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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 9 January 2019 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 and F J Rosamond

### **Present**

#### **Officers:**

David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Alison Fish (Area Team Leader), Adrian Devereaux (Area Team Leader), Chris Shears (Economic Development Officer) and Sally Gabriel (Member Services Manager)

## 93 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## 94 **PUBLIC QUESTION TIME**

Mr Briden referring to Item 2 on the Plans List (Whitehall farm, Morebath) asked the following questions:

Have detailed scaled plans been submitted in terms of location, profile and specific structures and identification of units proposed?

Based on the existing S106 agreement for the existing approved planning permission, what restrictions are proposed on limited future development of the site and change of use/ownership?

The site entrance alteration plan dated 17 December 2018 submitted by the applicant conforms to guidance given for the previous approved planning permission, however it is misleading as it only shows a flat plan. The plan does not give any indication of the steep roadside bank up to the entrance, the height of Wyvern wall or the width of the entrance or the width of the narrow lane. Those factors appear to have been overlooked when the original application was granted and have the Highway Authority visited the site?

Ms. Hagenbrock again referring to Item 2 on the Plans List asked a series of questions:

Did you consider the impact that the 2 storey high building will have on the privacy of at least 13 houses facing all the proposals on the site?

Did you consider the pipe work under the entrance?

Did you consider the interference it will have on people who will always see the light from cars coming up and down the hill?

What will happen if there is no hedge?

Did you consider that 3 cabins on a hill, surrounded by people who live there all year round is not a good location for a tourist site?

Did you consider those who had bought houses for private reasons and for reasons to live in a rural hamlet so you know each other, so you can be relaxed and that children can play outside will lose all those advantages?

Mrs Shipperley again referring to Item 2 on the Plans List asked: assuming the planning application is approved and our quiet village gets possibly a bit noisier, what would the council's response be to residents complaints about noise and anti-social behaviour.

Cllr Hatton representing Morebath Parish Council and referring to Item 2 on the Plans List asked as a point of information whether the 2 written questions which were sent to the Planning Officer which he had responses to, were these responses added to the agenda pack?

He then referred to the questions:

How does the existing S106 agreement impact this application?

The application suggests dependence on grant funding and partnerships beyond the application can this be clarified?

He then asked a further question with regard to the lack of clarity of the application as the report implied that this was a continuation of the previous permission one example is the site access, the fact that it was agreed that a holiday home and workshop could be put on the site. Other parts of the application states that this is a new application, so are we starting with a blank sheet of paper and looking at a completely separate application or are we piggybacking on some agreement on the previous approval.

The Chairman indicated that answers to questions would be provided when the item was discussed.

## **95 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

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

## **96 MINUTES OF THE PREVIOUS MEETING (00-10-18)**

The minutes of the meeting held on 5 December 2018 were approved as a correct record and signed by the Chairman.

## **97 CHAIRMAN'S ANNOUNCEMENTS (00-11-11)**

The Chairman had the following announcements to make:

- She reminded Members of the Self Build workshop that was taking place the next day.
- She welcomed Adrian Devereaux who had replaced Simon Trafford as Area Team Leader for the west of the district.
- She informed Members that application number 18/01381/LBC 45 Perter Street, Tiverton for two uPVC windows fascia's and a lean to was considered by this committee in October of last year. Members 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. The officers had now negotiated and the application amended to timber windows and the other uPVC elements had been replaced by timber. The Town Council supported the revised application. The Ward Member was happy for the application to be a delegated approval and she had agreed that the application be a delegated approval as all parties were now in agreement.

#### 98 DEFERRALS FROM THE PLANS LIST (00-13-44)

There were no deferrals from the Plans List.

#### 99 THE PLANS LIST (00-14-06)

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 ***(18/00171/FULL – Change of use of agricultural land for the erection of a dwelling with associated garden area and access, formation of ponds, and creation of access track – land at NGR 316200 113609 (Adjacent to Carlingwark), Clayhidon)***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the site set within the Blackdown Hills, the access to the site, the existing site plan, detailed area plans for the proposals, a plan of the current dwelling including the garden area, floor plans for the various levels and elevations and sections plans. Members also viewed illustrative sections which identified the fall of the land, perspectives of the application, the landscape masterplan and photographs from various aspects of the site and from across the valley which included perspectives from a distance. The Officer highlighted paragraph 79 of the National Planning Policy Framework which required any development in the countryside to be of exceptional quality, truly outstanding or innovative.

Consideration was given to:

- The view of the applicant who believed that the proposed design was of exceptional quality, the use of beech was innovative, the fact that local residents and the Parish Council supported the development.
- The views of the Parish Council who had been involved in the proposal from an early stage, the design was exciting and innovative and the thoughts of local residents who supported the application.

- The views of the Ward Member who supported the proposal, it had the support of local people and had gained the support of the AONB Team, he felt that the application was sensitive to the area, the project would involve local traders and that this was a one off innovative proposal.
- Whether the proposal was of exceptional quality
- The thoughts of the Design Panel
- The use of timber across the whole of the project.

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

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

(Vote: 6 for; 5 against)

Notes:

- i) Ms Annett (Applicant) spoke;
- ii) Cllr Kallaway spoke on behalf of Clayhidon Parish Council;
- iii) Cllr F J Rosamond spoke as Ward Member;
- iv) A proposal to approve the application was not supported.

(b) No 2 on the Plans List ***(18/01598/FULL – Erection of a self-supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed/adjoining garden for the siting of one cabin all for holiday use – land at NGR 295315 124977 (Whitehall Farm) Morebath).***

The Area Team Leader addressed the meeting highlighting the additional condition proposed on the update sheet. He provided answers to questions prior to outlining the application:

With regard to the plans that had been submitted, these had dimensions and site positions for the holiday accommodation. This was a full planning application recommended for approval with conditions and a phasing additional condition which would ensure that permission 16/00422/OUT could not be implemented in addition to any permission granted under the current application.

With regard to the 2 written questions that he had previously replied to, he reiterated his response: with regard to the S106 agreement, he referred to the current committee report and with regard to the S106 agreement as part of the previous approval on part of the site, this was a planning application for a different proposal and therefore a S106 agreement would not be required with this development which is considered to be policy compliant with planning conditions to be imposed to restrict the use of the holiday accommodation. With regard to the grant funding, in terms of the proposal being reliant on grant funding, the economic viability of the project was not a planning consideration for this type of application as there was no policy requirement for this to be provided for holiday accommodation. However, it is noted from discussions with the applicant and the Economic Development Department that

there was no guarantee that grant funding would be given to the proposal with the applicant still submitting the planning application in any event. If the application was to be dependent on the grant funding and this was not received, then the case could be made that any planning permission approved for holiday accommodation would not be implemented as a result.

The Highways officer had visited the site and had been involved in all of the applications on the site, the access had been addressed in the previous application and the proposed scheme would use the same access. He explained that there was an extant permission on the site which was a material consideration. With regard to the impact on neighbouring properties, he provided a plan which showed the nearest neighbours to the site. With regard to reference to the local amenities, the pipework such as the drainage system would be similar to any other development, the access arrangements would be a civil matter between interested parties. The impact of lights from passing traffic had been considered and it was felt that there would not be any additional noise issues with no objections raised from the Public Health Department. With regard to the loss of hedges, whilst the vegetation could not be relied on to screen a development, the setting on site of the holiday accommodation and distances involved were considered to be acceptable. With regard to opening times and whether this would be a good site for holiday accommodation, a business case and marketing strategy had been provided and with regard to any impact on the neighbours amenity, this had been addressed in the report.

The Officer then informed the meeting of the planning history on the site and outlined the contents of the report by way of presentation, highlighting the site location plan on the western edge of the village of Morebath, the elevations of the building that had been approved and the block plan of the current proposals for the tree houses and replacement of the existing summerhouse, the entrance plan, sewage plan, the elevations and proposed floor plans of the holiday units, the detailed plans of the tree houses and a plan identifying the nearest neighbours and the distances between those properties and the development site.

Consideration was given to:

- The number of visitors per unit and whether a register would be kept and inspected
- The pathway to the lower units
- The views of the objector who raised issues of concern with regard to the impact of the development on nearby residents, the height of the units were not suitable for the area and they would impact on the privacy of the neighbouring properties, there would be overlooking issues, traffic and parking problems and road safety issues. Morebath did not have a shop or a pub and there was also concern with regard to the behaviour of the tourists.
- The views of the applicant with regard to the peaceful retreat that he was trying to create, there would be little impact on neighbouring properties as there would be additional screening and no light pollution, the development would be good for local employment and good for tourism in the area.
- The views of the Parish Council with regard to the proposed and additional conditions, the history of the site, the environmental impact of the

development on the local community, over development of the site, whether the site could grow into an unregulated campsite, the narrow roads in the area, noise issues, how the groundwork would be retained and whether the site/business was sustainable.

- The views of the Ward Members with regard to the entrance to and the steepness of the site, the lack of business plans available, the height of the tree houses and the impact on local residents, possible noise issues, the lack of control set out in the previous applications, whether the business would work for the community in the long term and whether it was sustainable and whether the proposal fitted with the historic location.
- Whether further information was required

**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 following issues:

- The impact of the proposal on the environment
- General traffic issues
- Design issues
- The economic impact of the development and whether it was sustainable
- Possible overdevelopment of the site
- The impact of the proposal on adjacent properties.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Cllrs B A Moore and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they knew several of the objectors;
- ii) Cllr B A Moore declared a personal interest as his property had a building with a holiday let, this was not used and there was no intention to use it;
- iii) Cllr Mrs H Bainbridge declared a personal interest as she owned a holiday letting business 8 miles from the site;
- iv) Mr Veltink spoke in objection to the application;
- v) Mr Reynolds (applicant) spoke;
- vi) Cllr Hatton spoke on behalf of Morebath Parish Council;
- vii) Cllrs B A Moore and R L Stanley spoke as Ward Members;
- viii) The following late information was reported: 9 January 2019: a further proposed condition - the phasing of the development hereby approved shall ensure that no works to construct Treehouse 2 and the site 3 cabin as shown on Block Site Plan 1 and Block Site Plan 2 shall begin until Treehouse 1 is

fully constructed, together with completion of the site access, parking and turning area as shown on Block Site Plan 1.

Reason:

To prevent overdevelopment of the site and to allow for further assessment of the traffic generation to the site through any alternative proposal in the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site.

(c) No 3 on the Plans List ***(18/01685/FULL – Change of use of agricultural land for the siting of 3 safari tents, formation of car park and formulation of the site – land at NGR 278407 93548 (adjacent to Chimneys Cottage, Cheriton Bishop).***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan close to the A30, the proposed block plan which showed the proposed access and parking facilities, the proposed landscaping bunds and location of the safari tents and photographs from various aspects of the site. There had been no objections from the Conservation Officer with regard to the impact on the adjacent listed building and a full business case had been submitted.

Consideration was given to:

- A management plan for the site and any noise impact and how this could be monitored
- The views of the agent with regard to the pre application liaison with planning officers, screening and landscaping of the proposal, the market research that had taken place and the fact that the Highway Authority had no issues with the proposal.
- The views of the Parish Council with regard to the loss of agricultural land, the site was outside the settlement limit, the scale of the proposed tents, the impact on the countryside and the need for a landscaping plan and effective screening, possible increase in traffic in the area and the impact of any commercial vehicles accessing the site.
- The views of the Ward Member with regard to some of the concerns raised which had been answered within the report, proposed screening, the need for semi-mature planting to the north of the site, whether low level lighting could be conditioned and refuse and recycling on the site.
- The views of the Economic Development Officer

**RESOLVED** that planning permission be granted subject to conditions and informative notes as recommended by the Head of Planning, Economy and Regeneration subject to an amendment to Condition 7 to consider low level lighting, an amendment to Condition 9 with regard to the planting of semi- mature trees as part of the landscaping plan and an additional condition (11) to consider details of recycling storage on site.

(Proposed by Cllr B A Moore and seconded by Cllr F W Letch)

Notes:



- i) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as he had been at the parish Council meeting when the item had been discussed;
- ii) Ms Bailey (Agent) spoke;
- iii) Cllr Milton spoke on behalf of Cheriton Bishop Parish Council;
- iv) Cllr P J Heal spoke as Ward Member;
- v) Cllr R L Stanley requested that his vote against the decision be recorded;
- vi) Cllr Mrs H Bainbridge requested that her abstention from voting be recorded;
- vii) The following late information was reported: Response from Cheriton Bishop Parish Council – 7th January 2019

Cheriton Bishop Parish Council met on the 10th December and resolved to object to this application because there were already several similar sites in the area and this would represent over development in a rural area. Concern was expressed about screening not being provided for the surrounding countryside views. Should this application be passed the Council would wish the following conditions to be attached: That the glamping site stayed as one unit with the house (i.e. could not be sold separately) and that the site was limited to the three tents that are shown on the application. So that it does not increase in size.

## 100 MAJOR APPLICATIONS WITH NO DECISION (2-29-37)

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

It was **AGREED** that:

Application 18/02019/MOUT – Silverdale, Silverton be brought before the committee if minded to approve and if that was the case then a site visit take place.

Application 18/01935/MFUL – Joseph Locke Way, Crediton – be brought before committee for determination, no site visit required.

Application 18/01814/MFUL – Crown Hill, Halberton - be brought before the committee if minded to approve and if that was the case then a site visit take place.

Application 18/01634/MFUL – Linhay Close Culmstock - be brought before the committee if minded to approve and if that was the case then a site visit take place.

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



(The meeting ended at 4.50 pm)

**CHAIRMAN**

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# Minute Annex

## PLANNING COMMITTEE AGENDA - 9th January 2019

### Applications of a non-delegated nature

### UPDATES

THE PLANS LIST	
1.	18/00171/FULL - Change of use of agricultural land for the erection of a dwelling with associated garden area and access, formation of ponds, and creation of access tracks - Land at NGR 316200 113609 (Adjacent to Carlingwark) Clayhidon Devon.
2.	<p>18/01598/FULL - Erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use - Land at NGR 295315 124977 (Whitehall Farm) Morebath Devon.</p> <p><b>09.01.2019 The phasing of the development hereby approved shall ensure that no works to construct Treehouse 2 and the site 3 cabin as shown on Block Site Plan 1 and Block Site Plan 2 shall begin until Treehouse 1 is fully constructed, together with completion of the site access, parking and turning area as shown on Block Site Plan 1.</b></p> <p><b>Reason:</b>  <b>To prevent overdevelopment of the site and to allow for further assessment of the traffic generation to the site through any alternative proposal in the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site</b></p>
3.	<p>18/01685/FULL - Change of use of agricultural land for the siting of 3 safari tents, formation of car park and formulation of the site - Land at NGR 278407 93548 (Adjacent Crooked Chimneys Cottage) Cheriton Bishop Devon.</p> <p>1. Response from Cheriton Bishop Parish Council – 7th January 2019</p> <p>Cheriton Bishop Parish Council met on the 10th December and resolved to object to this application because there were already several similar sites in the area and this would represent over development in a rural area. Concern was expressed about screening not being provided for the surrounding countryside views. Should this application be passed the Council would wish the following conditions to be attached: That the glamping site stayed as one unit with the house (i.e. could not be sold separately) and that the site was limited to the three tents that are shown on the application. So that it does increase in size.</p>

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