if they want to defer for a meeting of the Planning Working Group to see it for themselves.

Additional condition:

8. Within 3 months of the date of this permission, details of the proposed foul drainage arrangements for the office accommodation shall be submitted to and approved in writing by the Local Plan Authority. Foul drainage shall be installed in accordance with the approved details within 3 months of the approval of its details and thereafter so retained.

Reason –To ensure that appropriate drainage arrangements are put in place to serve the development and the safeguard the water environment.

4th September 2018

One additional letter of objection received from XL Planning on behalf of the objector Mr M Blackmore of Bradford Barn with the objections summarised as follows:

- Local Plan Policy DM20 states that proposals will only be acceptable if “There would not be an unacceptable adverse impact to the character and appearance of the countryside; and there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.”
- There is no formal business plan with the application which sets out why the applicant feels this site is necessary for their business, without this information it is difficult to make a proper assessment as to the need for the business to be located in this prominent rural setting.
- Evidence suggests that the applicant recently owned an office within Tiverton where their business used to operate from. There is no detailed justification as to why the business could not operate from one of the many offices available on Tiverton’s retail parks or Town Centre.
- The application says that at least 15 staff are expected to be employed. This will generate a minimum of 30 additional vehicle movements to the location. This is considered to be excessive number of vehicle movements for such a rural location and will impact on the neighbouring property greatly, as the proposed track and car parking area is immediately adjacent to their property.
- No formal justification has been given as to why the existing courtyard area cannot be utilised for parking provision, rather than the new location. Using the courtyard location would significantly reduce the impact on Mr and Mrs Blackmores property.
- The application does not cover any external lighting that may take place in the car parking area or other areas which may affect the neighbour.

Lighting in a rural area will have a detrimental effect on the amenity if not controlled.

- The works that have taken place have already had a very detrimental effect on the character of this very beautiful rural barn, the use of inappropriate materials both on the building and the landscaping have changed the setting to a more utilitarian form, not in keeping with the rural setting.
- This application is very poor in terms of its level of information and feel that the application has not sufficiently demonstrated why no other sites within the area are unable to meet the applicant's needs, that the level of harm as a result of the unauthorised works to the rural area is excessive and that the proposed development is entirely inappropriate in this location contrary to Policy DM20.

5th September 2018

Additional condition

Prior to the first occupation of the office accommodation, details of any external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.

Reason

In the interests of preserving the character and visual amenity of the rural area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies);

(viii) Cllrs F W Letch and Mrs C A Collis left the meeting following discussion on this item.

(e) No 5 on the Plans *List (18/00745/FULL- Erection of dwelling following demolition of existing shed – land and buildings at NGR 295495 115092 (adjacent to Lurley Cottage, Lurley).*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan, the extent of the application site, site levels, the proposed floor plan and a roof plan, proposed elevations and photographs from various aspects of the site.

Consideration was given to:

- The views of the agent with regard to the applicants need for a larger property and that they would like to stay in the village, there was only a church and a village hall in the vicinity but it would be in the heart of the community.
- The views of the local Ward Member with regard to the lack of harm the development would cause.
- The removal of an unsightly shed and the redevelopment of the site
- The need to sustain the community.

RESOLVED that Members were minded to approve the application and therefore wished that the application be deferred to allow for the wildlife report to be produced and for a wider report to be submitted containing possible conditions, the consideration of replacement parking and a contribution towards the provision or improvement of public open space in the locality.

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

Notes:

- i) Mrs H Bainbridge, , Mrs F J Colthorpe, Mrs G Doe, , P J Heal, D J Knowles, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application;
- ii) Mr Free (Agent) spoke;
- iii) Cllr R J Dolley spoke as Ward Member.

51 MAJOR APPLICATIONS WITH NO DECISION (3-00-45)

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

It was **AGREED** that:

Application 18/01249/MOUT be brought before the Committee for determination (and that a site visit take place) if minded to approve.

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

52 APPEAL DECISIONS (3-02-13)

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

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

(The meeting ended at 5.25 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 5th September 2018

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	18/00175/MOUT - Outline for the erection of upto 125 dwellings with public open space and associated infrastructure - Land at NGR 303288 110467 Adj Meadow Park Silver Street.
2.	18/00177/FULL - Creation of new access for residential development of up to 125 dwellings - Land at NGR 303174 110748 Meadow Park Willand.
3.	<p>18/00474/FULL - Erection of 2 dwellings, alterations to existing access, and associated works - Land West of Elmdene Hemyock Cullompton.</p> <p><u>3rd September 2018</u> – additional information from objector</p> <p>Evidence-base of the landscape character assessment document from Wendy Lutley, retired Landscape Conservationist. (see attached).</p> <p><u>5th September 2018</u> Conditions 4, 5 & 6 on the committee report as below should read as ‘dwellings’</p> <p>Amend from:</p> <p>4. The dwelling hereby permitted shall not be occupied until the site access has been hardened and surfaced for a distance of not less than 6.00 metres back from its junction with the public highway, and drained so that no water drains onto the public highway. Thereafter the site access shall be permanently so retained and maintained.</p> <p>5. The dwelling hereby permitted shall not be occupied until the proposed parking, turning and access with waiting bay has been constructed.</p> <p>6. The dwelling hereby permitted shall not be occupied until a visibility splay measuring 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25m to the west and to the centre line of the road to the east shall be provided with no obstruction greater than 600mm in either direction. Once provided, such visibility splays shall be permanently so retained and maintained for that purpose.</p> <p>Amend to:</p> <p>4. The dwellings hereby permitted shall not be occupied until the site access has been hardened and surfaced for a distance of not less than 6.00 metres back from its junction with the public highway, and drained so that no water drains onto the public highway. Thereafter the site access shall be permanently so retained and maintained.</p>

	<p>5. The dwellings hereby permitted shall not be occupied until the proposed parking, turning and access with waiting bay has been constructed.</p> <p>6. The dwellings hereby permitted shall not be occupied until a visibility splay measuring 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 25m to the west and to the centre line of the road to the east shall be provided with no obstruction greater than 600mm in either direction. Once provided, such visibility splays shall be permanently so retained and maintained for that purpose.</p> <p><u>5th September 2018</u></p> <p>Second amendment to conditions/reasons (wording/ formatting issue)</p> <p>Change from:</p> <p>REASONS FOR CONDITIONS</p> <ol style="list-style-type: none"> 1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004. 2. For the avoidance of doubt in the interests of proper planning. 3. To protect the amenities of neighbouring residents. 4. To prevent mud and other debris bein 5. g carried onto the public highway, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development management Policies). 6. To ensure that sufficient parking and turning space is provided within the site for the intended use of the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies). 7. To provide adequate visibility from and of emerging vehicles, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies). 8. To safeguard the [visual amenities of the area] [character and appearance of the area] [residential amenities of the area] [residential amenity of neighbouring residents] in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies). <p>Change to:</p> <p>REASONS FOR CONDITIONS</p> <ol style="list-style-type: none"> 1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004. 2. For the avoidance of doubt in the interests of proper planning. 3. To protect the amenities of neighbouring residents. 4. To prevent mud and other debris being carried onto the public highway, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development management Policies).
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	<p>5. To ensure that sufficient parking and turning space is provided within the site for the intended use of the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).</p> <p>6. To provide adequate visibility from and of emerging vehicles, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).</p> <p>7. To safeguard the residential amenity of neighbouring residents in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).</p> <p>One further letter of objection has been received (and circulated to members with its associated map), summaries as follows:</p> <ul style="list-style-type: none"> -This proposed development would effectively result in strip development - into a quiet rural and upper- valley part of the Blackdown Hills AONB – contrary to COR1 -It appears that the evidence-base of the landscape character assessment has not yet fully been taken into account: particularly the importance of <i>separate</i> ancient farmsteads and ancient field patterns and associated boundary banks. The area covered by this planning application is completely within Landscape Character Type 3A <i>Upper farmed and wooded valley slopes</i> of the Mid Devon Landscape Character Assessment, 2012 . This is relevant evidence base and includes guidance relevant to this landscape character type, including mention of the need to conserve rural and tranquil character, orchards, separate farmsteads, ancient field patterns, hedge banks, etc. -there is absolutely no existing or old gateway into the plot from the road. Any new access and its visibility splays would thus really change the lane’s character contrary to COR2 - The site is shown as an old orchard enclosure on the Hemyock Tithe map and was formerly, one of the enclosures of and is closely adjacent to Deepsellick Farmstead. Such field enclosures in the Blackdown Hills are regarded as ancient - the development does not meet any of the criteria for considering development beyond settlement boundaries in Policy COR18 - Countryside, which indicates that it should be strictly controlled to enhance <i>the character, appearance and biodiversity of the countryside</i>.
4.	<p>18/00657/FULL - `Retention of change of use of an existing agricultural building to office with parking - Bradford Farm Upplowman Tiverton.</p> <p>Officer note - In respect of the relationship between the application site and the neighbouring property, Members may wish to consider if they want to defer for a meeting of the Planning Working Group to see it for themselves.</p> <p>Additional condition:</p> <p>8. Within 3 months of the date of this permission, details of the proposed foul drainage arrangements for the office accommodation shall be submitted to and approved in writing by the Local Plan Authority. Foul drainage shall be installed in accordance with the approved details within 3 months of the approval of its details and thereafter so retained.</p>

	<p>Reason –To ensure that appropriate drainage arrangements are put in place to serve the development and the safeguard the water environment.</p> <p><u>4th September 2018</u></p> <p>One additional letter of objection received from XLPlanning on behalf of the objector Mr M Blackmore of Bradford Barn with the objections summarised as follows:</p> <ul style="list-style-type: none"> • Local Plan Policy DM20 states that proposals will only be acceptable if “There would not be an unacceptable adverse impact to the character and appearance of the countryside; and there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.” • There is no formal business plan with the application which sets out why the applicant feels this site is necessary for their business, without this information it is difficult to make a proper assessment as to the need for the business to be located in this prominent rural setting. • Evidence suggests that the applicant recently owned an office within Tiverton where their business used to operate from. <p>There is no detailed justification as to why the business could not operate from one of the many offices available on Tiverton’s retails parks or Town Centre.</p> <ul style="list-style-type: none"> • The application says that at least 15 staff are expected to be employed. This will generate a minimum of 30 additional vehicle movements to the location. This is considered to be excessive number of vehicle movements for such a rural location and will impact on the neighbouring property greatly, as the proposed track and car parking area is immediately adjacent to their property. • No formal justification has been given as to why the existing courtyard area cannot be utilised for parking provision, rather than the new location. Using the courtyard location would significantly reduce the impact on Mr and Mrs Blackmores property. • The application does not cover any external lighting that may take place in the car parking area or other areas which may affect the neighbour. Lighting in a rural area will have a detrimental effect on the amenity if not controlled. • The works that have taken place have already had a very detrimental effect on the character of this very beautiful rural barn, the use of inappropriate materials both on the building and the landscaping have changed the setting to a more utilitarian form, not in keeping with the rural setting. • This application is very poor in terms of its level of information and feel that the application has not sufficiently demonstrated why no other sites within the area are unable to meet the applicant’s needs, that the level of harm as a result of the unauthorised works to the rural area is excessive and that the proposed development is entirely inappropriate in this location contrary to Policy DM20. <p><u>5th September 2018</u></p> <p>Additional condition</p> <p>Prior to the first occupation of the office accommodation, details of any external lighting within the application site shall be submitted to and agreed in writing by the</p>
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	<p>Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.</p> <p>Reason</p> <p>In the interests of preserving the character and visual amenity of the rural area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).</p>
5.	18/00745/FULL - Erection of dwelling following demolition of existing shed - Land and Buildings at NGR 295495 115092 (Adjacent to Lurley Cottage) Lurley Devon.

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Further correspondence from the applicant:

Further to my email below we have now seen the published Committee Report; if possible could you still please call to talk through the following points:

Plans list 1:

In response to the issue set out in the agenda report about triggers for the payment of s106 contributions and provision on site (page 41 of agenda refers), the developers have provided the following:

1. **S106 Payment Triggers** – we note at the end of Section 8 the need to discuss and agree S106 payment triggers to ensure early payments so that mitigation is delivered in line with the development. For the items g)-i) we would suggest as follows (for discussion/agreement), which have been added into the attached comprehensive table. If these can be agreed between us then we assume that they could be included in any update report?

Primary Education	£250K toward Primary School Studio Project.	Suggested to be as follows to ensure early delivery (needs MDDC/DCC input): - 50% prior to commencement of development; - 50% prior to occupation of 10% of dwellings.
Willand Health and Community Centre	£52,500.00 towards implementation of Willand Health and Community Centre Project.	To be paid to MDDC prior to commencement of development.
Off Site POS	£125K towards Teen/Recreation provision in village (to comprise skate park and trim trail/play equipment).	To be paid to MDDC prior to commencement of development.

2. **WHCC Contribution** – given the ongoing discussions about this project, we wonder if this contribution wording should be broadened to allow it to also be used for an alternative community facilities project (with agreement of the LPA), should the WHCC not proceed at all, or take a different form to that currently anticipated. Grateful for your thoughts on this?
3. **Skate/Teen Facilities** - On item i) for the BMX/Skate/Recreation/Teen facilities we wonder if the wording should say “and/or” to give most flexibility in terms of how the money is directed to these different elements (as it may be used for a mixture of these items)?

UPDATED RECOMMENDATION:

Accordingly the recommendation has been updated as follows:

The recommendation to grant planning permission is subject to the prior signing of a s106 agreement as follows:

- a) 35% affordable housing (tenure mix, size mix and other details to be agreed);
 - b) On-site provision and maintenance of LEAP for the lifetime of the development
 - c) On-site provision and maintenance of SUD's for the lifetime of the development
 - d) Submission, adherence to and reporting on a Travel Plan;
 - e) Public Transport (Bus) Contribution of £100,000.00 towards improvement of No.1 service (by way of increased frequency of service), to be phased at £20,000.0pa over 5 years, triggered on occupation of 25th Dwelling;
 - f) deleted
 - g) £250,000 contribution towards the implementation of planning application - 50% due prior to commencement of development and 50% due prior to occupation of 10% of dwellings
- 17/00405/DCC to provide studio facilities at Willand Primary School
- h) £52,500 contribution towards the Willand Health and Community Centre project for the fitting out that part of the building to be used for a mixed community use to include memory café, day centre and other community uses or for an alternative community facilities project (with agreement of the LPA), should the WHCC not proceed to be paid to MDDC prior to commencement of development.
 - i) £125,000 contribution for the costs of upgrading the Jubilee Field BMX/Skate Park and/or other Recreation/Teen facilities in the village to be paid to MDDC prior to commencement of development

The requirement AT (f) to provide improvements (widening) to Silver Street footway connecting to Village Centre has been removed from the s106 requirement as this can be adequately dealt with via condition 10 on page 42