

## **MID DEVON DISTRICT COUNCIL**

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

### **Present**

#### **Councillors**

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

### **Also Present**

#### **Councillor(s)**

Mrs J B Binks and Mrs M E Squires

### **Present**

#### **Officers:**

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Adrian Devereaux (Area Team Leader), Alex Marsh (Conservation Officer), Chris Shears (Economic Development Officer) and Sally Gabriel (Member Services Manager)

## **101 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **102 PUBLIC QUESTION TIME (00-02-53)**

Cllr Mrs J B Binks referring to item 1 on the Plans List (Wisteria House, Morchard Bishop) stated that her co-ward member had called the application in with support from herself and the Parish Council; it concerned her that the interpretation of planning law could cause conflict between officers and residents. She informed the meeting that there would be a spate of applications for Listed Building Consent coming from Morchard Bishop, with a view to this, a site visit of all such listed properties in Morchard Bishop had been organised with the Conservation Officer for 2.00pm on 21 February, she asked whether the committee felt that this was a good idea and whether they would like to attend as well.

The Chairman indicated that she would consult with the committee and correspond further with Cllr Mrs Binks.

Dr Manning again referring to Item 1 on the Plans List stated that when he bought the property a survey had identified that there had been listed building consent granted for the annex which had double glazing. He asked whether the committee were aware that some of the seals in the upstairs windows were made of MDF and that this swelled with the condensation and would need to be replaced, with double glazing there would not be any condensation.

Mr Veltink referring to item 10 on the agenda (Whitehall Farm, Morebath) asked whether the additional units in the new application which were situated further down the village should be considered as over-development, if the application was approved would this set a precedent for further development in the area? He continued stating that the area was of great landscape value, what consideration had been given to this; also that the area had reduced signage and any signage would require planning permission, residents did not want people knocking on the door asking for directions but residents didn't want lots of signage everywhere either.

The Chairman indicated that answers to questions would be provided when the items were debated.

### 103 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

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

### 104 **MINUTES OF THE PREVIOUS MEETING (00-10-35)**

The minutes of the meeting held on 9 January 2019 were approved as a correct record and signed by the Chairman.

### 105 **CHAIRMAN'S ANNOUNCEMENTS (00-11-00)**

The Chairman had the following announcements to make: she informed the meeting that the following posts had been filled within Development Management – Jake Choules, Planning Assistant would start on 18 February and Oliver Dorrell – Planning Officer would start on 11<sup>th</sup> March.

### 106 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

### 107 **THE PLANS LIST (00-12-14)**

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 (***18/01467/LBC – Listed Building Consent for the replacement of 11 windows with new hardwood timber windows – Wisteria House, Fore Street, Morchard Bishop***)

The Conservation Officer outlined the contents of the report highlighting by way of presentation the location of the listed building in the village of Morchard Bishop and photographs of the windows taken from various angles and compared with those taken in 1916. Members also received photographs of the street frontage and the details of each window which the Conservation officer felt could all be repaired rather than replaced. He outlined the guidance given by Historic England and the national policy which sort to conserve the original windows in the listed property.

Consideration was given to:

- The technical risk to the dwelling of replacing the windows.
- Whether double glazed hardwood windows were appropriate.
- Whether just repairing the windows would stop the issues with condensation and draught and whether the impact/harm of new windows to the listed building outweighed the benefits.
- The impact of the condensation on the fabric of the property.
- The views of the applicant's agent, with regard to the listing and the fact that the new windows had been designed to retain the 19<sup>th</sup> Century style and would stop the threat to the fabric of the building, the current windows were not original and the new windows would be more suitable and would match the 1916 windows shown in the photographs.
- The views of the Parish Council with regard to the visual impact of new windows on the property; other properties in the village had double glazed hardwood windows and that the new windows would benefit the property in the long term.
- The views of one of the Ward Members with regard to the condensation problems, the windows had been updated in the 1960's and that the replacement bars could match the existing.
- The porch had not been present in the early pictures but had been in place for many decades.
- The use of hardwood windows in listed properties was acceptable, with only the double glazing being the issue

**RESOLVED** that:

- a) Listed Building Consent be granted for the following reason: the design detail and material of the replacement windows conserved the character of the conservation area and therefore was deemed acceptable;
- b) Delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions to include a condition which stated that the glazing bars of the windows be the same as the existing design.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Mr Lewin (agent for the applicant) spoke;
- ii) Cllr Grant (Morchard Bishop Parish Council) spoke;
- iii) Cllr Mrs M E Squires spoke as Ward Member;
- iv) The following late information was provided, the reason for call in by Cllr Mrs M E Squires had been omitted from the report: which read 'To discuss the issue of conservation and how that sits with climate change and the need to conserve our energy needs coupled with insulation for residents and affordability with running costs in the future.'

## 108 MAJOR APPLICATIONS WITH NO DECISION (00-54-35)

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

It was **AGREED** that:

Application 19/00038/MOUT – Culmbridge Farm, Hemyock be brought before the committee if minded to approve and if that was the case then a site visit take place.

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

## 109 APPEAL DECISIONS (00-55-37)

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 signed Minutes.

## 110 APPLICATION 18/01598/FULL - ERECTION OF A SELF SUPPORTING TREE HOUSE, REPLACEMENT OF EXISTING SUMMERHOUSE WITH CABIN ON STILTS AND CHANGE OF USE OF EXISTING SHED/ADJOINING GARDEN FOR THE SITING OF ONE CABIN, ALL FOR HOLIDAY USE - LAND AT NGR 295315 124977 (WHITEHALL FARM) MOREBATH (00-56-50)

The Committee had before it an \* implications report of the Head of Planning, Economy and Regeneration regarding the above application; Members at the meeting on 9 January 2019, were minded to refuse planning permission, but a final decision was deferred pending consideration of an implications report.

The Area Team Leader addressed the meeting highlighting the additional responses from the Highway Authority on the update sheet following concern raised by Ward Members over the practicality of the access proposed and the possible addition of a further condition to address this. In respect of the questions posed in public question time, he provided the following responses: whether the application would result in overdevelopment and would this set a precedent – overdevelopment had been addressed in the report and each application was dealt with on its individual merits. With regard to designations, Morebath was not in an area of great landscape value but the site was in an area for control of advertisements, therefore signage with deemed consent would be based on reduced sizes in this area.

The Officer then informed the meeting of the planning history on the site and outlined the contents of the report by way of presentation, highlighting the site location plan on the western edge of the village of Morebath, the elevations of the building that had been approved and the block plan of the current proposals for the tree houses and replacement of the existing summerhouse, the entrance plan, sewage plan, the elevations and proposed floor plans of the holiday units, the detailed plans of the tree houses and a plan identifying the nearest neighbours and the distances between those properties and the development site. He referred Members to the implications report and the four reasons for refusal for consideration.

Consideration was given to:

- The views of the Ward Members with regard to the inadequate design of the proposal, the narrow and steep access, the dramatic topography and the fact that the proposal with regard to the tree houses was out of character for the local area, the increase in traffic movement as there were no local services in the village, possible issues with the treatment plant flowing into Shuttern Brook and the impact of this on Bampton. Consideration was also given to the character of the site and impact upon the visual amenity of this part of Morebath, as well as impact on neighbouring properties. Further, whether the proposal was viable and whether it was in line with policy DM24, was there a long term business case and was there any benefit to the local community.
- The views of the Economic Development Officer outlining the need for the tourist accommodation in the area and that he had worked with the applicant and was satisfied with the nature of the proposal. Whilst the success of the business could not be guaranteed such a project should be supported.

It was therefore

**RESOLVED** that planning permission be refused on the following grounds:

1. The design, scale and appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area and the visual amenity of the area in general representing overdevelopment of the site. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM24 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.
2. In the opinion of the Local Authority, the proposed development would prejudice road safety due to the proposed widening of the access and level changes involved resulting in a steep gradient and through the increase in traffic travelling along a narrow congested lane without a public footpath. The development is therefore considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM24 of the Mid Devon Local Plan part 3 (Development Management Policies).
3. Insufficient information has been submitted to demonstrate a business case has been justified for holiday accommodation on this site which would provide economic benefits to the community and represent sustainable development. Therefore the development is considered to be contrary to DM24 of the Local Plan Part 3 (Development Management Policies).
4. The proposed development would result in a detrimental impact on the amenity of occupiers of neighbouring property through overlooking and increased disturbance through noise and light pollution. The development is therefore considered to be contrary to Policy DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

(Vote 6 for: 5 against)

Notes:

- i) Cllrs B A Moore and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they knew several of the objectors;
- ii) Cllr B A Moore declared a personal interest as his property had a building with a holiday let, this was not used and there was no intention to use it;
- iii) Cllr Mrs H Bainbridge declared a personal interest as she owned a holiday letting business 8 miles from the site;
- iv) Cllr Mrs F J Colthorpe declared a personal interest as she had attended Morebath Parish Council meeting as a the County Councillor;
- v) Cllrs Mrs C A Collis, Mrs F J Colthorpe, G Doe, P J Heal and D J Knowles requested that their vote against the decision be recorded;
- vi) Cllrs Mrs H Bainbridge, B A Moore and R L Stanley to be available should the applicant appeal the decision;
- vii) The following late information was reported: 5 February 2019

One letter of objection has been received from a Mr Edwards  
One letter of support has been received from Bell Cornwell Charter Town Planners acting on behalf of the applicant.

Both letters have been circulated to Members ahead of the Planning Committee Meeting.

A response has been received from Ian Sorenson from the Local Highway Authority in answer to an email from Cllr Moore highlighting concern raised over the practicality of the access proposed. Ian Sorenson outlines that he would support a condition requiring the access details being submitted for approval.

The following comment was made:

‘It is fair to say that an initial look at the landscape plan conditioned by the LPA shows the access edge closest to Morebath village being 1 in 10 and the levels on the plan are prominent, but as the road descends to the bend the access steepens dramatically and unless all the levels were considered this steepening of the access may not have been picked up. Looking at this plan the access appears to rise to a maximum height some 3.0m in from the road and then drops away again into the site. The access would benefit from a lowering of the western access edge to provide an improved gradient, but should be done in such a way as to not provide an adverse cross fall’.

- viii) Note: \*Report previously circulated copy attached to signed minutes.

111 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER THREE 1ST OCTOBER- 31ST DECEMBER 2018 (1-31-00)**

The Committee had before it and **NOTED** a \* report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for quarter 3 of 2018/19

The Group Manager for Development outlined the contents of the report stating that national planning performance indicators continued to be met and exceeded in the majority of areas measured. He highlighted the many changes within the team and the proposed new staff which would help to improve performance statistics.

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

(The meeting ended at 3.50 pm)

**CHAIRMAN**