

PLANNING COMMITTEE AGENDA - 28th February 2018

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	17/01939/FULL - Erection of a dwelling - East View Buller Road Crediton – Refuse permission
2.	18/00033/HOUSE - Siting of 14 PV solar panels on plastic ground mounted consoles - Bullock Barn Bradiford Farm Morchard Road – Grant permission subject to conditions Down St Mary Parish Council have confirmed they have no objection to the proposal.
3.	18/00063/HOUSE – Erection of a two storey extension and porch at 26 Greenway, Morchard Bishop, Crediton. – Grant permission subject to conditions
4.	<p>17/01716/FULL - Reinstate access and farm track to agricultural land - Land at NGR 292482 101905 School Lane Thorverton – Grant permission subject to conditions</p> <p>Amendment to condition 2 as follows:-</p> <p>Condition 2: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice. Following the implementation of the planning permission both the southern splay of the existing access and that of the northern splay of the proposed access shall remain open and be available for use thereafter.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning and to achieve safe access to and from the site in a manner which does not cause significant danger and inconvenience to other road users in accordance with Policy DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).</p> <p>Additional Parish Council response received:</p> <p>Thorverton Parish Council – 14th February 2018 Thorverton Parish Council resolved to submit the following comments on this application: 1) The revised drawings do not provide the information required to address the objections raised by the local Highways Authority 2) No levels or sections have been shown and the drawings do not demonstrate that the access gradient can be achieved at one in ten 3) The retention of the bank appears to obstruct visibility above 600mm 4) Soakaway does not indicate a depth 5) An apron of 10 metres, as required by Highways, does not seem to have been addressed 6) Visibility splays should be shown in both directions and from both exits but are not.</p> <p>Additional representation received:</p> <p>Further 4 objections were received following receipt of the amended plans. Similar points have been raised as reported in the Committee Report but additional comments raised are summarised as follows:</p> <ul style="list-style-type: none">• Drainage will run off the proposed concrete surface for both accesses into the highway

- How will soakaway and drainage be maintained and kept clear
- There are no details for the soakaway location/depth

One letter of objection as summarised below has been added as the Local Highway Authority has responded to the points raised:

1. This is a cynical Trojan horse application by the landowner to obtain a new access in the hope of residential development on a steep hillside, outside the 30 mph limit.
2. Measurements are not given for the retaining wall or the grass verge where the hedgerow is to be removed. The plan does not appear to be accurate on highway adjoining boundaries which may have been tweaked to fit the proposal.
3. The highway 'road narrows' sign and 'double bend' sign will not be properly visible to motorists in the relocated position.
4. The engineering works associated with this proposal are inadequate given the very steep incline particularly in wet weather.
5. To turn from School Lane into the new entrance with a 16m long tractor and trailer, grain trailer, or anaerobic digester waste trailer, will mean a wide turning circle and driving onto the curtilage of the listed Lodge opposite to achieve the turn, crossing from one side of the lane to the other and needing high revs to get up the very steep gradient.
6. Given the size and weight of vehicles and narrow width of turn and very steep incline, there would increase the health and safety risks.
7. There are no pedestrian pavements along the very narrow School Lane making the risk to villagers and children even greater walking to school and The Bury.
8. The proposed drains are totally inadequate to deal with the rain water and storm water run off from the concrete pad - soil and mud will also be dragged onto the highway. In addition where does the storm water and soil go once it enters the chamber on the plan?

Local Highway Authority - 22 February 2018

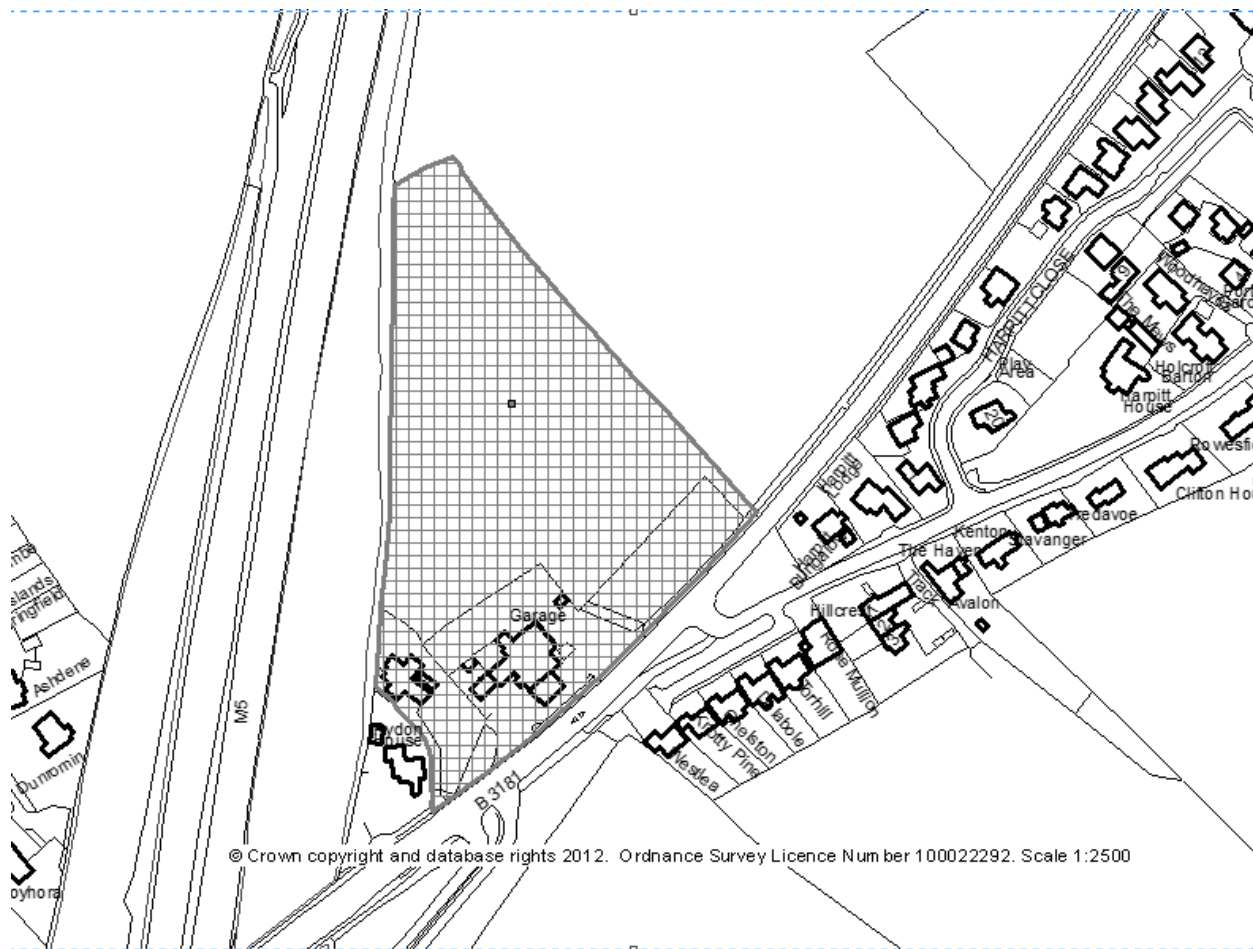
The Local Highway Authority response to the points raised in the additional letter of objection referred to above is as follows:

1. This is not for this application to consider and is speculation, however, the access being provided for agricultural use would not be suitable for a residential estate road and significant further works would be necessary along with suitable transport assessments for any housing generations will be necessary to determine suitability for the site for an increase in traffic.
2. Items 2, 3, 4 I have considered in the whole. The full width of verge and location of the realigned bank will be determined by the visibility splays. The current configuration with the retained bank was a desire from the Planning Authority to maintain the bank and general street scene. The Highway Authority are happy to accept this plan, albeit less than satisfactory, based on the need for the developer to enter into a licence with the Highway Authority where greater detail can be submitted in terms of technical aspects, but the layout, materials, visibility splay provision of drainage, radii and widths have been determined.
5. The swept path of agricultural vehicles entering the site from school lane from the north have been taken into consideration and that is why a 10m radii curve into the site and the lane /access width are as they have stipulated.
6. The gradient of the access has been stipulated as no greater than 1 in 10 for the new section which is the maximum gradient accepted by the Highway Authority and the hard surfacing of the access for the first 6.0m will cater for the skid resistance of the access.
7. The introduction of the drainage is a benefit over the existing access which is greater than 1 in 10 and has no restraint to water entering the highway. Details of the soakaway will be dealt with through the licence. The hard surface identified on the plan is the necessary requirement that allows a full wheel rotation and the reasonable removal of mud and stones before a vehicle enters the public highway. While greater detailed drawings would be desirable the plans submitted have sufficient annotation from a Highway Authority perspective to work with particularly given the need for a licence under the Highway Act.

5.	<p>17/01751/FULL - Erection of 5 dwellings - Land at NGR 295748 103455 South of 5 Old Butterleigh Road Silverton – Grant permission subject to conditions and the signing of a S106 agreement to secure.</p> <p>Recommendation should read prior to conditions: Grant permission subject to conditions and the prior signing of a S106 agreement to secure financial contributions towards public open space and education provision.</p> <p>The section 106 agreement would provide for the following payments to be made by the applicant:</p> <ul style="list-style-type: none"> • Public Open Space contribution of £6,826 allocated to Phase 2 - improvements to School Lane War Memorial OS, Silverton • A contribution of £16,440 (based on the DfE extension rate of £21,921 per pupil) towards additional education infrastructure at the local secondary school • A contribution of £2,546 towards secondary school transport costs due to the development being further than 2.25 miles from Clyst Vale Community College. <p>Condition 15 (as written in the report): Before the dwelling on plot 5 hereby permitted is first occupied, the first floor window in the north elevation serving the en-suite shall be glazed with translucent glass and shall be non-opening below a height of 1.7m measured from the floor level of this room and shall be so retained in this condition thereafter.</p> <p>For the avoidance of doubt, translucent means permitting light to pass through but diffusing it so that persons, objects, etc. on the opposite side are not clearly visible such as through the use of obscure or frosted glazing.</p>
6.	<p>17/01517/FULL - Erection of a dwelling and alterations to existing vehicular access - 27 Downeshead Lane Crediton Devon – Refuse permission</p>
7.	<p>17/01427/FULL - Change of use of agricultural land to domestic garden and retention of play/exercise equipment - Land at NGR 310904 109604 (The Shippens) Blackborough Devon – Refuse permission</p> <p>Response from Blackdown Hills AONB Partnership - I've had a look at the application and can confirm that my views haven't changed about this encroachment of the garden area and the impact of the equipment.</p>

AGENDA REPORTS	

10	<p>17/00652/MOUT – Outline application for a mixed development of 30 dwellings, commercial buildings, access, Public open space, landscaping and associated works – Land at NGR 303116 1101279 (NE of Rydon House) Willand – Implications report</p> <p>22nd February 2018 - Since the agenda was published, the Planning Inspectorate have written to the agent for the application confirming that the appeal against non-determination was not received by them within the valid timeframe and therefore they are unable to take action on it. As a result, the application falls to be considered by Planning Committee</p> <p>REASON FOR REPORT: To consider the reasons for refusal proposed by the Planning Committee at the meeting of 31st January 2018 in light of further advice from Officers.</p> <p>RECOMMENDATION(S)</p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p> <ol style="list-style-type: none"> 1. 35% affordable housing on-site 2. 21 dwellings x £5,218 = £109,578 air quality contributions 3. 5 dwellings x £1,205 = £6,075 open space contributions together with the provision of onsite LEAP and sports facilities to provide for refurbishment (of Chestnut Drive Play Area Willand) 4. £102,390 toward improved primary education facilities (£3,413 per dwelling) <p>The phasing of the works to provide for the commercial units prior to demolition of the existing and prior to the occupation of the 5th Market dwelling.</p> <p>Email received from DCC (Special Projects and School Infrastructure Development Officer) to advise:</p> <p>Since the county council submitted its education response to the application, the baseline data has been updated. This demonstrates that a contribution towards primary education, as previously requested, would no longer be requested. This is consistent with the response to the recent application in Willand. As such, we wish to withdraw our previous request for a contribution.</p> <p>As a result of this revised response from DCC, the Officer recommendation has been revised to take account of this</p> <p>REVISED RECOMMENDATION:</p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure:</p> <ol style="list-style-type: none"> 1. 35% affordable housing on-site 2. 21 dwellings x £5,218 = £109,578 air quality contributions 3. 5 dwellings x £1,205 = £6,075 open space contributions together with the provision of onsite LEAP and sports facilities to provide for refurbishment (of Chestnut Drive Play Area Willand) 4. The phasing of the works to provide for the commercial units prior to demolition of the existing and prior to the occupation of the 5th Market dwelling. <p>A full copy of the Inspectors Appeal Decision will be available for Members.</p> <p>See Correct Site Location Plan below:</p>
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11.	17/0006/TPO – Aubyns Wood Avenue Tiverton The application number is incorrect – it should read 17/00006/TPO.
12.	17/00008/TPO – St Aubyns Wood Rise, Tiverton 2 further letters of representation were received but have not been included on the agenda. They can be summarised as follows: a) Support the preservation of woodland and no desire for trees to be removed but should be able to cut back overhanging or dead branches when necessary b) No objection subject to the woodland being pro-actively managed as there are dead trees, overhanging branches and ivy covering the trees. An Arboriculturalist should inspect and verify current state of trees
13.	17/00009/TPO – Howden Hayes, Tiverton The application number is incorrect – it should read 17/00009/TPO.
14.	17/00015/TPO – St Aubyns Rise, Tiverton