

## PLANNING COMMITTEE AGENDA - 3rd October 2018

### Applications of a non-delegated nature

### UPDATES

THE PLANS LIST	
1.	<p>17/02061/MFUL - Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping - Crediton Garden Centre Barnstaple Cross Crediton.</p> <p>3/10/2018</p> <p>On page 31 change condition 3 as follows;</p> <p>3. All the existing trees and boundary treatments which are proposed to be retained and all new planting, seeding, turfing and/or earth re-profiling as set out on the soft landscape plan as shown on drawing 211 hereby approved shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.</p>
2.	<p>18/00657/FULL - Retention of change of use of an existing agricultural building to office with parking - Bradford Farm Uplowman Tiverton.</p> <p>2/10/2018</p> <p>One email received from the applicant's agent providing further information in terms of the nature of the business use for the office space which is summarised as follows:</p> <ul style="list-style-type: none"><li>• The nature of business to be undertaken in these offices will be desk work based i.e. administration and consultancy via the internet</li><li>• This is the nature of the applicants businesses</li><li>• This falls within the B1 use classification that is included within the proposed condition 3 for the application.</li><li>• In respect to no formal justification of the office accommodation within this location other than within Tiverton, Members are referred to the Officer Report where it states: "The applicant's agent has commented that they have investigated the available office space and no suitable spaces were found within the local area. A search carried out by officers identifies the nearest office accommodation to let being located within the settlement limits of Tiverton and therefore not considered to be within the immediate area to the application site."</li><li>• Therefore they feel that the businesses location is not unjustified and complies with Policy DM20.</li></ul> <p>In response to this additional information one email has been received from the Planning Consultant (XL Planning Ltd) acting on behalf of the objector with the comments summarised as follows:</p> <ul style="list-style-type: none"><li>• The policy justification provided of the location is minimal at best</li><li>• In terms of the criteria for Local Plan Policy DM20, Tiverton Town centre is less than 2 miles from the application site and Tivertons settlement limit is now only less than one mile away which is considered to be within the immediate area</li></ul>

	<ul style="list-style-type: none"> <li>• It can be demonstrated that there are sufficient employment locations within Tiverton which would suit this new enterprise, including Lower Moor Way (two offices available), Howden industrial estate, and the Town centre itself.</li> <li>• Notwithstanding the availability of existing premises in nearest settlement, the location is considered inappropriate for this size and type of development.</li> <li>• The rural setting of this beautiful set of historic barns has been significantly eroded by the works that have taken place, including the unauthorised works which still have not been regularised by way of any planning application to date.</li> <li>• Development which harms the visual environment or has an adverse impact on the character is contrary to policy.</li> <li>• It is contended that the development proposed will clearly impact upon the barns themselves and their associated heritage values, both physically and visually and the changes to the setting and the erosion of integrity of the buildings is unacceptable.</li> <li>• The further domestication of the barns will erode their integrity and authenticity and will be irreversible.</li> <li>• The proposal to convert these buildings to offices is not considered to be in line with Local Plan Policy DM20.</li> </ul> <p>3<sup>rd</sup> October 2018 Amendment to condition 6:</p> <p>Notwithstanding the details as submitted and within one month of the date of this planning permission, revised details for a boundary treatment to include a fence in addition to the beech hedgerow as indicated on drawing number 18-2263-002B shall be submitted to and approved in writing by the Local Planning Authority. The details will include a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The hedgerow approved shall be implemented within the first planning season following occupation of the office accommodation hereby approved and retained thereafter. Any trees or plants forming part of the proposed hedgerow which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason:</p> <p>To safeguard the amenity levels enjoyed by the occupiers of the neighbouring dwelling in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).</p> <p>Additional condition:</p> <p>Notwithstanding the details as submitted, the surface of the car parking area and access to serve the office accommodation shall be finished in a bound material such as tarmac or concrete with final details to be submitted to and approved in writing by the Local Planning Authority and implemented prior to first occupation of the office accommodation hereby approved.</p> <p>Reason:</p> <p>To safeguard the amenity of nearby residential properties in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).</p>
3.	18/00662/MFUL - Erection of an industrial building (B1/B2/B8 use) and provision of additional parking - Hartnoll Business Centre Hartnoll Farm Tiverton.

4.	18/01205/FULL - Erection of extension to livestock building - Middle Weeke Farm Morchard Bishop Crediton.
5.	<p>18/00745/FULL - Erection of dwelling following demolition of existing shed - Land and Buildings at NGR 295495 115092 (Adjacent to Lurley Cottage) Lurley Devon.</p> <p>26.09.2018</p> <ul style="list-style-type: none"> <li>• A habitats survey has been received. The habitats survey concludes that there is no evidence of bats using the buildings on site. There are two bird boxes on the southern elevation of the building, one of which seemed to have been in use during the 2018 season. Overall, the results of the survey found no indications of any protected species presence on site, apart from the previous of one of the bird boxes. There are no ecological constraints to consider within the current application or the construction process. The report suggests the provision of new bird box provision on site, within the garden area as a biodiversity benefit.</li> </ul> <p>Proposed additional condition: The development shall be completed in accordance with the biodiversity mitigation set out with the ecological assessment completed by encompass ecology ltd and received 24<sup>th</sup> September 2018.</p> <p>Reason: In the interests of preserving biodiversity in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and in accordance with the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and by the Conservation of Habitats and Species Regulations (2017).</p> <ul style="list-style-type: none"> <li>• A financial contribution of £1442 toward the offsite provision of public open space and play areas has been received in accordance with policy AL/IN/3 Allocations and Infrastructure Development Plan Document and the Supplemental Planning Document 'Funding public open spaces and play areas through development'.</li> <li>• A plan has been submitted indicating the provision of two parking spaces for the proposed dwelling (which are adjacent to the dwelling). A scaled plan indicating the provision of two parking spaces for use by the occupants of the existing dwelling is still required.</li> </ul> <p>3<sup>rd</sup> October 2018</p> <p>Additional information and plans have been received that demonstrate that the occupiers of the existing property 2 Higher Lurley Cottages are able to park vehicles on the adopted highway to the west of 1 Higher Lurley Cottages. The area of adopted highway to the west of 1 Higher Lurley Cottages does not have any restrictions upon it, although any user of the area must not cause obstruction to the highway. This is understood to be the location which cars associated with 2 Higher Lurley Cottage use to park and will be able to park after construction of the proposed dwelling.</p> <p>Proposed condition no.7 would therefore no longer be required as a plan demonstrating the provision of parking for 2 Higher Lurley Cottages is not needed.</p>

## AGENDA REPORTS

1.	<p>18/00175/MOUT - Outline for the erection of upto 125 dwellings with public open space and associated infrastructure - Land at NGR 303288 110467, Adj Meadow Park, Silver Street, Willand, Devon</p> <p>25.09.2018 Members are advised that a further letter has been received since the publication of the original agenda report from the Head teacher at Willand School as follows: 'Further to the planning application 18/00175/MOUT, I am writing to confirm the position of Willand School with regard to the proposed financial contribution from this development towards the provision of additional space at the school.</p> <p>Willand school has a net capacity of 420 places but there are accommodation deficiencies in some areas, notably with the lack of studio space. The additional studio proposal will support the delivery of the wider curriculum and limit problems of disturbance to neighbouring rooms in the current school. Although primarily to be used for curriculum music teaching to class-size groups, other design features will ensure its versatility for a variety of additional activities, including overspill dining space for the hall, a dance/drama space and small group interventions to support children who need targeted teaching.</p> <p>The proposed studio project secured planning permission in April 2017 and we are ready to go out to tender when funding permits. However there are no funding sources identified for delivery of this project at this time'</p> <p>2/10/2018</p> <p>EMAIL FROM AGENT AS FOLLOWS:</p> <p>Thank you for your email yesterday in respect of the speaking arrangements for the Planning Committee tomorrow; we note that we will still not be able to speak in respect of the main (Outline) application, but it would be possible to speak to the Access (Full) application (which would be considered second out of these two items). I suspect that we will leave this as things will be covered in your report (including update report) and presentation, but could we maybe reserve the ability to say anything and we will confirm to the committee clerk at the meeting tomorrow?</p> <p>Also whilst writing and having again reviewed the 'Implications Report' (for the Outline application), it is noted that the trigger points for S106 Obligations, which we had suggested in advance of the last meeting, are now included in the Heads of Terms that are at the front of the report. As we specifically noted when submitting our suggestions in advance of the last meeting (my email of 28<sup>th</sup> August 2018, attached for ease), these were a starting point for discussion/agreement with the LPA. Although it seems that Officers are content with these suggestions, there has not been any specific discussion or refinement of these triggers with us to date. Furthermore, it was apparent from the last meeting that the Parish Council and Local Members had not been able to consider these in advance of the committee meeting, and it is a high priority to them that the appropriate early triggers are agreed. As such, I would just like to confirm that the applicant would be open to discuss and vary these specific details should any alternative arrangement/priority for the triggers be considered necessary/desirable.</p> <p>3<sup>rd</sup> October 2018</p> <p>Email received from the agent as follows:</p>

	<p>having again reviewed the 'Implications Report' (for the Outline application), it is noted that the trigger points for S106 Obligations, which we had suggested in advance of the last meeting, are now included in the Heads of Terms that are at the front of the report. As we specifically noted when submitting our suggestions in advance of the last meeting (my email of 28<sup>th</sup> August 2018, attached for ease), these were a starting point for discussion/agreement with the LPA. Although it seems that Officers are content with these suggestions, there has not been any specific discussion or refinement of these triggers with us to date. Furthermore, it was apparent from the last meeting that the Parish Council and Local Members had not been able to consider these in advance of the committee meeting, and it is a high priority to them that the appropriate early triggers are agreed. As such, I would just like to confirm that the applicant would be open to discuss and vary these specific details should any alternative arrangement/priority for the triggers be considered necessary/desirable.</p>
<p>2.</p>	<p>18/00177/FULL - Creation of new access for residential development of up to 125 dwellings - Land at NGR 303174 110748, Meadow Park, Willand, Devon</p> <p>25.09.2018</p> <p>Members are advised that the applicants have formally requested that the description of their application is amended to 'Creation of new access for residential development'. Members are advised that this has been done in the interests of making the application proposals clearer. It does not materially affect the development proposals as the plans/drawings/specification remain unchanged. This in no way prevents members from issuing a refusal, if having read the implications reports and considered everything raised at committee, they feel it is appropriate to do so.</p>