

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 April 2019 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

D J Knowles

Also Present

Councillor(s)

D R Coren, R Evans, Mrs E J Slade and
Mrs J B Binks

Present

Officers:

David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Lucy Hodgson (Area Team Leader), Alison Fish (Area Team Leader), Adrian Devereaux (Area Team Leader), Helen Govier (Planning Officer), Oliver Dorrell (Planning Officer), Jake Choules (Planning Assistant), Ian Sorenson (DCC Highway Authority) and Sally Gabriel (Member Services Manager)

124 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr D J Knowles who was substituted by Cllr R J Dolley.

125 PUBLIC QUESTION TIME (00-02-55)

Mr Wood, referring to Item 1 on the Plans List (Crediton Garden Centre) stated: I am a veterinary surgeon and I have a point about the Crediton Garden Centre development. I have lived opposite this proposed development site for roughly six years and this area will always be designated as open countryside. I would like to ask the planning people why this has not been taken into account. 45% of this application site was land only purchased by the applicant in 2017, this land as I said has always been designated as open countryside and has previously had planning permission refused 6 times plus twice on appeal. This was to prevent harm to this countryside area and landscape so surely this should be a material consideration now. I would also like to know why a full landscape assessment has not been carried out, the

independent landscape assessment from Cambrian Landscape Architects strongly concluded this development would have a harmful effect on the landscape despite the revisions. Allowing this development would have a major negative effect on the surrounding area and especially the landscape. In addition it will affect my home where I have lived for 6 years and my business as well by making the traffic considerably more congested in this area. It's already difficult for traffic anyway and this will make it much much worse. Our residential amenity and privacy will also be affected by the noise and disturbance of the delivery and staff vehicles using entrances opposite our property. I hope the councillors will take account of the harm to the landscape and also our local residents' objections.

Mr Adams, referring to Item 1 on the Plans List (Credon Garden Centre) stated: – Can the planning officer please explain how the proposed retail restriction could possibly protect gardening retailers in Credon such as Adams, Tuckers Country Store and Mole Avon? 25% of the footfall in Credon High Street was shown by the Mid Devon retail study to be generated by my shop Adams. However we and other garden retailers would not be protected at all by the restrictions proposed. If we or other garden retailers in Credon were to close it could be a tipping point for the towns future. Footfall on the high street would dramatically drop and the town centre would go into decline. Tesco and other supermarkets have some restrictions on general merchandise such as gardening items. However a garden centre just on the edge of town with 4800sq metres of space selling garden items would have an even stronger harmful effect on garden retailers in the town. This harm has not been taken into account in the retail implications report and so the actual impact would be much greater than that reported.

Mr Bond, referring to Item 1 on the Plans List (Credon Garden Centre) stated: – I own a greengrocers on the high street in Credon. Can the officer please advise how the retail restrictions would protect the town at Christmas time? The seasonal space of this shop would be over 1080sq metres from October to January, that means half the entire shop would become A1 retail space for at least 4 months of the year. This would make the shop the biggest A1 retail unit in Credon for a third of the year. This is bound to have a serious impact on gift card and general shops at a key selling time for the high street. It would certainly draw customers away from the town centre. This impact has not been taken into account in the retail impact report and its conclusion that the impact on the town is less than 3% is severely underplaying the impact which is likely to be nearer 10 – 20%.

Mr Schofield, referring to Item 1 on the Plans List (Credon Garden Centre) stated: – Can the planning officer please tell us why a small 230sq metre shop is being allowed to be developed into something 30 times larger including the café. Also why have the figures claimed that retail space have been taken at face value and not questioned at all by the planning office. The independent assessment from X-cel Planning showed that the scale of this retail development is far larger than what is currently there and is a shop development of inappropriate scale for the countryside location. The actual current shop building is shown to be only 230sq metres and the total rateable space actually on the site today is only 1/3 of what is claimed. Such an incremental development is clearly not appropriately scaled. Why has the impact of the cafes not been considered at all in the planning officers report? This development would have a major impact on café trade in and around Credon as it would be the largest café in Credon with a £1m turnover. A major restaurant of this size would most certainly draw people away from using the town centre café's. The drip drip

effect of allowing such an out of town development, especially only 1 mile from the town, will suck trade away and turn the town centre into a ghost town. I would kindly asked councillors to consider that such a large café would cause great harm and destroy café trade and family businesses in Crediton.

Mrs M Green, referring to Item 1 on the Plans List (Crediton Garden Centre) stated: - I would like to ask whether it is acceptable that road improvements should be carried out at the expense of public safety? One of the biggest concerns from objectors regarding this application is road safety. Many residents strongly believe that the road would become more unsafe as a result of this development. The independent report from Mark Baker Consulting clearly states that the entrance remains fundamentally unsafe.

Mr Baker says:

“Despite the submission of revised plans the applicant fails to demonstrate that a safe and suitable access can be achieved.

The impact of the proposed redevelopment will be unacceptable.

Accordingly, the planning application should be refused on highway safety grounds”.

I hope that councillors take this into account in making a decision, as safety should never be compromised for road improvements.

Mrs M Tucker, referring to Item 1 on the Plans List (Crediton Garden Centre) stated: - Can the planning officer please explain how this development can possibly be sustainable? It will be impossible to walk or cycle safely to the development. The westbound bus stop will also still be dangerous, as the 60 mile per hour road would need to be crossed by pedestrians to reach the centre.

Bus access will be limited, as buses to this area don't run on Sundays, which is one of the busiest days of the week for a garden centre. As a consequence, nearly all trips to this site would be via unsustainable car journeys. The independent report from Mark Baker Consulting strongly concludes that despite the latest revisions the location is not at all sustainable.

One of the key objectives of sustainability is an economic one, but this proposal would clearly undermine the economic viability of Crediton town centre and is therefore contrary to this aim.

My 2nd question is, please can the planning officer answer why this application has not been treated as a change of use? Even though the site is named Crediton Garden Centre, the previous owners operated the site as a retail nursery up until 2017. The use of the site was of a horticultural nature with plants grown on site sold to customers. Other goods sold were secondary to plants grown. However now there will be no growing at all on the site, only retailing of a much fuller range of gardening items. Such a change in use of the site from retail nursery to a large built form destination garden centre, should have been a material consideration. Can the planning officer answer why this has not been treated as material in his assessment?

Ms K Hutchings, referring to Item 1 on the Plans List (Crediton Garden Centre) stated: - Could councillors please take into account that this development would have a harmful impact on traffic in the area? The independent Highways report from Mark Baker Consulting concludes that despite the revisions there would be a severe and

unacceptable impact on the road network due to extra trips being taken, which have been severely underestimated in the Traffic Report.

Traffic flows would actually increase by over 12 times. Parking spaces would grow 9½ times from only 20 spaces, to 194 spaces. This is bound to have a major impact on our local roads, and the area does not have the infrastructure to cope with this extra traffic. Accordingly there would be traffic chaos in the area, and I trust that this will be taken into account in reaching a decision.

Mr D Tucker, referring to Item 1 on the Plans List (Credon Garden Centre) stated: - I would like to ask is it acceptable that small garden centres may close down as a result of this development?

I also ask why the effect on village shops was not taken into account in the retail impact report?

At the last meeting it was said that small garden centres were not viable any more, which is why the applicant had to build something so large. This proposed development would be 3 times larger than our centre at Bow and the café would be 5 times larger. However we would be able to remain viable if such a massive development were not built on our doorstep.

Garden centres are not protected by policy per se. However we actually have a local post office counter and perform an important community role, so we should be protected as a village shopping asset. However because no impact on village shops was taken into account in the retail impact report at all, the effect that this development would have on village facilities has been completely missed.

Mr J Webber, referring to Item 1 on the Plans List (Credon Garden Centre) stated: - Can the planning officer please advise why the required reports were not fully provided? Firstly, the retail impact report is only for 3 years rather than the 10 years required by the National Planning Framework. Secondly, a full sequential analysis should have been done for such a major development.

In addition the retail impact report does not take any account of the Government's policy to help the high street, and discourage out of town development. This is especially important to consider at a site only 1 mile from the town centre. Out of town developments draw people away from town centres, and policy advises that they should be resisted by local councils.

Mr Counter, referring to Item 1 on the Plans List (Credon Garden Centre) stated: - Can the planning officer please tell us how extra air pollution from this development would be dealt with?

Most of the traffic travelling to this large proposed shop would go directly through Credon town centre, which is already an air quality control zone.

There would be a massive increase in heavy goods vehicles, delivery vans, coaches and lots of extra cars. It would be in contradiction of policy DM6.

Credon is currently consulting on how to prevent extra traffic and pollution, so how could the council possibly manage the harm from the extra pollution created?

Cllr S Penny, referring to Item 1 on the Plans List (Credon Garden Centre) stated: - Considering that Devon Highways Authority have been involved in the planning of the road layout since the start of the process and have provided advice for a safe design, which have been followed, and that traffic surveys have been carried out by a well-

respected independent engineering consultancy, Hydrock; who have been employed by companies such as ASDA, Waitrose, B&Q and Rolls Royce why is this still being quoted as a safety issue?

Hollie Adams, referring to Item 1 on the Plans List (Crediton Garden Centre) stated:
- Following the first planning meeting the overall building size was reduced from 3335sqm to 2498sqm but this was still considered a concern during the last meeting, where the planning committee asked for further reductions in size. The current design now has an overall size of 1915sqm which is a 43% decrease from the original design. Do you agree that the plans now satisfy the request for a reduced size?

Steve Adams, referring to Item 1 on the Plans List (Crediton Garden Centre) stated:
- As the general retail area of the proposed Garden centre is restricted to approximately 200sqm and an independent retail study effectively states that the garden centre will have little impact on any surrounding businesses and, following the last planning meeting, Mid Devon Planning authority had their own studies done by Litchfields. In which they state that due to population growth, expenditure per person and market shares Creditons' comparison goods turnover will increase by 14.4% by 2022 and the impact that the proposed garden centre will have is between -1.7% and -2.2%. Do you agree that the concern that local businesses will be adversely affected is unfounded?

Mike Blackmore, referring to item 11 on the agenda (Bradford Farm) stated – At the previous meeting the vote was 8 to 3 to refuse this application. This decision was based on photographic evidence and during the discussions by the members several points were raised.

1. Is the building really just a log store?
2. Where do vehicles park to access the log store? On the unauthorised car park?
3. Quality of design and appearance contrary to policy DM2

The suggested wording for the refusal is strong enough for the committee to adhere to their original recommendation and I am trusting this refusal will remain to confirm that the democratic process can prevail against such retrospective and misleading applications.

The Chairman indicated that questions would be answered during the debate on each application.

126 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests when appropriate. At this point, the Group Manager for Legal Services and Monitoring Officer also spoke to Members generally about their right to speak freely and predetermination.

127 MINUTES OF THE PREVIOUS MEETING

Subject to the inclusion of Cllrs R F Radford and R L Stanley in the attendance list, the minutes of the meeting held on 6 March 2019 were approved as a correct record and signed by the Chairman.

128 CHAIRMAN'S ANNOUNCEMENTS (00-29-14)

The Chairman had the following announcements to make:

- She informed Members of a special meeting taking place at Cullompton Town Hall on 17 April at 10.00am. A site visit to the NW Cullompton site would take place on Tuesday 16 April leaving Phoenix House at 10.30am and meeting on site at 11.00am.
- The next ordinary meeting would take place on Tuesday 23 April at Phoenix House, any site visits for that meeting would be held on Thursday 18 April.
- She introduced the 2 new members of staff who were present, Jake Choules, Planning Assistant and Oliver Dorrell, Planning Officer.

129 MOTION 553 - (COUNCILLOR R B EVANS - 13 FEBRUARY 2019) (00-33-08)

The Committee had before it a motion that had been passed to this Committee from Council for consideration.

Background

Members are aware that a number of planning applications need to go to Planning Committee for consideration; these applications have an array of detail and associated information for members to consider along with an officer recommendation and report.

Within this suite of reports there is often a detail on affordable housing and the section 106 agreement outlining jointly agreed contributions that will be applied to the build should the application be successful, these agreements are evidently part of the detail members are asked to consider and naturally will assist members in making their informed decision .

It has become apparent that after approval has been received, it is not uncommon for developers/ applicants to seek to alter such agreements retrospectively via negotiations with officers, common reasons cited are funding/ budget related.

This motion is sought to be applied to any planning application that has been considered by the planning committee and evidently agreed where a retrospective application to alter the affordable housing or the section 106 agreement is then received.

Proposed motion

Any planning application that is approved by Committee giving specific affordable housing provision and or a detailed section 106 agreement as part of the information for members to consider that subsequently receives any application to alter all or part of these agreements must be referred to the relevant ward member/s for their consideration and input.

Should both the officer dealing and the ward member/s agree to the changes these

can be allowed to form the new affordable housing agreement and or section 106 agreements.

Should the ward member/s and officer dealing fail to agree on the proposed changes or cannot negotiate agreeable alternatives then the application to change the affordable housing and or section 106 agreement should be referred back to the committee for their consideration and agreement / disagreement .

Cllr Evans was invited to speak to his motion; he addressed the meeting highlighting the procedure for amending Section 106 agreements approved in July 2016 and the fact that the procedure was not always followed and that some S106 agreements had been amended without Ward Members being informed. He had canvassed his thoughts among other members and it was suggested that the situation was not isolated to his ward. There was a need for the approved procedure to be implemented by officers and he therefore requested that the committee support his motion.

Consideration was given to individual cases and the need for the procedure to be followed with a possible signing off form. The Group Manager for Development requested that he be informed about individual cases which he would follow up.

It was therefore **RECOMMENDED** to Council that Motion 553 be supported.

(Proposed by the Chairman)

130 **DEFERRALS FROM THE PLANS LIST (00-45-59)**

The Chairman advised the meeting that item 2 on the Plans List, application 18/01800/MFUL – AD Plant and associated infrastructure at land east of Lords Meadow Industrial Estate, Crediton had been deferred.

131 **THE PLANS LIST (00-46-00)**

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 6 on the Plans *List (19/00272/FULL – Erection of a single storey extension – 1 Burrington Drive, Shobrooke, Crediton)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: The following late information was reported on the update sheet: 14th March 2019 - Shobrooke Parish Council have no comment on this application.

(ii) No 7 on the Plans List **(19/00225/FULL – installation of air conditioning units to western elevations and revised path access – Exe Valley Leisure Centre, Bolham Road, Tiverton)** be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as the application would be funded from within his Cabinet Member portfolio and he stated that he would abstain from voting.

(b) No 1 on the Plans List **(17/02061/MFUL – Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, café and warehouse, formation of new vehicular access, provision of parking areas and landscaping – Crediton Garden Centre, Barnstaple Cross, Crediton).**

The Group Manager for Development provided an update to the report stating that further representations in objection to the application had been received along with 44 letters of support and 2 petitions in support of the application. He was also in receipt of further correspondence from the objectors highway engineer which reiterated the argument with regard to road safety.

He provided answers to questions posed in public question time:

- With regard to a landscape assessment, this was not a requirement of the policy; officers would have assessed any landscape issues in relation to the impact of the existing buildings on site when considering the application.
- With regard to any retail restrictions, the PPG and the NPPF did not require an assessment of small shops, he had raised this issue with the Retail Consultant who had provided his opinion, that subject to the imposition of the retail sales conditions he had proposed the impact on surrounding businesses was acceptable.
- With regard to seasonal goods, this had also been raised with the Retail Consultant and this had been covered in Conditions 13, 14 and 15. Any seasonal goods not restricted would have to be within the 198 sq m of retail space.
- With regard to the café, Condition 16 restricts it to ancillary use and that this would address any impact on cafes within the town.
- With regard to highways issues, Mr Sorenson was present and would address the committee, however taking into consideration the highway assessment commissioned by the objectors, he was still of the opinion that the access was safe and that the traffic level was acceptable.
- With regard to sustainability, the site was a redevelopment of an existing business and therefore complied with Policy DM20. The development was considered to be sustainable. A retail impact assessment of 10 years was not required by the NPPF or NPPG (this would only be applicable for a major retail development), The NPPG focussed on assessment of the first 5 years and

the applicants assessment had done this and was therefore robust. Regardless of this it was the first 2 years following development that had the most impact and an assessment of impact over 10 years would show less impact as it would be offset by population and expenditure growth.

- With regard to air quality issues, this issue had been covered at previous meetings, the air quality assessment was not required as this was an existing business.
- With regard to any change of use, this was not required as there was an existing business on the site which was looking to expand.

The Group Manager then outlined the contents of the report identifying by way of presentation the application site, the existing buildings and the revised proposal and a block plan which depicted the reduced scheme and highlighted the scheme amendments within the report. He provided a plan which identified the comparisons between the original and revised scheme and explained that Condition 15 specified which goods could be sold along with identification of specific parts of the scheme. Plans of the highways improvements were supplied together with proposed cross sections, elevations and photographs from various aspects of the site.

Mr Sorenson on behalf of Devon County Council, Highway Authority addressed the meeting stating that the access was acceptable in highway terms, with regard to traffic regeneration, the trip data was acceptable and that the trigger points for the design of the junctions were available in the guidance, the installation of the minor arm would aid traffic issues. With regard to road safety, the visibility splay at the Higher Road, Barnstaple Cross junction was adequate. The objectors highway engineer had raised issues with regard to the safety at the crossing point, however this would be to the east. The technical details would be submitted to and approved by the Highway Authority through a Section 278 agreement and a four-stage safety audit would take place. The access and vehicle passing point could be expanded but was of a sufficient width for two cars to enter and exit simultaneously.

Consideration was given to:

- The increased size of the café
- The timetable for archaeological work proposed
- Whether the site was sustainable
- The square meterage of the proposal compared with the original
- The views of the objector with regard to how Government and local policy should help town centres and whether customers would be drawn away from the town centre, there was no protection for small businesses and the application would harm the town, affect jobs and increase air quality issues.
- The views of the agent highlighting the applicant's commitment to the planning process, the lack of objection from statutory consultees, the size of the retail section within the proposals, the pre commencement agreement, the timetable for the archaeology search and the proposed pedestrian improvements in the location.
- The views of Crediton Hamlets Parish Council with regard to the improvements, which would include a new pavement and bus stop, road improvements and create jobs in the area.
- The views of the Ward Members with regard to the reduction of size of the scheme to try to make it acceptable, the improvement to highway safety, the advice from the retail consultant, that the applicant had addressed the

concerns raised by the previous applications and that the scale of development was now acceptable.

- The location of the crossing point
- The impact of the proposal of the town centre
- The destination site would be good for the town.

It was therefore:

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs C A Collis)

(Vote 6 for: 5 against – Chairman’s casting vote)

Notes:

- i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, J D Squires and R L Stanley 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;
- ii) Cllrs P J Heal, and D R Coren made additional declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had had face to face contact with objectors and/or the applicants;
- iii) Cllr F W Letch declared a personal interest as he knew the objectors;
- iv) Cllr Mrs G Doe declared a personal interest and that she had pre-determined the application and therefore chose to leave during the discussion and the vote thereon;
- v) Cllr R J Dolley declared a personal interest as he had spoken to people with regard to the application;
- vi) Mr Bond spoke on behalf of the objectors
- vii) Mr Kemp spoke as agent to the applicant;
- viii) Cllr Mortimer spoke on behalf of Crediton Hamlets Parish Council;
- ix) Cllrs D R Coren and P J Heal spoke as Ward Members;
- x) Cllrs R J Dolley, F W Letch, B A Moore, J D Squire and R L Stanley requested that their votes against the decision be recorded;
- xi) The following late information was reported: the receipt of an additional petition of 69 signatures in support of the application.

(c) No 2 on the Plans List *(18/01800/MFUL – Construction of an on-farm anaerobic digestion plant and associated infrastructure land at NGR 285024 100245 (East of Lords Meadow Industrial Estate, Crediton).*

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

(d) No 3 on the Plans List *(18/02024/FULL – 18/02024/FULL – variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL – land and buildings at NGR 301270 1112834 (Orchard House) High Street, Halberton)*

The Area Team Leader outlined the contents of the report explaining that at the previous meeting Members had considered the application and resolved that it be deferred to allow further discussion to take place with the applicant with regard to the management plan for the car park, the surface of the car park and the materials for the wall, to ideally be stone-faced rather than rendered block. She informed the meeting that discussions had taken place and that the amendments had been made to the proposals to include a stone faced block wall and a low brick wall with railings, the car park would be surfaced with tarmac and the management plan had been clarified.

She identified by way of presentation the location of the site and photographs highlighting that low brick walls with railings featured in other locations in the High Street and was a common feature in the conservation area. She highlighted the management of the communal areas which were identified by plot.

Consideration was given to:

- The views of the applicant who stated that the application sought to simplify the elements not cheapen the quality of the build, the concerns of the committee at the previous meeting had been considered and addressed.
- The communal areas and the access to the site.

It was therefore:

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration subject to the rewording of Condition 5 to read: the approved boundary treatment shall be completed in accordance with a timetable which shall be submitted to and approved in writing by the Local Planning Authority prior to any of the approved units first being occupied and thereafter shall be so retained and to Condition 7 to read: the materials to be used for all the external surfaces of the buildings shall be as shown on the approved drawings and set out in the letter submitted with the application dated 11th December 2018. The hard surfaced area for the car park shall be tarmac as set out in the applicants letter dated 18th March 2019.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr R L Stanley declared a personal interest as a Director of 3 Rivers Developments Ltd and chose to leave the meeting during the discussion and vote thereon;

- ii) Mr Sanderson (Applicant) spoke;
- iii) The following late information was reported:

3/4/2019 Following the receipt of further information from the applicant, conditions have been updated, with those in italics being amended or new additions:

CONDITIONS

1. The development hereby permitted shall be begun before 4th July 2020.
2. Subject to the effect of any condition of this permission, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Before the development hereby permitted is first brought into use, the access and its associated visibility splays, parking and turning areas shall be provided and surfaced to avoid surface water discharge onto the highway. Following their provision these details shall be so retained and maintained.
4. All telephone, electricity and mains gas services to the building shall be placed underground.
5. *The approved boundary treatment shall be completed in accordance with a timetable which shall be submitted to and approved in writing by the Local Planning Authority prior to any of the approved units first being occupied and thereafter shall be so retained*
6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E and F of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, erection of a porch outside any external door, provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of liquid petroleum gas, provision of a hard surface or the erection of a gate, fence wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
7. *The materials to be used for all the external surfaces of the buildings shall be as shown on the approved drawings and set out in the letter submitted with the application dated 11th December 2018. The hard surfaced area for the car park shall be tarmac as set out in the applicants letter dated 18th March 2019*
8. Following the demolition of the barn in the north east corner of the site, shallow soil sampling in the areas identified as amenity space for plot 1 shall

be carried out to assess for the presence of asbestos fibres. Additional testing shall also be carried out in the area marked TP1 in the Phase2 Geotechnical Investigation and Contamination Assessment report carried out by Ruddlesden geotechnical dated December 2018, in order to determine the presence or absence of volatile organic compounds and/or semi-volatile organic compounds. Where contamination is identified a remediation statement shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site to erect any of the approved dwellings. The approved remediation scheme shall be carried out in accordance with its terms. The Local Planning Authority shall be given two weeks' written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, and before any dwelling is first occupied, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority.

9. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, such details to include plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction.

10. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

11. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme and shall be fully operational before any dwelling is first occupied.

12. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

13. No development shall begin on the conversion of the barn until a schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include:

- (a) Details of any demolition or removal of any building fabric and any rebuilding or repairing works required to convert the building;
- (b) Details of all measures required to support any wall, floor, roof or other vertical or horizontal surface
- (c) Details of measures required to provide protection for the building against the weather during the conversion works.

The agreed schedule shall be strictly adhered to during the course of the conversion works.

14. The mitigation and enhancements proposed in the Ecological Appraisal (February 2017) prepared by Green Ecology shall be implemented and completed before any dwelling is first occupied and shall be retained in accordance with the requirements of that report.

- (e) No 4 on the Plans *List (19/00024/FULL – variation of condition 2, of planning permission 17/00353/FULL to read “to be in accordance with the amended plans to regularise alterations”– land at NGR 307578 116857 (SE of Oakfield) Burlescombe).*

The Area Team Leader outlined the contents of the report explaining the scheme by way of presentation highlighting the minor amendments to the front elevations that of the front windows and the porches and the fencing to the rear of the site.

Consideration was given to the amendments to the design of the porches and whether these were aesthetically pleasing.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B A Moore and seconded by Cllr P J Heal)

Notes:

- i) Cllr R L Stanley declared a personal interest as a Director of 3 Rivers Developments Ltd and chose to leave the meeting during the discussion and vote thereon;
- ii) Cllrs: Mrs H Bainbridge, Mrs C A Collis and Mrs G Doe requested that their votes against the decision be recorded.

- (f) No 5 on the Plans *List (18/001866//FULL – Erection of a dwelling 12 Martins Lane, Tiverton).*

The Area Team Leader outlined the contents of the report identifying by way of presentation the location of the site in the rear garden of 12 Martins Lane, the access via the underpass from Water Lane and the built environment surrounding the site. She explained the shared parking area, the proposed elevations, roof and floor plans and provided photographs from various aspects of the site.

Consideration was given to:

- The number of parking spaces available
- The position of the tree and whether it would be removed
- The views of the objector with regard to whether the site was sustainable, the rejection of previous applications on the site, the plot size and concerns with regard to overlooking, the building mass and the provision of utilities to the site
- The view of the agent with regard to the need to use small plots which would be in walking distance to the town, the pre application advice, how the parking would be controlled and that the development would not have a detrimental impact on the Conservation Area
- The views of the Ward Member with regard to the planning balance and the denseness of the built environment
- The impact of the development on neighbouring properties.

It was therefore:

RESOLVED that planning permission be refused as recommended by the Head of Planning, Economy and Regeneration.

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

Notes:

- i) Cllr R J Dolley declared a personal interest as he knew the agent;
- ii) Ms Whittaker spoke in objection to the application;
- iii) Mr Bryant (Agent) spoke;
- iv) Cllr Mrs E J Slade spoke as Ward Member.

132 **MAJOR APPLICATIONS WITH NO DECISION (3-00-06)**

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

It was **AGREED** that:

Application 19/00075/MFUL – Kelly Farm, Nomansland be brought before Committee for determination and that a site visit take place if the officer recommendation was one of approval.

Application 19/00210/MFUL – 36 Post Hill, Tiverton be brought before the Committee for determination, no site visit was required.

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

133 **APPEAL DECISIONS (3-07-01)**

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 Minutes.

134 **APPLICATION 18/02071/FULL - RETENTION OF LOG STORE - BRADFORD FARM, UPLOWMAN (3-07-19)**

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 6 March 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 location of the proposal, the block plan of the log store, the floor plan and dimensions of the building. He provided an old aerial photograph which identified the original log store in situ and informed the meeting that he did not feel that the retention of the store had a detrimental impact on the amenity of the occupiers of the neighbouring property or the character of the site and surrounding area in general. Members also viewed photographs from various aspects of the site.

Consideration was given to: the scope of Permitted Development Rights and the ongoing enforcement issues

It was therefore

RESOLVED that planning permission be granted as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Notes:

- i) Cllr R J Dolley and R F Radford declared personal interests as the neighbour was known to them;
- ii) Cllrs R F Radford and R L Stanley requested that their votes against the decision be recorded;
- iii) The following late information was reported:

3/4/2019 - A letter has been received from an Ian Firth of Bondstones writing on behalf of the applicant asking that the following observations be brought to the attention of the committee:

1. The building has, by all accounts, been used for the benefit of the farmhouse (as a wood/fuel store - with or without a roof) for decades

2. The site is located within the curtilage of Bradford Farm - i.e. its location, historic ownership, functional association, and use are all directly connected and subservient to the residential enjoyment of the dwelling and thus fall within the established curtilage.
3. The building has been constructed within / over an existing structure and is a part of a larger, existing building – also within the curtilage of the house and which, incidentally, features a dual pitch roof.
4. The log store and workshop – as built – is approximately 2.65m to the eaves (i.e. the point at which the external wall intersects the roof covering) and 3.3m to the apex of the roof (where the roof intersects the parent building to the rear).
5. The location of the structure is well in excess of 2m from the property boundary
6. The footprint of the store is very significantly less than 50% of the curtilage of the farm house.
7. No part of Bradford Farm is listed or located in a ‘designated’ area and therefore would have been permitted development if constructed slight lower in height.

(The meeting ended at 5.47 pm)

CHAIRMAN