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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 31 October 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,  
B A Moore, R F Radford, J D Squire and  
R L Stanley

### **Also Present**

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

D R Coren, C J Eginton, Mrs B M Hull and  
Mrs M E Squires

### **Present**

#### **Officers:**

Kathryn Tebbey (Group Manager for Legal  
Services and Monitoring Officer), David  
Green (Group Manager for Development),  
Lucy Hodgson (Area Team Leader), Helen  
Govier (Planning Officer), Alex Marsh  
(Conservation Officer), Greg Venn  
(Conservation Officer) and Sally Gabriel  
(Member Services Manager)

## **70 APOLOGIES AND SUBSTITUTE MEMBERS (00-01-48)**

There were no apologies.

## **71 PUBLIC QUESTION TIME (00-02-08)**

There were no questions from members of the public present.

## **72 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-02-19)**

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

## **73 MINUTES OF THE PREVIOUS MEETING (00-02-22)**

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

## **74 CHAIRMAN'S ANNOUNCEMENTS (00-03-19)**

The Chairman informed the Committee that the next meeting would take place on 5 December.

## 75 DEFERRALS FROM THE PLANS LIST (00-04-27)

There were no deferrals from the Plans List. However the Chairman informed the meeting that Item 10 - Tree Preservation Order, 24 Hawthorn Close, Cullompton had been deferred to allow for further clarification to be sought.

## 76 THE PLANS LIST (00-04-48)

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

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

(a) Applications dealt with without debate.

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

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

- (i) No 1 on the Plans *List (18/01393/HOUSE – Erection of shed - 1 Locks Cottage, Whitnage)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

- (b) No 2 on the Plans *List (18/01243/LBC –Listed Building Consent for replacement windows - Middle Weeke Farm, Morchard Bishop)*..

The Conservation Officer outlined the contents of the report identifying the location of the listed property, the fact that the windows had been replaced with uPVC frames which were deemed to be of an inappropriate material. Photographs were shown of the property prior to the installation of the windows alongside a current photograph.

Consideration was given to:

- Whether the applicant was aware that the building was listed and whether not knowing was a material planning consideration.
- The detail of the listing for the 16<sup>th</sup> Century dwelling and the fact that changes had been made to the dwelling in the 1960's and the listing date of 1985.
- The comments of the applicant with regard to the family not knowing that the building was listed and the fact that they did not check when the property was inherited. He had lived in the property for 20 years, work had taken place recently on the exterior of the property and the decision was taken at that time to install new windows as the previous ones were in a poor state of repair. The dwelling had been extensively changed over the years.
- The views of the Ward Member with regard to the evolution of the dwellings which had once been thatched and that the installation of uPVC windows had been a mistake.
- Whether policies should be adhered to and whether the planning act required amending.
- Whether the replacement windows were in keeping with the listed property.

- Whether further discussion should take place between officers and the applicant with regard to appropriate design and material use.
- The officer's view that the uPVC windows were of poor design and that there was a need to protect the listed building

It was therefore:

**RESOLVED** that the application be deferred to allow for further discussion to take place between the Conservation Officer and the applicant with regard to finding a scheme (with suitable design and materials) that would be acceptable to both parties.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

Vote 6 for: 5 against – Chairman's casting vote

Notes:

- i) Cllr W J Daw declared a disclosable pecuniary interest, he had been given dispensation by the Monitoring Officer to speak as applicant, having spoken he left the meeting during the discussion thereon;
  - ii) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs G Doe, F W Letch, B A Moore, R F Radford, J D Squire, Mrs M E Squires and R L Stanley all declared personal interests as the applicant was known to them;
  - iii) Cllrs Mrs F J Colthorpe and P J Heal declared personal interests as they knew the applicant and had spoken with him with regard to the application
  - iv) Cllr Mrs M E Squires spoke as Ward Member.
- (c) No 3 on the Plans *List (18/01381/LBC – Listed Building Consent for the uPVC window in attic former, uPVC fascia and erection of lean-to 45 St Peter Street, Tiverton).*

The Conservation Officer outlined the contents of the report highlighting the detail of the application which considered uPVC windows, a fascia and the erection of a lean-to on the rear of a listed dwelling. The fact that the unauthorised windows and associated fascia and lean-to were on the rear of the dwelling and not visible from a public place did not detract from the breach of planning control.

Members viewed photographs of the rear of the dwelling, and specific photographs of the windows (design, detailing and hinges).

Consideration was given to:

- Whether further discussions between the officer and the applicant were a way forward.
- The fact that the double glazing could be legalised with wooden frames
- The views of the Ward Member who explained that the owner had not been informed that the windows did not have listed building consent when she

purchased the property, the windows in neighbouring properties and that she felt that the lean-to did not look out of place.

- The views of the Town Council in that the property was listed and within a Conservation Area

It was therefore:

**RESOLVED** that the application be deferred to allow further discussion to take place between the Conservation Officer and the applicant with regard to finding a scheme (with suitable design and materials) that would be acceptable to both parties.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

Notes:

- i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, P J Heal, F W Letch, B A Moore, 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) Cllr Mrs B M Hull spoke as Ward Member;
- iii) Cllr J D Squire requested that his vote against the decision be recorded;
- iv) The following late information was provided - if the application had been rejected as recommended by officers the following would have applied: the insertion of "and materials" after design in the 6<sup>th</sup> line of recommendation B and the inclusion of Recommendation C: Proposed course of action for enforcement action:  
2. That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Sections 38 and 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990, ("the Act") should grant authority to the Group Manager for Legal Services to take all such steps and action necessary to secure the removal of the UPVC elements on the both the rear lean too and glass lean too and secure replacements, the design and materials of which should be appropriate to this building of special architectural and historic interests. This may include the issuing of a listed building enforcement notice. The reason as recommended for serving the notice if that is required is set out above.

(d) No 4 on the Plans List ***(18/00414/MFUL – Erection of extension to brewery to include alterations to provide additional restaurant/bar floorspace, amended entrance arrangements and outdoor dining area, and erection of 11 holiday lodges – Yellow Hammer Brewing Limited, Hill Farm, Newton St Cyres).***

The Planning Officer outlined the contents of the report providing by way of presentation the site location, the existing site plan which identified the access to the north of the site, the topography of the site, an aerial photograph which identified the neighbouring property to the north; a plan showing the proposed development, that of the existing brewery, the proposed extensions, the balcony terrace and to the south

the proposed 11 holiday lodges and the new access. An illustrative masterplan and existing and proposed ground floor plans and elevations were explained. Plans were also available which highlighted the trees to be retained and removed, the softworks and landscaping details and photographs were available from various aspects of the site.

Consideration was given to:

- Mobility issues within the proposals and the mechanism for checking the register for the accommodation
- The views of the representative for the objectors with regard to the tranquil setting that had been expected when the neighbours had moved to the area and the impact of the proposal on the neighbouring property, the level of harm and whether the conditions would mitigate the impact of the development on the local amenity.
- The views of the agent for the applicant with regard to the proposal for additional floor space, job creation and tourist accommodation. The applicants had engaged with the local planning authority at the pre- application stage to avoid development on the higher ground. He highlighted the offsite works and the proposed footway connection, a noise assessment that had been produced and the mitigation of concerns by way of conditions.
- The views of the local County Councillor with regard to the steepness of the site, the amount of parking spaces and the footpath to the bus stop.
- The acoustic barrier and Condition 17 which outlined the times for the opening of the bar and restaurant facilities.

It was therefore:

**RESOLVED** that planning permission be granted subject to a legal agreement to secure: a contribution of £4917 (£447 per holiday lodge) to mitigate the impact of the development on the Exe Estuary Special Protection Area. With conditions as recommended by the Head of Planning, Economy and Regeneration with the rewording of Condition 3 to state: No trees or hedgerow within the site shall be removed apart from as shown on drawing number 160907 L 04 03 Tree Retention and Removal. Prior to commencement of the development hereby approved, there shall be submitted to and approved in writing details of the proposed hedgerow and tree protection measures including an arboricultural method statement and plans showing locations and details of protective measures which shall be informed by the findings of the Arboricultural Survey report reference ASR\_Hanlon's Brewery\_EX5 5AD\_ March 2017. The development shall at all times be carried out in accordance with the approved details.

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

Notes:

- i) Cllr F W Letch declared a personal interest as one of the objectors was known to him;
- ii) Mr Moors (on behalf of the objectors) spoke;
- iii) Mr Jillings spoke as agent for the applicant;

- iv) Cllr Mrs M E Squires spoke as County Councillor;
- v) The following late information was provided: 30 October 2018 - Revised wording to condition 3:

3. No trees or hedgerow within the site shall be removed apart from as shown on drawing number 160907 L 04 03 Tree Retention and Removal. Prior to commencement of the development hereby approved, there shall be submitted to and approved in writing details of the proposed hedgerow and tree protection measures including an arboricultural method statement and plans showing locations and details of protective measures which shall be informed by the findings of the Arboricultural Survey report reference ASR\_Hanlon's Brewery\_EX5 5AD\_ March 2017. The development shall at all times be carried out in accordance with the approved details.

## **77 MAJOR APPLICATIONS WITH NO DECISION (1-30-39)**

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

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

## **78 APPEAL DECISIONS (1-31-28)**

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.

## **79 TREE PRESERVATION ORDER 18/00004/TPO - 24 HAWTHORN CLOSE, CULLOMPTON**

This item had been deferred as identified earlier in the meeting.

## **80 PLANNING PERFORMANCE AGAINST TARGETS QUARTER ONE 1ST APRIL - 30TH JUNE 18/19 & QUARTER TWO 1ST JULY - 30TH SEPTEMBER 2018 (1-32-07)**

The Committee had before it and **NOTED** a \* report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for quarters 1 and 2 - 1<sup>st</sup> July – 30<sup>th</sup> September 2018.

The Group Manager for Development outlined the contents of the report stating that it contained the first report of enforcement statistics since the Local Enforcement Plan had been agreed by Council on 21 February 2018, it set out prioritisation criteria for complaint investigation together with performance standards. There had been a slight reduction in Development Management performance however planning performance had been maintained over the 2 year period as stipulated by

Government. He identified the staffing issues and the recruitment programme that was in place.

Discussion took place regarding:

- Listed building consent determined in 8 weeks
- Section 106 agreements and whether these would continue when the CIL Regulations were adopted.

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

(The meeting ended at 4.04 pm)

**CHAIRMAN**

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# Minute Annex

## PLANNING COMMITTEE AGENDA - 31st October 2018

### Applications of a non-delegated nature

### UPDATES

THE PLANS LIST	
1.	18/01393/HOUSE - Erection of shed - 1 Locks Cottage Whitnage Tiverton.
2.	18/01243/LBC - Listed Building Consent for replacement windows - Middle Weeke Farm Morchard Bishop Crediton.
3.	<p>18/01381/LBC - Listed Building Consent for the uPVC window in attic dormer, uPVC fascia and erection of lean-to - 45 St Peter Street Tiverton Devon.</p> <p>31 October 2018</p> <p><b>Recommendation C: Proposed course of action for enforcement action</b></p> <p>2. That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Sections 38 and 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990, ("the Act") should grant authority to the Group Manager for Legal Services to take all such steps and action necessary to secure the removal of the UPVC elements on the both the rear lean too and glass lean too and secure replacements, the design and materials of which should be appropriate to this building of special architectural and historic interests. This may include the issuing of a listed building enforcement notice. The reason as recommended for serving the notice if that is required is set out above.</p>
4.	<p>18/00414/MFUL - Erection of extension to brewery to include alterations to provide additional restaurant/bar floorspace, amended entrance arrangements and outdoor dining area, and erection of 11 holiday lodges - Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm.</p> <p>30 October 2018 - Revised wording to condition 3:</p> <p>3. No trees or hedgerow within the site shall be removed apart from as shown on drawing number 160907 L 04 03 Tree Retention and Removal. Prior to commencement of the development hereby approved, there shall be submitted to and approved in writing details of the proposed hedgerow and tree protection measures including an arboricultural method statement and plans showing locations and details of protective measures which shall be informed by the findings of the Arboricultural Survey report reference ASR_Hanlon's Brewery_EX5 5AD_ March 2017. The development shall at all times be carried out in accordance with the approved details.</p>

AGENDA REPORTS	
1.	<p>18/00004/TPO - Tree Preservation Order for 1 Oak tree - 24 Hawthorn Close Cullompton Devon.</p> <p>28 October 2018 – Email from neighbour - Unfortunately I am unable to attend the meeting that is arranged for Wednesday 31 October due to work commitments however I. would like to voice my opinion with regards to the Oak Tree. I have recently bought 2 Mead Close and the Oak Tree is at the bottom of my garden.</p> <p>When the wind blows numerous items of debris including very large acorns fall and sometimes branches I'm very concerned that larger branches are likely to fall in gale</p>

	<p>force winds which could fall on someone and cause serious injury also damage to my property. I would like my concerns to be put forward at the meeting and look forward to a reply.</p> <p>30 October 2018 – Application deferred from the planning committee for the following reason – to seek further clarification.</p>