

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 23 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, D J Knowles, F W Letch,
B A Moore, J D Squire and R L Stanley

Apologies

Councillor(s)

R F Radford

Also Present

Councillor(s)

R M Deed

Present

Officers:

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Lucy Hodgson (Area Team Leader), Adrian Devereaux (Area Team Leader), Hannah Cameron (Planning Officer), Jake Choules (Planning Assistant) and Sally Gabriel (Member Services Manager)

145 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford.

146 **PUBLIC QUESTION TIME (00-01-40)**

Mrs Lunel referring to Item 9 on the agenda (Major Applications) stated that my question relates to one of the matters under item 9, namely the outline permission for the erection of 37 dwellings in the area north of Frog Street, Bampton (re 19/00413/MOUT) As this committee is aware, there have been previous applications for similar development, all of which have been refused both on application and on appeal. For the most recent appeal in 2015, the Planning Department produced a 19 page document fully explaining their reasons for refusal. None of these reasons have changed significantly and I refer you to them.

In the current Local Plan Review, the site on which this development is proposed has been deleted as no longer currently required by Mid Devon to meet its national planning obligations. In addition it is proposed that Bampton will be designated as a village for planning purposes so removing it from the need for further large scale developments.

The Local Plan is awaiting final formal approval by the Planning Inspector and adoption by Mid Devon but during the whole lengthy period of its consultation,

creation and review, the proposed deletion of this site has never been challenged – nor indeed has Bampton’s change in planning status.

I would therefore like to ask the committee to ensure that this application with its opportunistic timing during local elections and just prior to the formal adoption of the Local Plan Review does not slip under the radar or avoid due process, and that any new members of the planning committee are fully briefed on the history of this site before any decision is made. I would also like to ask councillors to ensure that the lengthy and expensive democratically arrived at Local Plan when adopted for Mid Devon is adhered to and forms the basis for future decision making.

Mr Hodge referring to Item 1 (Exe Valley Shop, Silverton) on the Plans List stated that he wished to support the proposal of a café as he believed that this would be advantageous to the community and he couldn’t see any reason why it would be stopped as he did not feel it was obscene from the outside.

147 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-05-59)**

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

148 **MINUTES OF THE PREVIOUS MEETING (00-06-03)**

The minutes of the meeting held on 17 April 2019 were approved as a correct record and signed by the Chairman.

149 **CHAIRMAN'S ANNOUNCEMENTS (00-07-00)**

The Chairman had the following announcements to make:

- She informed the meeting that Hannah Cameron would be leaving the authority, she thanked her for her work and wished her well for the future.
- This was the final meeting of the Planning Committee for the current term and her last as Chairman; she therefore thanked the Planning Committee for their commitment and thanked officers for their work.

150 **ENFORCEMENT LIST (00-11-18)**

Consideration was given to the cases in the Enforcement List *.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/19/00053/COU – Change of use of land and buildings to a use for human habitation and to the other to facilitate the storage of materials required or intended for use in the building works – agricultural buildings on Ratsash lane, Uffculme***)

The Enforcement Officer outlined the contents of the report highlighting by way of presentation the 2 parcels of land in question and the location and history of the site. He provided the meeting with pictures of the buildings in 2014 and identified them as agricultural buildings; the photographs taken in 2017 identified that one of the

buildings had been converted into a dwelling and the other as being used for storage for building materials. Photographs taken in April 2019 showed habitation of the agricultural building and work was continuing on the structure and that the storage building was being used for building equipment. He had visited the site prior to committee and noted that there had been some attempt to take down the roof. He explained that there had been 19 items of correspondence with the landowner over a number of years.

Consideration was given to:

- The views of the landowner who felt that he was immune from enforcement action as he had been receiving correspondence for 4 years with regard to the use of the land and that no action had been taken against him to date; he needed the buildings for family time and that he had been using it for that purpose for 4 years.
- The history of actions on the site, the advice given by 6 separate planning officers in relation to the use of the land and that any habitation of the building was against planning policy.

RESOLVED that delegated authority be given to the Group Manager for Legal Services and Monitoring Officer to take all such steps and action necessary to secure the cessation of the unauthorised use, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed by the Chairman)

Note: Mr May spoke as landowner..

151 **DEFERRALS FROM THE PLANS LIST (00-05-40)**

There were no deferrals from the Plans List.

152 **THE PLANS LIST (00-25-59)**

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 2 on the Plans List (**18/01691/FULL – Erection of a dwelling with associated access – 3-4 East End, Poughill**) be refused 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 Cabinet Member for Housing and chose to leave the meeting during the vote.

(ii) No 3 on the Plans *List (19/00337/FULL – Installation of a dormer window on front elevation to provide first floor accommodation and formation of a raised decking area to rear – 5 Broomhill, Tiverton)* 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: response from the Highway Authority – no comments.

(b) No 1 on the Plans *List (18/02000/FULL – Erection of extensions to existing farm shop – Exe Valley Farm Shop, Thorverton, Exeter)*.

The Area Team Leader outlined the contents of the report by way of presentation highlighting the application before members, the location of the site, the existing and proposed extensions, and existing and proposed elevations, the proposals for the ground floor and first floor and the meterage of the proposed café, office and first floor storage area along with the number of parking spaces proposed. The meeting then viewed photographs from various aspects of the site.

Consideration was given to:

- The size of the proposed extension to the shop and comparisons with regard to the extension to Crediton Garden Centre. The proposal would provide for a larger unrestricted retail area than the garden centre in Crediton.
- Whether trading hours would be restricted
- The height of the proposed extension
- The views of the applicant with regard to the history of the shop which was already certified for retail use, it was a local shop which was open 7 days a week and had 120 customers per day. The shop sold local produce and it was hoped with the café it would create a community hub and a destination for those people to enjoy the Exe Valley. There was mention of a 500 signature petition in support of the proposal.
- The views of the adjacent Ward Member who informed the meeting that there had been no objections to the application, the shop would be situated between Silverton and Thorverton which had 4000 inhabitants, he felt that the planning policy was ambiguous and the report negative, the scale of the proposal was large but not out of keeping with the area and he highlighted the size of the local garage, pub and local farm buildings. He felt that the applicant had a vision for local people and would create employment in the area.
- The total retail space
- The need to improve the rural economy and if there were concerns with regard to unrestricted retail use, it could be conditioned.
- The lack of an impact assessment

It was therefore:

RESOLVED that:

- a) planning permission be granted for the following reasons, the scale was acceptable; the proposal was reasonable and in keeping with the local amenity, the proposal would help the local economy and create job opportunities and was also in line with Policy DM19 of the NPPF.
- b) Delegated authority be given to the Head of Planning and Economy and Regeneration to provide a set of conditions to cover the following issues: Mark out parking spaces; programme of archaeological work; retail space limited to the existing plus the additional 144 square metres proposed, other spaces limited to uses set out in the application and committee report, opening hours to be realistic and other conditions required to control the development.

(Proposed by Cllr R L Stanley and seconded by Cllr F W Letch)

Notes:

- i) Mrs May (Applicant) spoke;
- ii) Cllr R M Deed spoke as Ward Member.

153 MAJOR APPLICATIONS WITH NO DECISION (1-07)

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

It was **AGREED** that:

Application 19/00384/MFUL – Quad World, Bradninch be brought before Committee if minded to approve and that a site visit take place.

Application 19/00413/MOUT – land north of Frog Lane, Bampton be brought before Committee if minded to approve and that a site visit take place.

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

154 APPEAL DECISIONS (1-11-53)

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.

155 TREE PRESERVATION ORDER 18/00005/TPO - LAND AT 295283 121659, SCOTTS BUSINESS PARK, BAMPTON (1`-12-14)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding the above application.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the bund of trees to the southern side of Scotts Quarry.

The Tree Officer had visited the site and thought it sensible for a Tree Preservation be put in place. It was felt that the bund of trees would also help to screen the site. She provided photographs from various aspects of the site.

Consideration was given to:

- The location of the bund of trees was stabilising the bank behind the houses
- The views of the objector with regard to the loss of some of the trees alongside the river, the land had been badly managed and some of the trees would come down due to lack of husbandry.

RESOLVED that the Tree Preservation Order be confirmed as recommended by the Head of Planning, Economy and Regeneration.

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

Notes:

- i) Mr Agoston-Vas spoke in objection to the application;
- ii) *Report previously circulated, copy attached to minutes.

156 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER FOUR - 1ST OCTOBER- 31ST DECEMBER 2018 (1-23-44)**

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration regarding information on the performance of aspects of the planning function of the Council for Quarter 4 of 2018/19.

The Group Manager for Development outlined the contents of the report stating that a large number of applications yet to be determined related to staff shortages

Consideration was given to:

- Listed Building consents determined within 8 weeks
- The need for real numbers rather than percentages
- The number of applications over 13 weeks without a decision and the fact that there was an overspend against the budget. It was reported that there was a shortfall of anticipated income due to the current economic climate, some funding issues and the number of applications waiting for the outcome of the local plan, legislation and legal opinions. There was a need to balance customer care/efficiency and whether officers were spending too much time negotiating with developers
- The adopted Enforcement Plan and the priority criteria
- Conservation issues

Note: *Report previously circulated, copy attached to minutes.

157 APPEAL PERFORMANCE (1-35-52)

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration regarding information on the outcome of planning appeals for the financial year 2018/19.

Note: *Report previously circulated, copy attached to minutes.

158 DECISIONS AGAINST OFFICER RECOMMENDATION (1-36-27)

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration regarding information where the Planning Committee had made decisions not in agreement with officer recommendations.

Consideration was given to the number of cases during 2018/19 and the comparison with previous years as highlighted within the report.

Note: *Report previously circulated, copy attached to minutes.

(The meeting ended at 3.54 pm)

CHAIRMAN