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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 8 August 2018 at 2.15 pm

Present

Councillors

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

Also Present:

Mr I Sorenson (Devon County Council -
Highways Authority)

Apologies

Councillor(s)

Mrs G Doe

Also Present

Councillor(s)

Mrs J B Binks and C J Eginton

Present

Officers:

Kathryn Tebbey (Group Manager for Legal
Services and Monitoring Officer), David
Green (Group Manager for Development),
Simon Trafford (Area Team Leader) and
Sally Gabriel (Member Services Manager)

36 **APOLOGIES AND SUBSTITUTE MEMBERS (00-01-40)**

Apologies were received from Cllr Mrs G Doe who was substituted by Cllr R Evans.

37 **PUBLIC QUESTION TIME (00-02-05)**

Mrs Bell referring to item 1 on the Plans List (Uplowman Road, Tiverton) stated: I refer to the Barratt's application. On 11th July, this Committee deferred its decision so that three issues could be re-considered, one of which was the re-positioning of the new turning point for Uplowman Road which is due to be closed to through traffic.

A new drawing submitted by Barratt's shows that the turning point has been re-positioned near to the end of the road closure. Also, the driveway previously planned to be located directly opposite an existing driveway has also been moved slightly eastwards and now avoids conflict.

We thank Barratt's for this new and safer arrangement.

We have not however, seen the equally important re-consideration of a re-arrangement of the new cul-de-sac that would save a substantial length of historic Devon Bank which is a significant habitat of Dormice, hares and a busy nesting site for a variety of birds each Springtime.

We believe that a re-arrangement of the cul-de-sac properties will serve both Barratt's interests and that of local residents.

Over 40 metres of Devon Bank will be saved, the local character and amenity of this area will be preserved and road safety in the vicinity of this new cul-de-sac will be improved. We believe this section of Devon Bank was shown to be intact on the outline plans which you approved.

Mr Cook will offer one alternative view of how the cul-de-sac could be re-designed to achieve our two remaining aims as well as serve the developers' objective.

If the Devon Bank was retained both wildlife and residents would benefit, and most importantly for Barrett's, provides a better ambience for the promoting and selling of the new properties.

On behalf of residents will this Committee please support our request via your powers to use Conditions and thus, achieve the two remaining and we think very important aims.

Mr Cook referring to item 1 on the Plans List (Uplowman Road, Tiverton) stated: I refer you to the Barratt application and two of the three items that, on 11th July, this Committee deferred for re-consideration by the Developer.

The two items are:

- loss of so much Devon Bank
- and re-positioning of the Barratt show homes.

The latest plans still show a complete loss of the existing historic Devon Bank in this location and, the varied styles of Barratt show homes still have driveway accesses directly onto Uplowman Road to be used by show home visitors.

These driveways and the pedestrian pathways to each house are separated by a new small mound with a hedge on top.

We asked for all the new cul-de-sac properties to be built behind the existing bank so as to preserve the historic bank, preserve and respect local character and amenity and lessen the impact of the sales activity on existing residents including improving local road safety.

We are told by Planning that Barratts are unwilling to re-design this small area as it is likely to result in the loss, to them, of a house in this cul-de-sac.

We disagree and offer one possible solution which we now place before you.

Layout Diagram 1 is Barratt's current plan.

As you can see, the old bank has gone and there are four show homes numbered 168- 171 with vehicle accesses directly onto the re-aligned section of Uplowman Road.

This road section will be used by residents and others requiring access eastwards of the cul-de-sac, as well as the residents of the cul-de-sac.

This has to be an unnecessary safety issue for local road users.

Referring to Diagram 2,

Much of the original bank is now preserved and all the cul-de-sac properties are well within a more regularised area each with plots that are better suited to garden use and not awkwardly shaped as some are in Diagram 1.

There are still eight properties here, five of which have garages as required by Barratts.

Such a layout would serve Barratt's needs and achieve all we aim for,

- save much of the historic bank,
- respect existing local character and amenity and,
- allay our traffic safety concerns.

On behalf of residents will this Committee please support our aims and assert your influence via Conditions to achieve them.

Dr Bell referring to item 1 on the Plans List (Uplowman Road, Tiverton) stated:
We draw this Committee's attention to inaccuracies in the Officers' published report to this Committee relating to the Applicant's responses to the matters deferred by you on 11th July.

In Paragraph 2.4 – this should refer to house number 18 and not 16 which is a very different location.

Paragraph 2.9 - states that show home parking will be relocated to driveways of dwellings that will be constructed elsewhere in the development. This is not so, and Mr Green can confirm this, sales staff and visitor parking is to be on the driveways of the show houses still fronting Uplowman Road with access to the show houses via one of their garages requiring visitors to walk along the road for access.

Paragraph 2.10 - states that residents have been consulted as to the location of the show homes and associated parking and that we are now satisfied and have no objection as regards show home parking.

This is not the case, -we are not satisfied and we still object.

The only consultation we had was on 16th July and concerned only the location of the turning head and moving house plot 175 eastwards to which we did respond positively.

We are, therefore, still facing 6 years of house sales activity directly onto a vulnerable section of Uplowman Roadway and our objections remain.

Paragraph 2.7 referring to the cul-de-sac: this states that at Outline Planning: 'it was agreed that a significant length of the hedgebank would be lost'.

The approved Outline plan referred to in the report is just a line drawing of the road structure without any indication of the Devon banks on either side of the road; however, the associated Outline Hedgerow plan actually showed the retention of much of the Devon Bank so we were unaware that the bank was at risk. If we had known this to be the case, we would have objected strenuously against this at the time.

We ask the Committee to note and consider our comments in your deliberations and we ask the Planning Officers if they will address these issues and correct and clarify them for both this Committee and the Residents.

The Chairman indicated that answers would be provided to the above during the debate.

Cllr Mrs J B Binks (Ward Member for Sandford and Creedy) referring to Item 8 on the agenda (Major Applications) explained that last Friday, an article in the Crediton Courier had stated that the Creedy Bridge and Higher Road applications were both due to be determined by the Planning Committee at its meeting on 8 August. She asked what the official rebuttal to this statement was. She asked the Chairman if she could explain what new conditions were in the NPPF which had brought about the deferral and whether any other pending applications would be likely to be deferred because of the updated NPPF.

The Chairman stated the Creedy Bridge application had always been due to be determined on the 15th August, but had now been deferred, further guidance with regard to the impact of the updated NPPF was still awaited; a number of applications had been deferred.

The Group Manager for Development explained that there was an element within the updated NPPF which referred to calculations with regard to the 5 year land supply; officers were currently assessing and analysing parts of the NPPF document in relation to this. Any rebuttal to the statement made in the Crediton Courier would come from the Chief Executive.

38 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-16-31)

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

39 MINUTES OF THE PREVIOUS MEETING (00-16-43)

Subject to an amendment to Minute 30 (Enforcement List) with the addition of (iii) in the notes to state that "Cllr C J Eginton spoke as Ward Member", the minutes of the meeting held on 11 July 2018 were approved as a correct record and signed by the Chairman.

40 CHAIRMAN'S ANNOUNCEMENTS (00-18-46)

The Chairman reminded Members that the special meeting of the Committee arranged for the Wednesday 15 August 2018 had been postponed, the reasons for this had been discussed earlier in the meeting.

41 DEFERRALS FROM THE PLANS LIST (00-19-12)

The Chairman informed the meeting that Item 3 on the Plans List – the erection of 2 dwellings, alterations to existing access and associated works at land west of Elmdene, Hemyock had been deferred to a future meeting.

42 THE PLANS LIST (00-20-09)

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 ***(18/00133/MARM – Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure – land at NGR 298618 113487, Upplowman Road, Tiverton)***

The Committee had before it a report of the Head of Planning, Economy and Regeneration providing an update on negotiations associated with the application that had previously been considered by the Planning Committee on 11 July 2018 where Members had been minded to approve the application but had requested further consideration of the following issues:

- The possible repositioning of the turning head
- The detrimental impact on the Devon Bank and whether this could be lessened
- Repositioning of the show homes and associated parking to allay traffic concerns.

The Group Manager for Development outlined the contents of the report highlighting the reasons for the additional report and the consultation process that had taken place with local residents in relation to the movement of the turning head following the previous meeting. He explained that Members could not consider the additional plans received from Mr Cook as the committee could only consider the plans received from the applicant.

Referring to questions posed in public question time, the issue raised by Mrs Bell with regard to the turning head and the Devon bank would be covered in his presentation. With regard to the Devon bank highlighted within Mr Cook's questions this had been considered and approved as part of the outline application for the development. Dr Bell had highlighted an error with regard to the house numbers, Dr Bell was correct, this was an error. With regard to the consultation process, the report highlighted the consultation that had taken place.

The officer then outlined the application by way of presentation, highlighting the application site, Members viewed photomontages and photographs from various aspects of the site and considered the revised plans that had been produced to try to address the concerns of the local residents. The outline application plans that had been approved were also presented which showed the removal of the Devon Bank.

Consideration was given to:

- Whether the updated NPPF had been considered with regard to the application
- The height of the proposed new banks, the ground levels behind the bank and the planting scheme
- The lighting scheme for the development
- The concerns of the objector with regard to the turning head, the removal of the Devon Bank, the mixture of properties along Upplowman Road, the impact of the removal of the Devon Bank on the historic habitat and the disturbance associated with the sales activity
- The views of the agent with regard to the negotiations that had taken place to try to mitigate the residents concerns, the introduction of new banking, the positioning of the sales offices and the fact that the visitors parking had been relocated.
- The views of the Ward Members with regard to the loss of the Devon Bank and the time it would take to establish a new bank
- The narrowness of the current road
- The need to look at the whole development
- Maintenance issues and landscaping/planting schemes.
- Whether the applicant might, having heard the concerns, voluntarily look again at the positioning of the show homes and the amount of Devon Bank removal should there be a re-design of any part of the application scheme in the future.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 5 to state: Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B and C of Part 1 relating to those properties with frontage on to Lowman Avenue shall be undertaken within the application site/dwelling curtilage without the Local Planning Authority first granting planning permission.

REASON to safeguard the character and appearance and design aspirations of Lowman Avenue in recognition of its significance as the main route through the development in accordance with policies DM2 and DM14 of the Adopted Mid Devon Local Plan (Part 3).

And an additional condition stating that: The development hereby permitted shall take place in accordance with the approved phasing details (Drawing No. 7588-001A).

REASON :To ensure the appropriate ordering of the site in the interests of proper planning”.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and a Director of 3 Rivers Development Limited and chose to leave the meeting during the discussion and the vote;
- ii) Cllr D J Knowles declared a personal interest as some of the objectors were known to him;
- iii) Cllrs: Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R Evans, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire 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;
- iv) Dr Bell spoke on behalf of the objectors;
- v) Mr Cattermole (Agent) spoke;
- vi) Cllrs C R Slade and D J Knowles spoke as Ward Members;
- vii) Cllrs Mrs C A Collis and D J Knowles requested that their vote against the decision be recorded;
- viii) The following late information was reported, the amendment to Condition 5 and an additional condition.

(b) No 2 on the Plans *List (18/00705/MARM - Reserved matters for the erection of 28 dwellings and up to 90 sq.m of A1 retail floorspace, including incidental open space and car parking, following outline approval 17/00173/MOUT) – land at NGR 287483 106365 (White Cross), Cheriton Fitzpaine.*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan, the access which included access to the proposed shop (approved at the outline stage), the pedestrian link to the school, proposed site plan, parking arrangements site sections and proposed street scenes, the location of the shop, areas of open space, plans identifying proposed materials to be used and house type. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The variation to the terms of the S106 agreement and the Housing Options Manager's view on the appropriate mix of dwellings required and the local need
- Maintenance of the hedgerows and the open space

RESOLVED that:

- a) Planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration;
(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R F Radford)

- b) A Deed of Variation to the terms of the Section 106 agreement be agreed pursuant to LPA ref: 17/00173/MOUT to allow for variation of the affordable housing provision to include the provision of a financial contribution of £25,000 for off-site delivery to compensate for a reduction of the units on site from 8 to 7.

(Proposed by the Vice Chairman)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as she had as Ward Member given a donation to the shop (since the outline application was considered) and chose to leave the meeting during the discussion thereon;
(the Vice Chairman took the Chair);
- ii) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and chose to leave the meeting during the discussion thereon;
- (c) No 3 on the Plans *List* ***(Erection of 2 dwellings, alterations to existing access and associated works – land west of Elmdene, Hemyock.***

This application had been deferred as advised earlier in the meeting.

43 MAJOR APPLICATIONS WITH NO DECISION (1-50-21)

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

It was **AGREED** that:

Application 18/00964/MOUT – (Moor Lane, Westleigh) come before committee for determination if minded to approve and if that was the case, a site visit take place.

Application 18/01091/MOUT – West of Fishers Way, Pethertons, Halberton remain delegated.

Application 18/01036/MFUL – Quarterly Farm, Shillingford remain delegated

Application 18/00915/MFUL – Lidl Foodstore, Tiverton – be determined by the Planning Committee but that no site visit was required

Application 18/00978/MFUL – detention basins, outfall swale drainage – West Manley Lane, Tiverton remain delegated.

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

(The meeting ended at 4.13 pm)

CHAIRMAN

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Minute Annex

PLANNING COMMITTEE AGENDA – 8th August 2018

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>18/00133/MARM - Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure at Land at NGR 298617 113487 , Uplowman Road, Tiverton.</p> <p>7th August 2018</p> <p>“Condition / reason 5 on the bottom of page 29 of the agenda should be deleted and replaced with the following condition and reason :</p> <p>5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B and C of Part 1 relating to those properties with frontage on to Lowman Avenue shall be undertaken within the application site/dwelling curtilage without the Local Planning Authority first granting planning permission.</p> <p>REASON to safeguard the character and appearance and design aspirations of Lowman Avenue in recognition of its significance as the main route through the development in accordance with policies DM2 and DM14 of the Adopted Mid Devon Local Plan (Part 3)</p> <p>8th August 2018</p> <p>One additional condition and reason to be added :</p> <p>“The development hereby permitted shall take place in accordance with the approved phasing details (Drawing No. 7588-001A).</p> <p>REASON :To ensure the appropriate ordering of the site in the interests of proper planning”.</p>
2.	<p>18/00705/MARM - Reserved Matters for the erection of 28 dwellings and up to 90 sq. m of A1 retail floorspace, including incidental open space and car parking, following Outline approval 17/00173/MOUT at Land at NGR 287483 106365 (White Cross), Cheriton Fitzpaine, Devon.</p>

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