

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 17 December 2019 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs C P Daw, Mrs C Collis, R F Radford,
E J Berry, L J Cruwys, S J Clist, F W Letch,
E G Luxton, D J Knowles and B G J Warren

Also Present

Councillor(s)

G Barnell, C J Eginton and Mrs M E Squires

Present

Officers:

Maria Bailey (Interim Group Manager for Development), Maria De Leburne (Solicitor), Alison Fish (Area Team Leader), Christie McCombe (Area Planning Officer), Adrian Devereaux (Area Team Leader), Daniel Rance (Principal Planning Officer), Greg Venn (Conservation Officer), John Millar (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

87 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

88 PUBLIC QUESTION TIME

There were no questions from members of the public present.

89 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

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

90 MINUTES OF THE PREVIOUS MEETING (00-03-13)

The minutes of the meeting held on 20 November were approved as a correct record and signed by the Chairman.

91 CHAIRMAN'S ANNOUNCEMENTS (00-03-57)

The Chairman had no announcements to make.

92 DEFERRALS FROM THE PLANS LIST (00-04-07)

The meeting was informed that Item 9 on the agenda – application 19/00118/MOUT – land west of Siskin Chase, Cullompton) had been deferred to the next meeting to allow for the report to be updated.

93 THE PLANS LIST (00-04-51)

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 (***19/01189/OUT – Outline for the erection of 2 dwellings (revised scheme) – land at NGR 307538 116626 (North of Town Farm), Burlescombe***).

The Principal Planning Officer outlined the contents of the report by way of presentation explaining that this was a revised scheme submitted to address previous highway issues. He highlighted the location of the site and showed Members the proposed elevations and site sections of the proposal, the location of the Grade I listed church along with photographs from various aspects of the site. He explained that part of the historic hedge would need to be removed and updated the meeting on the recent advice from Historic England.

Consideration was given to:

- The views of the objector with regard to the impact of the application on the setting of the Grade I listed church, the previous highway objections, the heritage impact assessment, the work that would take place in an historical field and the removal of the hedge which had an ancient wall and that she felt that the application was not in line with policy DM27
- The views of the Parish Council with regard to the fact that the previous objections submitted by the Parish Council still stood, the application would have an impact on the setting of the listed church, there were a lack of pavements in the area and no local amenities, the development would impact on local roads and the ancient field had been green space in the setting of the church
- The views of the Ward Member with regard to the impact on the setting of the church, the lack of amenities in the village and that 2 additional houses was not a necessity for the village.
- An archaeological search would be required
- The historic value of the hedge and again the impact of the development on the setting of the listed church which included the statutory material considerations

It was therefore:

RESOLVED that: Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal, that of:

- The impact of the proposal on the historic hedge/wall

- The impact of the proposal on the historic location
- The impact of the proposal on the setting of the Grade I listed church
- The lack of pavements in the area and the narrowness of the roads.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr S J Clist declared a personal interest for personal reasons and left the meeting during the discussion thereon;
- ii) Cllr R F Radford declared a personal interest as he knew the owner of the property
- iii) Mrs Hill spoke as objector;
- iv) Cllr Trevelyan spoke on behalf of the Parish Council;
- v) Cllr Mrs C A Collis spoke as Ward Member;
- vi) The following late information was reported:

Consultation response from Historic England dated 31 October 2019

Thank you for your letter of 22 October 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England has now commented on many iterations of this scheme. Our most recent letter expressed some reservations about the increasing intensity of the development which resulted from the need to provide off-road turning spaces. This revised scheme now proposes to cover one of the parking spaces, landscaping the cover into the garden. The other turning space remains as previously submitted.

Historic England regrets that it has not been possible to minimise the scope of the associated infrastructure for this development as any increase in the scale of the parking and landscaping will have an impact on the views to and from the adjacent Grade I listed church. It is also unclear how the proposed covered turning area will be constructed and therefore what the visual impact on the views towards the church from the road opposite will be.

However, providing the detailed design of this proposed revision can be shown to minimise this potential impact to the satisfaction of your Conservation Officer, Historic England have no further comments to make on this application.

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

b) No 2 on the Plans *List (19/00210/MFUL – Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping – 36 Post Hill, Tiverton).*

This item had been deferred from the previous meeting to allow for further discussions between officers and the developer to take place with regard to the siting of plots 1 and 2 and to consider specifically the height of plot 2.

The Area Planning Officer provided the meeting with an aerial photograph of the site and photographs of the access to the site from various directions, she also highlighted the site plan focussing on plots 1 and 2 which had been identified at the previous meeting. Revised drawings had been provided reducing the floor level of plot 2 and reducing the roof pitches of both dwellings also moving plot 1 back 300mm and plot 2 back by 1.5metres. She provided comparative street scenes and elevation drawings which highlighted the amended scheme.

Consideration was given to:

- The road link through the site to Braid Park
- The views of the agent with regard to the highway link and the applicant's positive response to members concerns and the amendments that had been made which would reduce the impact on neighbouring properties he also highlighted the parking area for plots 14-17
- Whether plots 1 and 2 could be moved further back

RESOLVED planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure:

- Two, affordable rent, housing units to be provided on site at Plots 14 and 15;
- £77,085 financial contribution to Devon County Council Education (including legal fees) towards primary education and early years.
- £23,744 financial contribution towards Phase I of the refurbishment of Amory Park, Tiverton.
- Road connection, up to and including the boundary of the application site, to be constructed and made available for public use prior to the occupation of the 9th dwelling. The road to connect to the road within the adjacent northern site, currently under construction.

(Proposed by Cllr D J Knowles and seconded by Cllr B G J Warren)

- i) Cllr E J Berry declared a personal interest as he knew people in the vicinity of the site and chose to leave the meeting during the discussion thereon;
- ii) Mr Frost (Agent) spoke;
- iii) Cllr D J Knowles spoke as Ward Member;
- iv) Cllr L J Cruwys requested that his abstention from voting be recorded;
- v) The following late information was provided: Please note the following amendment to the bullet point 4 of the recommendation:

Road connection, up to and including the boundary of the application site, to be constructed and made available for public use prior to the occupation of the 9th dwelling. The road to connect to the road within the adjacent northern site, currently under construction.

- c) No 3 on the Plans *List (19/00718/MOUT – Outline for the erection of 26 dwellings – land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh)*.

The Area Team Leader informed the meeting that the application had been considered at the previous meeting and it had been resolved to defer the application to allow a site visit by the Planning Working Group to take place.

The Area Team Leader informed the meeting that the site was allocated within the emerging Local Plan as policy CH1 for a minimum of 20 dwellings and that the inspector had no issues with the allocation, the access to the site from School Close was in line with the allocated policy and members had seen an indicative layout for 26 dwellings on the site. The Highway Authority had indicated that using a formula, 6 additional dwellings would provide 3 additional movements during peak periods.

Photographs were also provided from various aspects of the site.

Consideration was given to:

- Whether the construction route could be used as the access to the site
- The number of vehicle movements calculated for peak times
- The views of the agent with regard to the site being allocated within the emerging Local Plan for a minimum of 20 dwellings, the lack of objection from the inspector, the lack of opposition to the proposal from the Highway Authority, the haul road would be over 3rd party land and that the parking leading into the site was transitory
- The views of the Parish Council with regard to the capacity for 26 dwellings on the site which was a 30% increase on the policy allocation. The additional 6 dwellings would represent at least 12 extra cars with the knock on effect of increased traffic as well as parked cars on the road from visitors. The access to the site was through a chicane in School Close and that 6 additional

dwellings would impact on the sewage facilities and water drainage infrastructure

- The views of the Ward Member with regard to the chicane in School Close and the increased vehicle movements that 6 additional dwellings would provide; he felt that the site was unsustainable and that 26 dwellings was too many
- Some members concerns with regard to the road access (including width) to the site.
- Whether any refusal of 6 additional dwellings would stand up at appeal

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure the following:

- a) 30% affordable housing in accordance with a scheme to be agreed with the Local Planning Authority.
- b) 5% self build as serviced plots.
- c) A financial contribution of £67,497.00 towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. This figure arising from a development of 26 dwellings resulting in 7 primary pupils with the calculation as follows: £7.25 per day x 7 pupils x 190 academic days x 7 years = £67,497.00
- d) A financial contribution of £31,330 towards public open space provision in the Parish of Chawleigh, which this figure based on an outline application for 26 dwellings.

(Proposed by the Chairman)

Notes:

- i) Cllr C J Eginton made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had been involved in discussions with the Parish Council, the applicant and objectors to the application;
- ii) Mr Smith (Agent) spoke;
- iii) The Chairman read a statement on behalf of Chawleigh Parish Council;
- iv) Cllr C J Eginton spoke as Ward Member;
- v) Cllrs: S J Clist, Mrs C A Collis, L J Cruwys and Mrs C P Daw requested that their vote against the decision be recorded

d) No 4 on the Plans *List (19/01132/MFUL – erection of 20 dwellings with associated access, parking and landscaping – land at NGR 283153 99974, Barn Park, Crediton).*

The Area Team Leader outlined the contents of the report informing the meeting that the site was allocated within the emerging Local Plan as Policy CRE8 and that the projects for the public open space and air quality contributions had now been received.

He highlighted by way of presentation the site location plan for 20 affordable dwellings, the block plan of development, the highway layout and site section, street elevations, house types, the landscaping plans and photographs from various aspects of the site. He explained how the application had been put forward for 28% affordable housing on the site but confirmed that 100% affordable homes would be built with Government funding.

Consideration was given to:

- The need to amend condition 6 with regard to construction traffic during school pick up times
- Why there was no turning head at the end of the road
- The number of houses on the site and the density
- The drainage connections
- The view of the applicant with regard to the affordable housing scheme, 12 houses for rent and 8 shared ownership houses were proposed, the high quality design and the support the application had received

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to condition 6 criterion (d) to add the hours of delivery and construction traffic being restricted between 8am – 9am and 3pm – 4pm during school term times; and the prior signing of a S106 agreement to secure the following:

- 1) 28% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) A financial contribution of £54,608.00 towards additional education infrastructure at Hayward's Primary School which serves the address of the proposed development.
- 3) A financial contribution of £14,980 towards public open space provision in the Parish of Crediton (Members to be updated on the allocated project prior to the Planning Committee).
- 4) A financial contribution of £62,076 towards Air Quality mitigation in the Parish of Crediton based on the calculation of 14 x £4434 (Members to be updated on the allocated project prior to the Planning Committee).

(Proposed by Cllr F W Letch and seconded by Cllr S J Clist)

Notes:

- i) Mr Hourcian (applicant) spoke;
- ii) Cllr F W Letch spoke as a Town Councillor;
- iii) Cllr F W Letch declared a personal interest as his daughter lived close to the site;
- iv) The following late information was provided:

Allocated projects for Public Open Space and Air Quality contributions are as follows:

A financial contribution of £14,980 towards public open space provision in the Parish of Crediton, allocated to the provision of new or replacement play and/or exercise equipment at Barnfield Play Area, Crediton

A financial contribution of £62,076 towards Air Quality mitigation in the Parish of Crediton based on the calculation of 14 x £4434 with the allocated project being measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Crediton

- e) No 5 on the Plans *List (18/01966/TPO – application to part dismantle 1 Holm Oak tree, protected by Tree Preservation Order 10/00005/TPO – land at NGR 284218 100950 (between Old Tiverton Road and Pedlerspool Lane, Crediton).*

The Interim Group Manager for Development outlined the contents of the report providing photographs of the tree in question and highlighting the views of the arboricultural consultant and the recommendation that part of the holm oak should not be dismantled.

Consideration was given to:

- The views of the applicant with regard to concerns about the safety of the tree and that it may fall into the road, the report from Devon County Council stating that the tree was dangerous, he also had concerns with the view of the arboricultural consultant who did not want it dismantled. The tree was on his land and therefore he would be responsible if it did fall.
- The Chairman read a statement from Cllr Wainwright (Ward Member) who was in favour of keeping the tree and that the tree had no ailments or symptoms. She felt that the tree was part of the unique local character and habitat and would not easily be replaced.
- Cllr Mrs M E Squires (Ward Member and County Councillor) spoke in favour of the removal of the tree, she felt that it was dangerous and could fall into the road.
- Liability issues if the tree were to fall
- If the tree were to be dismantled then further trees should be planted

RESOLVED that: the application to part dismantle the 1 holm oak tree protected by Tree Preservation Order 10/00005/TPO be approved for safety reasons subject to a condition to refer to the planting of 3 additional trees in a nearby location within the first planting season following the dismantling of the tree.

(Proposed by Cllr E J Berry and seconded by Cllr L J Cruwys)

Notes:

- i) Mr Turner (applicant) spoke;
 - ii) The Chairman read a statement on behalf of Cllr Miss E Wainwright;
 - iii) Cllr Mrs M E Squires spoke as Ward Member and County Councillor.
- f) No 6 on the Plans *List (19/01608/HOUSE – Erection of single storey extension and separate garage/annex/workshop accommodation – Tanglewood, Dukes Orchard, Bradninch).*

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location, the existing and proposed plans, the existing and proposed elevations, the garage elevations and floor plans and photographs from various aspects of the site.

Consideration was given to:

- Privacy issues with regard to the annexe above the proposed garage
- The positioning of the rooflights
- The views of the objector with regard to overdevelopment of the site and the impact on her dwelling; the closeness of the proposal to her boundary, overshadowing and loss of light and the number of vehicles using the driveway
- The views of the agent who felt that there would be no impact on the neighbouring property with regard to overshadowing or loss of light as the extension would have no more impact than the original dwelling
- Any minimum distance between properties required for maintenance

It was therefore:

RESOLVED that the application be deferred to allow for a site visit by the Planning Working Group to consider:

- the impact of the proposal on the neighbouring property
- The access to the site
- Any possible overlooking issues

(Proposed by Cllr S J Clist and seconded by Cllr B G J Warren)

Notes:

- i) Mrs Brown spoke in objection to the application;
- ii) Mr Renouf (Agent) spoke.

94 **APPEAL DECISIONS (2-37-09)**

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.

95 **APPLICATION 19/00118/MOUT OUTLINE FOR THE ERECTION OF UP TO 105 DWELLINGS, ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ALLOTMENTS TOGETHER WITH VEHICLE AND PEDESTRIAN ACCESS FROM SISKIN CHASE AND PEDESTRIAN ACCESS FROM COLEBROOKE LANE - LAND AT NGR 301216 106714 (WEST OF SISKIN CHASE), COLEBROOKE LANE, CULLOMPTON**

This item had been deferred as outlined in Minute 92.

(The meeting ended at 5.05 pm)

CHAIRMAN