

PLANNING COMMITTEE AGENDA - 5th December 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 December 2018</p> <p>Page 17: Since the report was drafted additional letters of representation have been received confirming support for the application scheme (38 now in support) outweighing the number of comments objecting to the application.</p> <p>5 December 2018</p> <p>Mr Tucker from the Bow Garden centre, and writing on behalf of the objectors group, has submitted a number of reports from consultants covering the following topics, the legal position regards the basis for the assessment, an independent appraisal of the planning application submission, and an independent highways and transport assessment and a landscape review. Each of the reports presents the view that the planning application should be refused without providing any detailed analysis of the officer recommendation as presented in the report pack.</p> <p>Mr Tucker in his letter states that: Because we do not feel that objectors concerns have been sufficiently taken into account we hereby provide independent reports. Many of the issues highlighted in these report have been previously raised via our objectors letter, our direct meeting with the Council, and in the last planning meeting.</p> <p>Officer comment: Following a review of the documentation no further comments are provided supplementary to the report as already circulated. As stated the application presents a scheme to improve and modernise the trading/customer environment at an existing garden centre and the policy framework against which it has been assessed is the same as other applications to extend and improve other garden centres in the district as confirmed in the report. Members' attention is drawn to conditions 13, 14 and 15 of the recommendation in terms of building in safeguards to protect the vitality and viability of the Crediton High Street.</p> <p>The documents as submitted have been uploaded against the application record.</p> <p>5 December 2018</p> <p>Comments from Crediton Town Council received on 5/12/2018 at 11:56 am:</p> <p>It was resolved to strongly support the comments made by the Mid Devon District Council's Economic Team in that the A1 retail offer is limited to garden and garden related products as this should not result in a negative impact on Crediton High Street. If the A1 retail offer cannot be limited to garden and garden related products the Town Council would strongly object to the application.</p> <p>The Town Council is also very concerned about the level of hard surfacing and the lack of green landscaping at the site. The site will also generate increased traffic through the High Street which will negatively impact on the air quality issues that Crediton already has.</p>

<p>2.</p>	<p>18/00915/MFUL - Erection of Lidl food store (Class A1) and non-food unit (Class A1) with associated parking, landscaping and access arrangements following demolition of existing buildings - Foundry Estate Blundells Road Tiverton.</p> <p>5 December 2018</p> <p>First Update:</p> <p>Letter received from Environment Agency dated 30th November commenting as follows:</p> <p>'We are satisfied the applicant has demonstrated that an appropriately graded access can be constructed from the edge of the application site into the neighbouring land to the south as shown on drawing Proposed Site Plan AD 205. We advise that the final details of this arrangement will need to be secured by planning condition. We also advise that it will be necessary to have a gate included on the northern boundary visi rail fence to provide pedestrian access to the steps on the Moorhayes Stream. Our suggested wording for these conditions:</p> <p>Condition</p> <p>Prior to the commencement of development the final details of the graded access shown on drawing Proposed Site Plan AD 205 shall be submitted to and agreed in writing by the LPA. The graded access shall be fully implemented as approved prior to first use of the site.</p> <p>Reason</p> <p>To ensure access (on foot, with vehicles, plant and equipment) for the Environment Agency to the River Lowman for the purposes of inspecting, maintaining, repairing and construction of existing and new flood risk management works.</p> <p>Condition</p> <p>The visi rail fence on the northern boundary shown on drawing Proposed Boundary Treatments AD 114-Rev C shall include a gate for pedestrian access to the new access steps on the Moorhayes Stream.</p> <p>Reason</p> <p>To ensure access on foot, with equipment, for the Environment Agency to the Moorhayes Stream for the purposes of inspecting, maintaining, repairing and construction of existing and new flood risk management works.</p> <p>Informative to applicant:</p> <p>We note that the revised drawings do not show an extension to the corridor improvements opposite the sub-station near the confluence of the River Lowman as advised in our last consultation response. We would strongly encourage the applicant to provide minor river corridor improvements at this far downstream extent which would optimise the performance of an improved corridor. Whilst the proposed site plan drawing does not show a route for access through the non-food retail unit car park our expectation is that the road through the car park will remain free of obstruction between the two sites to allow for movement of cars around the car park. We would request that a car parking space, closest to the gate and access steps on the Moorhayes Stream, is marked out / hashed for the Environment Agency's use to ensure we have access at all times.</p> <p>Second Update:</p> <p>Letter of objection received from Planning Consultant acting on behalf of MST outlining</p>
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the following:

- That MST's 'warehouse' lease provides for two means of access to its site but the proposal results in a less than commodious access arrangement whereby articulated vehicles would be required to reverse back into the access road to Lidl which is not safe or a practical solution.
- It is commented that the landlord has suggested that they could grant MST more area as part of their lease at the South West corner to enable a turning circle be created so that HGVs could turn and exit by the North gate but this has not been done.
- Therefore access arrangements should be available through the car park of the non-food store with swept path analysis provided in order that the existing two way access is continued allowing for the operational and financial viability of an existing major employer and supply chain provider.

Third Update:

Letter of response received from the Landlord, Lowman Manufacturing Company Limited advising:

- Lease granted to MST in 2011 which states that the Landlord "reserves the right to re-route any means of access to or egress from the Property and to change the areas over which the Rights ... are exercised; Provided that...the new routes to the Property shall be no less commodious and adequately surfaced than those existing at the date of the Lease..."
- Rights under the 2011 lease are commercial matters and if MST thinks rights have been breached then that is a matter for discussion at Law, not at Planning. Nevertheless we can confirm that in conjunction with Lidl there has always been a clear intention to safeguard any leasehold rights benefitting the Property.
- The new arrangement has been explained to MST whereby the route available would be the spine road under the Lidl application, entering the MST site at the north east corner, approximately as now, and that extra land would be made available on land at the far end of the Property (the west end) which was not part of the 2011 lease but is adequate to turn lorries around so they can drive back out the way they came in.
- The new access route would be commodious as would be a two way road to highway standards

Fourth Update:

Response from the Local Highway Authority in terms of the submitted HGV Plan:

'I have checked the swept path analysis which is accurate and the turning circles work, more over both the MST Yard and the non-food retail can accommodate other turning circles. However it is for the Local Planning Authority to consider if the change to MST is an impact on amenity as the swept paths would be reliant on the areas remaining free from obstruction so outdoor storage would possibly be lost and the swept path area should be conditioned to be kept clear. It would be down to the legal rights of the land owner/ tenants which you may consider to be a civil matter'.

Fifth Update:

A letter of support has been received from H.J. Bedward with grounds of support similar to those appearing within the committee report.

Sixth Update:

	<p>Amendments to conditions as stated within Committee Report:</p> <p>Condition 5 – Reference can be included to relate to bank holidays so new wording would be:</p> <p>5. Deliveries or collections of goods to and from the stores including the collection of packaging, waste or other items shall only take place between the hours of 7 am and 10.30 pm Monday to Saturday and 8 am - 9 pm on Sundays and bank holidays.</p> <p>Condition 14 – The new tree plan needs to be referred to so new wording would be:</p> <p>14. Notwithstanding details as submitted allowing for changes to the embankment along the northern part of the site, all existing trees identified to be retained on the Tree Protection Plan, drawing no. 3026 TPP Rev B, shall be protected throughout the construction of the development hereby approved with protective barriers to be erected in the areas shown prior to construction works being undertaken on site. Any trees shown for retention that 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>
3.	<p>17/02034/FULL - Change of use of land for the siting of premises for falconry business and 1 associated dwelling - Land at NGR 283959 102949 (Barton Cross) Upton Hellions Devon.</p> <p>3 December 2018</p> <p>Page 80: In addition to the letter already circulated to members (dated 30 November 2018) the parishioners of Upton Hellions have submitted an additional representation (dated 28 November 2018) to the planning application that questions the robustness of the assessment that has been undertaken by the LPA team in terms of the noise impact of the development, suggesting that further impartial independent research should be undertaken to confirm the likely noise impacts of the development. The officer report presents the conclusion on this matter at page 89/90 of the report pack.</p> <p>Additional comments: There are no further conclusions to present on this matter at this stage; however the Environmental Health Officer will be present at the meeting on Wednesday to clarify any outstanding concerns that members may still have.</p> <p>Furthermore two additional letters from stakeholders, who have already made representations against the application, have been received expressing concern about the noise impacts and the potential use of electronic robot type birds which to question the validity of the proposed scheme in terms of the use.</p>
4.	<p>18/01260/FULL - Change of use of agricultural land to mixed agricultural and equestrian, erection of a timber framed barn and construction of a menage - Land at NGR 316219 116022 (Poachers Rest) Clayhidon.</p>
5.	<p>18/00284/ADVERT - Advertisement Consent to display 8 non-illuminated heritage trail information panels - St Boniface Church, East St Junction With Charlotte St, Crediton Parish Church Car Park (The Old Organ House) , Newcombes Meadow Park, Crediton Methodist Church, Town Square, Crediton Congregational Church, & St Lawrence Green Crediton .</p> <p>5 December 2018</p> <p>Comments from Crediton Town Council received on 5/12/2018 at 11:47 am: It was resolved to recommend approval</p>

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AGENDA REPORTS	
1.	<p>18/00004/TPO - Tree Preservation Order for 1 Oak tree – Hawthorn Close, Cullompton</p> <p>27 November 2018</p> <p>Representation in support of the Tree Preservation Order Mrs Rachel Glover, resident in favour of the TPO.</p> <p>Good afternoon</p> <p>Firstly, my apologies for being unable to make today’s meeting in person. In my absence, I’ve asked if it is possible for my representation to be read out on my behalf in support of this Tree Preservation Order. Thank you for this opportunity.</p> <p>I firmly believe that the mature old Oak tree in question is worth preserving for now and for future generations, not only for its beauty but the invaluable contribution it makes to the local landscape.</p> <p>In addition to providing very necessary screening in the housing development, I would argue that this tree is integral to the character of the area. When I decided to buy my house here, it was important that the surrounding area had greenery and trees nearby – this Oak tree was a key deciding factor.</p> <p>Without this tree, it will make the area much less attractive by exposing rows of brick houses and increasing noise nuisance. The tree in question is a haven for wildlife in the locality, including bats and many species of birds. It provides the surrounding houses with the wonderful amenity of garden birds and wildlife visiting gardens.</p> <p>This tree is publically visible in the Padbrook area of Cullompton and its removal would leave a large adverse hole in the landscape.</p> <p>I accept that the few residents who object to the Tree Preservation Order may find that the tree drops leaves and will block out some light, and that it may need occasional pruning. However, it is a fact that the tree was boldly standing there when we all made the decision to buy our houses. I have no doubt that many other people will share my interest in nature, wildlife and the screening privacy offered by this tree. This will inevitably include future residents who move to this area and, for them, having this tree nearby will be of the same large benefit. How sad if this tree can be so easily felled by the decision of a few current residents, without the need for any consent, when the loss of the tree would impact on so many, both currently and in the future.</p> <p>In view of all of this, I urge the Planning Committee to decide to confirm this Tree Preservation order – it is a tree with many benefits to the locality and, without being protected by this order, there are likely to be serious negative consequences for this area.</p> <p>Thank you for listening.</p>
2.	<p>18/00005/TPO - Tree Preservation Order for an area of woodland – Scotts Business Park, Bampton</p> <p>4 December 2018 – no longer being considered at this committee as deadline passed – new order to be issued by legal team.</p>

