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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 6 March 2019 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs C Collis, Mrs G Doe, P J Heal,
D J Knowles, F W Letch, R Evans and
Mrs B M Hull

Apologies

Councillor(s)

Mrs H Bainbridge and B A Moore

Also Present

Councillor(s)

Mrs J B Binks, C J Eginton, C R Slade and
Mrs E J 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) Adrian Devereaux (Area Team Leader) and Ian Hooper (Flood and Coastal Risk Engineer – Environment Agency)

112 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs H Bainbridge, who was substituted by Cllr R B Evans and Cllr B A Moore who was substituted by Cllr Mrs B M Hull.

113 **PUBLIC QUESTION TIME**

Cllr Mrs Binks referring to Item 9 on the agenda (Major Applications) and identifying 65 dwellings at Higher Road, Crediton and 257 dwellings at Creedy Bridge stated that the records still show that Simon Trafford is the lead officer, could this be updated? She requested a brief written update on both applications as she had to report to the Parish Council. She also asked if consideration could be given to whether the Ward Members could be consulted with regard to the S106 agreements when the time came for further discussions.

Mr Milverton referring to Item 1 on the Plans List (Cleave Barton) asked the following questions:

1. Where there is a flood issue, applicants have to submit both a Flood Risk Assessment identifying the risks, and a Flood Warning and Emergency Plan to address those risks. The EA repeatedly say that it is their role to point out the risks, but not to assess the mitigation in the Flood Warning and Emergency Plan, that being the role of the Local Planning Authority. This being the case, what

weight should be given to an objection from the Environment Agency to a proposed development which has not taken into account the contents of the Flood Warding and Emergency Plan?

2. In the instance of Cleave Barton, the Environment Agency state that it is not their role to assess the FWEP but within the report the planning officer says MDDC does not have the expertise to do so either. How can the Local Planning Authority arrive at an assessment of the application where a FWEP has been submitted?
3. If the Environment Agency advise that they have evidence which directly affects an application and which they rely on to justify an objection, is it not fair and reasonable for that evidence to be put in the public realm so it can be seen by all and responded to by applicants and their agents? At Cleave Barton, the Environment Agency have advised that they have evidence that Cleave Barton could not be evacuated in advance of less than 1 in a 100 year frequency and that waters on the edge of the flood plain would not be tranquil. This directly affects the assessment of the application - what is that evidence and why cannot it be produced.
4. The MDDC website states that all objections will be put in the public realm and my understanding is that it is actually a legal requirement to do so. With respect to Cleave Barton, both the Environment Agency and MDDC received material from the objector which has been treated as confidential and neither party would reveal to the applicant that material and neither the applicant, their agents or the ward member have seen it. Can officers advise what material submitted by the objector has been treated as confidential; why officers accepted it could be treated as confidential and have committee members been made aware that there is confidential material on the planning file and have they been given the opportunity to view it?
5. With regards Cleave Barton, can it be made clear that the key issue is whether the proposals within the Flood Warning and Emergency Plan reduce the risk of the use of the holiday let to a manageable level and that if the Committee decide that is the case, that they can legitimately approve the application, as they approved a flat at Bickleigh Mill in 2012?

114 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-09-25)**

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

115 **MINUTES OF THE PREVIOUS MEETING (00-09-39)**

The Minutes of the meeting held on 6 February 2019 were approved as a correct record and **SIGNED** by the Chairman.

116 **CHAIRMAN'S ANNOUNCEMENTS (00-10-15)**

The Chairman had no announcements to make.

117 **ENFORCEMENT LIST (00-10-27)**

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

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

Arising thereon:

- a) No. 1 in the Enforcement List (Enforcement Case ENF/17/00326/RURAL – Unauthorised operational development in the permanent fixing of a shipping container on the land and unauthorised material change of use from agriculture to a mixed use of agriculture and the storage of materials not required for agriculture – Bradford farm, Uplowman)

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan, the location of the shipping container and the enforcement action proposed.

Consideration was given to:

- The views of the neighbour with regard to the impact of the container on his dwelling and his concerns about apparent unauthorised uses on the property.
- The views of one of the Ward Members .
- What the container was being used for.

RESOLVED that authority be given to the Group Manager for Legal Services and Monitoring Officer to take all such steps and action necessary to secure the removal of the unauthorised shipping container from the land and the cessation of the unauthorised use, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed by Cllr R L Stanley and seconded by Cllr D J Knowles)

Note:

- (i) Cllrs R B Evans, Mrs B M Hull, D J Knowles and R F Radford declared personal interests as the neighbour was known to them;
- (ii) Mr Blackmore (neighbour) spoke;
- (iii) Cllr C R Slade spoke as Ward Member.
- b) No. 2 in the Enforcement List (Enforcement Case ENF/19/00036/LB – without listed building consent, the insertion of uPVC sliding doors and windows to the 20th century rear single storey extension and uPVC dormer windows to the south elevation – Loram Cottage, Copplestone)

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the property, explaining the uPVC windows to the rear and that it was not considered expedient to take further enforcement action against the existing unauthorised doors and windows to the south elevation as it was considered that they did not harm the architectural or historic interest of the building. She explained the negotiations that had taken place to replace the windows on the

front elevations with timber flush fitting casements windows to the first floor and timber sliding sash windows to the ground floor.

RESOLVED that having regard to the provisions of the Mid Devon Development Plan and all other material planning consideration in accordance with Section 38 of the Town and County Planning (Listed Buildings and Conservation Areas) Act 1990; the recent approval of Listed Building Consent follow negotiated improvement through replacement windows on the front (north) elevation from (i) unauthorised uPVC windows to (ii) timber, slim double glazed, sliding sash and casement windows, the effect of the works on the character and historic interest of the building and the previous use of uPVC windows in the building at the time of it being listed that it is not considered expedient to seek any further action relating to the uPVC sliding door and windows to the rear (south) elevation.

(Proposed by Cllr P J Heal and seconded by Cllr R B Evans)

118 **DEFERRALS FROM THE PLANS LIST (00-20-47)**

There were no deferrals from the Plans List.

119 **THE PLANS LIST (00-20-51)**

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 ***(18/00874/FULL – Conversion of artist studios to 2 holiday lets - Cleave Barton, Bickleigh)***

The Area Team Leader addressed the meeting highlighting the contents of the update sheet which contained additional comments by the agent and the removal of the second reason for refusal as the issue had been addressed.

She outlined the contents of the report by way of presentation highlighting the location of the application site, the position of the leat and the low lying land, the proximity of the buildings to one another, the distance from the site to the River Exe, the existing and proposed plans, floor plans and the escape route back to Cleave Barton House. Members also viewed photographs from various aspects of the site including the public footpath and an information sheet which provided evidence of previous flood damage (provided by the Environment Agency).

The Flood and Coastal Risk Engineer representing the Environment Agency was invited to address the meeting. He outlined the guidance within the National Planning Policy Framework and the strict tests that should be applied, he emphasised that the development could not be made safe from flooding and should not be permitted. He outlined the flood issues in the area and the magnitude of previous floods. He outlined the modelling that had taken place and the depth of water calculated which could be fatal. He addressed the flood mitigation for Cleave Barton House, the evacuation plan and whether the house would be able to withstand an extreme event even though it was tanked and whether visitors to the site would be able to react effectively to an extreme event.

The Area Team Leader then addressed the questions posed at public question time and provided the following answers:

- The Environment Agency was a statutory consultant and it helped identify matters to be addressed and reviewed the Flood Risk Assessment. An objection from the Environment Agency together with information and guidance within the NPPF and planning practice guides had led to the recommendation of refusal.
- With regard to question 2, the application was before the committee for determination.
- With regard to the evidence to justify an objection, the evidence was the flood risk.
- With regard to objections in the public domain, she stated that the objections to the application were in the public domain, however she had been sent some photographs from the objector who had requested that they remain confidential, the photographs had remained confidential and were therefore not mentioned in the officer report.
- Members had all the information to assess the case.

Consideration was given to:

- The National Planning Policy Framework
- The size of the floodplain
- Recent flooding events and climate change
- The change of use of the building from a gallery to overnight accommodation
- The views of the objector with regard to having observed the flooding of Cleave Barton site that had occurred on numerous occasions and the fact that the issue of flooding should not be underestimated, the proposed development at Cleave Barton would be a risk to visitors and the emergency services and if the applicants did experience a flood event they would realise that there was enough to do without having to supervise their guests as there was unlikely to be a safe haven, she urged the committee to consider a duty of care.
- The views of the applicant with regard to the Flood Risk Assessment and the Flood Warning and Emergency Plan which would manage the risk and act on any warning. She stated that Bickleigh Cottage received 2 hours notice of a flood warning, the Exe did not have flash floods and that the house was reinforced, there was already a commercial use for the building and that there were systems in place.
- The views of the Ward Member which was read by the Chairman: the application for holiday cottages would be acceptable in planning terms save the question of flooding, the objectors and near neighbours had experience of flooding events; the fact that flood warnings were issued, the evacuation plan and whether the approval of the application was a risk to life.

- Whether flood risk warnings were sufficient to put in place an action plan.
- The advice of the Environment Agency and whether that should be ignored.

RESOLVED that: planning permission be refused for the following reason: the application site is in flood zone 3 and it is at risk of flooding. The application proposes the conversion of the buildings into two units of holiday accommodation which is a 'more vulnerable' use as set out in the 'Flood risk and coastal change' planning practice published by the MHCL 6th March 2014. The local planning authority consider that it has not been demonstrated that the development would be flood resistant, that any risk associated with flooding could be safely managed for the lifetime of the development or that safe access and escape routes can be provided. It has not been demonstrated that the risk of flooding of the development would not present a risk to life. The proposal is therefore considered to be contrary to paragraph 163 NPPF, planning practice guidance "Flood and coastal change" and policies COR1 and COR11 Mid Devon Core Strategy as recommended by the Head of Planning Economy and Regeneration.

(Proposed by the Chairman)

Notes:

- i) Cllrs Mrs F J Colthorpe, Mrs C A Collis, Mrs G Doe, P J Heal, Mrs B M Hull, 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 with Planning Matters as had all received correspondence from the applicant;
- ii) Cllr Mrs F J Colthorpe declared a personal interest as a Member of the Fire Authority and she had visited the former gallery to view material exhibited by friends;
- iii) Cllr Mrs G Doe declared a personal interest as she had exhibited material at the Red Barn;
- iv) Mrs Ashworth (objector) spoke;
- v) Mrs Wright (Applicant) spoke;
- vi) The Chairman read a letter from Cllr R M Deed, the Ward Member;
- vii) Cllr Mrs C A Collis requested that her vote against the decision be recorded;
- viii) The following late information was reported:
 1. Additional comments have been submitted by the Agent. These have been emailed directly to members of the planning committee and a printed version is attached to the update sheet.
 2. Change to the recommendation. The report includes two reasons for refusal. Following the receipt of further survey reports relating to protected

species, it is considered that any impacts that the development would have on protected species (bats) can be mitigated by the provision of a specific bat loft in one of the other buildings at Cleave Barton. Full details of the bat loft would be required to be submitted with a European Protected Species Licence application. As a result of receiving the further protected species surveys the second reason for refusal has been removed.

3. Additional condition:

The development shall be carried out in accordance with the mitigation measures set out in the report by Blackdown Environmental received by the local planning authority on the 5th March 2019. Once provided the mitigation measures shall be permanently retained.

Reason:

To ensure the provision of suitable mitigation measures for protected species in accordance with policies DM2 and DM11 Local Plan Part 3 (Development Management Policies) and in accordance with the Conservation (Natural Habitats & Conservation) Regulations 1994 (Statutory Instrument No 2716) amended in 2007.

4. In the event that the application is approved the following informative is recommended:

A bat loft is to be provided within a building on site as detailed in the ecological report by Blackdown Ecological received 5th March 2019. The applicants are advised that if the provision of the bat loft would require building operations then advice should be sought regarding whether or not the required building operations require planning permission prior to the commencement of the works.

(b) No 2 on the Plans *List (18/02024/FULL – variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL – land and buildings at NGR 301270 1112834 (Orchard House) High Street, Halberton)*

The Area Planning Officer outlined the contents of the report by way of presentation, highlighting the location of the site, the site plan, the position of the wall and the vehicular access. She focussed on the main alteration to the original plans, that being the wall to the frontage of the site to be replaced in a rendered style. The other alterations were the detail of the roof tiles and the barge boards. She stated that the Conservation Officer was happy with the proposals and informed the meeting of the latest response from Halberton Parish Council and members viewed photographs from various aspects of the site. She added that the alteration to the other conditions were further details of the discharge of conditions which were considered to be acceptable.

Consideration was given to:

- The colour of the proposed rendered wall, the proposed upkeep of the wall and whether it was in keeping with the walls already in the High Street.
- The parking area for public use.

- The views of the Parish Council with regard to the appearance of the wall and whether the scheme should enhance the Conservation Area. Concerns had also been raised with regard to the surface of the parking area, although the parking area was welcomed, a management plan for that area would be appropriate
- The views of the Ward Member with regard to the control of the parking area, the rendered wall was felt to be a negative step and that a management plan was necessary to cover the maintenance of the wall and of the parking area
- The surface of the parking area
- The stone walls in the vicinity of the application site

RESOLVED that the application be deferred to allow further discussions to take place with the applicant with regard to:

- A management plan for the car park
- The surface of the car park
- The materials for the wall, to be ideally stone-faced rather than rendered brick.

(Proposed by the Chairman)

Notes:

- i) Cllr R L Stanley declared a personal interest as a Director of 3 Rivers Developments Ltd and chose to leave the meeting during the discussion and vote thereon;
- ii) Cllr Mrs F J Colthorpe declared a personal interest as the Parish Council representative was known to her;
- iii) Cllr Hugill (Halberton Parish Council) spoke;
- iv) Cllr R F Radford spoke as Ward Member;
- v) The following late information was reported:

A consultee response from Halberton Parish council was received on 14th February as follows:

Halberton Parish Council considered this application at their meeting on 12/2/19.

The Council's objections to the proposed change from stone wall to rendered wall remain in place. The Council's view is that a sandstone wall is more in keeping with the Conservation Area.

Typo - reference to condition 12 – this should read condition 15.

- (c) No 3 on the Plans *List (18/02071/FULL – retention of log store – Bradford Farm, Upplowman)*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the proposal, the block plan of the log store, the floor plan

and dimensions of the building. He provided an old aerial photograph which identified the original log store in situ and informed the meeting that he did not feel that the retention of the store had a detrimental impact on the amenity of the occupiers of neighbouring property or the character of the site and surrounding area in general. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The photographs depicted a log store and a workshop
- The views of the objector with regard to whether it was an existing building or a total creation of a new building, why was a wood burner used to heat the room, why was the application retrospective and that there was still unauthorised parking on the site.
- The views of a representative for the agent with regard to the neighbourly dispute which was ongoing, the materials were not out of keeping with the existing buildings and that the car park did not form part of the current application.
- The views of one of the Ward Member's with regard to the intention for the log store, there was ample space within the existing buildings for a log store, the random selection of material for the log store and the fact that the woodburner would billow smoke across to the neighbours property.
- The quantity of wood already stored in the log shed
- The size of the store
- Whether the application was in accordance with Policy DM2

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 proposal was not in accordance with Policy DM2
- Whether the design and materials for the log store were of an acceptable quality and appearance, taking into account the quality of the stone barns and their setting.

(Proposed by Cllr R L Stanley and seconded by Cllr D J Knowles)

Notes:

- i) Cllrs R B Evans, Mrs B M Hull, D J Knowles and R F Radford declared personal interests as the neighbour was known to them;
- ii) Mr Blackmore spoke in objection to the application;
- iii) Mr Webb spoke on behalf of the agent;
- iv) Cllr C R Slade spoke as Ward Member;
- v) Cllrs Mrs F J Colthorpe, P J Heal and D J Squire requested that their vote against the decision be recorded.

120 MAJOR APPLICATIONS WITH NO DECISION (2-16-00)

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

It was **AGREED** that:

Application 19/00118/MOUT – (land west of Siskin Chase) Colebrooke Lane, Cullompton be brought before the Committee for determination and that a site visit take place if the officer recommendation was one of approval.

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

121 APPEAL DECISIONS (2-17-00)

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 Minutes.

122 APPLICATION 18/02080/FULL - DEMOLITION OF GROUND FLOOR SHOP, INSTALLATION OF EXTERNAL CLADDING, SIGNAGE, CANOPY AND DISPLAY WINDOWS, ERECTION OF A MIXED USE BUILDING OF 3 APARTMENTS WITH GROUND FLOOR RETAIL UNITS WITH ASSOCIATED WORKS - 34 FORE STREET AND LAND TO REAR OF 36 FORE STREET, TIVERTON. (2-17-00)

The Committee had before it * report of the Head of Planning, Economy and Regeneration regarding the above application.

The Area Team Leader outlined the contents of the report highlighting by way of presentation the widening of the walkway through to the market area, the proposed demolition works, proposed illuminated floorspace and the elevations and section plans for the proposed buildings. Members viewed photographs from various aspects of the site including that from the Fore Street and the market.

Discussion took place regarding:

- The views of the applicant highlighting the proposed connection from Fore Street to the market, the widening of the walkway to provide a safer movement for people to move around the town, the 3 retail units and proposed residences in the centre of the town.
- The view of the Town Council with regard to the architectural heritage, the impact of the proposal on the Conservation Area, whether the development was sensitive and in line with the NPPF and whether the proposal was in accordance with Policy DM2.
- The views of the Ward Members with regard to the fact that the scheme was critical for the town and the market, there were 3 obvious benefits in that the scheme would enhance the area, there would be new retail units and 3 new flats in the town centre.
- Whether the design of the shops was in keeping with the area, although it was felt that there was no particular theme in the design of adjacent buildings.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with the following additional conditions:

No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No work shall be carried out to construct any external wall unless full details of the coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work. Note: on sloping sites, the top of the wall should run with the slope of the land and not be stepped.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No repointing shall be undertaken on site unless full details, including elevational drawings, to indicate the areas to be repointed; details of the method of removal of existing pointing (in this regard mechanical tools shall not be used); details of the mortar mix, and a sample panel of new pointing that shall be carried out in the agreed mortar; have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No work shall be carried out to fit any doors, windows, boarding or other external opening, including Juliet balcony unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be retained.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No work shall be carried out to form any new window or door opening unless details of any expressed lintel have been submitted to and approved in writing by the Local

Planning Authority. Such approved details, once carried out shall be permanently retained.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any windows are fitted.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No work shall be carried out in relation to roof eaves, verges and rainwater goods unless the design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be permanently retained.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No work shall be carried out to fit the roof lights unless details of the roof light units have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be permanently retained.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

Details of all making good of any existing structure abutting any of those to be demolished, shall be submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be permanently retained.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. Any meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall not be fixed to the street elevations of the buildings or to roofs.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

(Proposed by Cllr P J Heal and seconded by Cllr D J Knowles)

Notes

- i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and chose to leave the meeting during the discussion and vote thereon;
- ii) Mr Busby (applicant) spoke;
- iii) Cllr Hill (Tiverton Town Council) spoke;
- iv) Cllrs Mrs E J Slade and Mrs B M Hull spoke as Ward Members;
- v) The following late information was reported:

Change to recommendation:

Reference to signing of a S106 should be removed as the Council cannot have an agreement with itself. Internal arrangements can be made regarding this matter.

Comments from MDDC Conservation Officer:

You will recall that we discussed the heritage statement prior to our joint discussions with the applicants agent. Your report is a sound outlining of the issues and the balance to be struck.

With regard to the heritage statement, I agree with and I am happy the conclusions with the following comments:

I do feel that they should have used the process as outlined by Historic England in General Practice Advice Note 3 on the Setting of Heritage Assets.

With regard to the new building to the rear:

They omit to assess the setting and appreciation of the Parish Church. Whilst I agree the site is well defined and the listed buildings have defined and intimate settings, the Church Tower stands above the surrounding buildings and is visible when approaching from Fore Street into the Pannier Market to the left. I do not feel that there is any harm, but we should acknowledge the intervisibility and assess it.

Overall I consider the form and massing of the development to cause no harm to the setting of the listed Pannier Market and Church and to preserve and enhance the conservation area. The form and detail, runs along the mediaeval burgage plot, reflecting historic patterns of development, and whilst the design has a modern twist, it is restrained and does not compete with the Pannier Market or Church, or be overly assertive in the conservation area.

The frontage building onto Fore Street is relatively modern, is quite poor architecturally and gives little to the conservation area. At best it is benign. The

opening up of the archway reinstates a wider opening shown on the historic maps, and the projection on the front adds to the building and is not harmful to the conservation area or the setting of nearby listed buildings.

vi) *Report previously circulated copy attached to signed minutes.

123 **COSTS IN THE PLANNING SERVICE (2-47-00)**

The Committee had before it and **NOTED** * report of the Head of Planning, Economy and Regeneration highlighting some of the headline findings of the recent costs exercise to provide Members with background information on suggested service improvements and changes.

The Group Manager for Development stated that work had taken pace with regard to improving the efficiency of the Planning Service. He explained the time recording exercise that had taken place and the report subsequently produced by CIPFA which had highlighted a number of efficiencies and cost recovery opportunities for discretionary services.

Consideration was given to:

- The service cost headlines
- How the duty planning officer service costs would be covered
- The period of the time recording exercise

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

(The meeting ended at 5.25 pm)

CHAIRMAN

Minute Annex

PLANNING COMMITTEE AGENDA - 6th March 2019

Applications of a non-delegated nature

UPDATES

ENFORCEMENT LIST	
1.	ENF/17/000326/RURAL - Unauthorised operational development in the permanent fixing of a shipping container on the land; and unauthorised material change of use from agriculture to a mixed use for agriculture and the storage of materials not required for agriculture - Bradford Farm, Uplowman, Tiverton, EX16 7DQ
2.	ENF/19/00036/LB - Without listed building consent, the insertion of uPVC sliding doors and windows to the 20th century rear single storey extension and uPVC dormer windows to south elevation - Loram Cottage, Copplestone, Crediton, Devon

THE PLANS LIST	
1.	<p>18/00874/FULL - Conversion of artists studios to 3 holiday lets - Cleave Barton Bickleigh Tiverton.</p> <p>6 March 2019</p> <ol style="list-style-type: none">1. Additional comments have been submitted by the Agent. These have been emailed directly to members of the planning committee and a printed version is attached to the update sheet.2. Change to the recommendation. The report includes two reasons for refusal. Following the receipt of further survey reports relating to protected species, it is considered that any impacts that the development would have on protected species (bats) can be mitigated by the provision of a specific bat loft in one of the other buildings at Cleave Barton. Full details of the bat loft would be required to be submitted with a European Protected Species Licence application. As a result of receiving the further protected species surveys the second reason for refusal has been removed.3. Additional condition: The development shall be carried out in accordance with the mitigation measures set out in the report by Blackdown Environmental received by the local planning authority on the 5th March 2019. Once provided the mitigation measures shall be permanently retained. Reason: To ensure the provision of suitable mitigation measures for protected species in accordance with policies DM2 and DM11 Local Plan Part 3 (Development Management Policies) and in accordance with the Conservation (Natural Habitats & Conservation) Regulations 1994 (Statutory Instrument No 2716) amended in 2007.4. In the event that the application is approved the following informative is recommended: A bat loft is to be provided within a building on site as detailed in the ecological report by Blackdown Ecological received 5th March 2019. The applicants are advised that if the provision of the bat loft would require building operations then advice should be sought regarding whether or not the required building operations require planning permission prior to the commencement of the works.

2.	<p>18/02024/FULL - Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL - Land and Buildings at NGR 301270 112834 (Orchard House) High Street.</p> <p>5 March 2019</p> <p>A consultee response from Halberton Parish council was received on 14th February as follows:</p> <p>Halberton Parish Council considered this application at their meeting on 12/2/19. The Council's objections to the proposed change from stone wall to rendered wall remain in place. The Council's view is that a sandstone wall is more in keeping with the Conservation Area.</p> <p>6 March 2019</p> <p>Typo - reference to condition 12 – this should read condition 15.</p>
3.	18/02071/FULL - Retention of Log store - Bradford Farm Uplowman Tiverton.

AGENDA REPORTS

1.	<p>18/02080/FULL - Demolition of ground floor shop, installation of external cladding, signage, canopy and display windows, erection of a mixed use building of 3 apartments with ground floor retail units with associated works - 34 Fore Street and Land to Rear of 36 Fore Street Tiverton Devon.</p> <p>6 March 2019</p> <ol style="list-style-type: none"> 1. Change to recommendation: Reference to signing of a S106 should be removed as the Council cannot have an agreement with itself. Internal arrangements can be made regarding this matter. 2. Comments from MDDC Conservation Officer: You will recall that we discussed the heritage statement prior to our joint discussions with the applicants agent. Your report is a sound outlining of the issues and the balance to be struck. <p>With regard to the heritage statement, I agree with and I am happy the conclusions with the following comments:</p> <p>I do feel that they should have used the process as outlined by Historic England in General Practice Advice Note 3 on the Setting of Heritage Assets.</p> <p>With regard to the new building to the rear:</p> <p>They omit to assess the setting and appreciation of the Parish Church. Whilst I agree the site is well defined and the listed buildings have defined and intimate settings, the Church Tower stands above the surrounding buildings and is visible when approaching from Fore Street into the Pannier Market to the left. I do not feel that there is any harm, but we should acknowledge the intervisibility and assess it.</p> <p>Overall I consider the form and massing of the development to cause no harm to the</p>

setting of the listed Pannier Market and Church and to preserve and enhance the conservation area. The form and detail, runs along the mediaeval burgage plot, reflecting historic patterns of development, and whilst the design has a modern twist, it is restrained and does not compete with the Pannier Market or Church, or be overly assertive in the conservation area.

The frontage building onto Fore Street is relatively modern, is quite poor architecturally and gives little to the conservation area. At best it is benign. The opening up of the archway reinstates a wider opening shown on the historic maps, and the projection on the front adds to the building and is not harmful to the conservation area or the setting of nearby listed buildings.

Additional conditions recommended:

No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No work shall be carried out to construct any external wall unless full details of the coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work. Note: on sloping sites, the top of the wall should run with the slope of the land and not be stepped.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No repointing shall be undertaken on site unless full details, including elevational drawings, to indicate the areas to be repointed; details of the method of removal of existing pointing (in this regard mechanical tools shall not be used); details of the mortar mix, and a sample panel of new pointing that shall be carried out in the agreed mortar; have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

No work shall be carried out to fit any doors, windows, boarding or other external opening, including Juliet balcony unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be retained.

Reason:

To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).

	<p>No work shall be carried out to form any new window or door opening unless details of any expressed lintel have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall be permanently retained.</p> <p>Reason: To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).</p> <p>The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any windows are fitted.</p> <p>Reason: To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).</p> <p>No work shall be carried out in relation to roof eaves, verges and rainwater goods unless the design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be permanently retained.</p> <p>Reason: To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).</p> <p>No work shall be carried out to fit the roof lights unless details of the roof light units have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be permanently retained.</p> <p>Reason: To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).</p> <p>Details of all making good of any existing structure abutting any of those to be demolished, shall be submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be permanently retained.</p> <p>Reason: To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).</p> <p>All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. Any meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall not be fixed to the street elevations of the buildings or to roofs.</p> <p>Reason: To preserve the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local plan part 3 (Development Management Policies).</p>
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