

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 2 December 2020
at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, Mrs C P Daw, L J Cruwys,
F W Letch, D J Knowles, R F Radford,
R J Dolley, J M Downes and C J Eginton

Apologies

Councillor(s)

E J Berry, S J Clist, S J Penny and
B G J Warren

Also Present

Councillor(s)

Mrs M E Squires

Present

Officers:

Adrian Devereaux (Area Team Leader),
Alison Fish (Area Team Leader), Philip
Langdon (Solicitor), Jake Choules (Planning
Assistant), Sally Gabriel (Member Services
Manager) and Carole Oliphant (Member
Services Officer)

103 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.43)**

Apologies were received from Cllr E J Berry, Cllr S J Clist and Cllr B G J Warren who were substituted by Cllr C Eginton, Cllr J D Downes and Cllr R Dolley respectively.

Apologies were received from Cllr S J Penny.

104 **REMOTE MEETINGS PROTOCOL (0.04.14)**

The Committee had before it, and **NOTED**, the *Remote Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes

105 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.32)**

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

106 **PUBLIC QUESTION TIME (0.04.37)**

There were no questions from members of the public present.

107 **MINUTES OF THE PREVIOUS MEETING (0.04.58)**

The Minutes of the meeting held on 13th November 2020 were agreed as a true record.

108 **CHAIRMAN'S ANNOUNCEMENTS (0.05.56)**

The Chairman had no announcements to make.

109 **DEFERRALS FROM THE PLANS LIST (0.06.02)**

There were no deferrals from the Plans List.

110 **THE PLANS LIST (0.06.06)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

- a) 20/01507/FULL - Retention of timber outbuilding to be used ancillary to the house, retention of alterations to ground level changes and change of use of agricultural land to domestic garden at 8 Mill Stream Gardens, Halberton, Tiverton.**

The Area Team Leader outlined the contents of the report by way of a presentation highlighting the site location plan, the location of the shed, ground level alterations and photographs of the site from the neighbouring paddock.

She explained that the shed had been built larger than the permission granted in 2019 to include the provision of a log store. She confirmed to members that the shed as built was 25% larger than the original permission.

In response to members questions regarding the quality of top soil which had been brought onto the site for alterations to the ground level that the Environment Agency had a duty to control this and it was not a consideration of the Planning Authority.

Consideration was given to:

- The views of the objectors who stated that they had concerns with the location of the shed, the quality of the material used for releveling and issues with overlooking their paddock
- The views of the agent who stated the Environment Agency had provided advice and guidance to the applicants regarding material brought on site and that their investigations had been completed, that the ground level adjustments were consistent with neighbouring properties and that the property did not overlook the neighbouring property private amenity
- The views of the Ward Member who stated he had visited the site and talked to other neighbours who had expressed no concerns with regard to the application and that he had no concerns with overlooking into the neighbouring

property private amenity area. He felt this was a dispute between neighbours which was not a material consideration and he could see no reason to refuse the application

- That the application was retrospective but that there were no material considerations to refuse the application

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, J Downes, L Cruwys, Mrs C P Daw, R Dolley, C Eginton, D J Knowles, F W Letch and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from the Objectors
- ii.) Mr & Mrs Keenoy (Objectors) had provided Members with a written statement and photographs which had previously been circulated
- iii.) Duncan Tilney (Agent) spoke
- iv.) Cllr R F Radford spoke as Ward Members
- v.) The following late information was reported:
 - a. 'One additional letter of representation has been received which supports the application scheme. Members will also be aware of email correspondence which was circulated to members of the committee from Mr Keenoy an objector and neighbour to the proposal.'
 - b. References in the report to Cherry Tree Cottage should be replaced by Cherry Tree House

b) 20/01170/FULL - Change of use of land for siting of Shepherd's Hut and composting toilet for personal use and short term holiday letting at Land at NGR 271309 108525, Hele Cross, Nymet Rowland.

The Area Team Leader outlined the contents of the report by way of a presentation highlighting the site location plan, the parking plan and the position of the proposed shepherds hut and toilet.

He explained that the applicants were intending to obtain a gold standard for sustainable tourist accommodation and that a planting/landscaping plan had been provided. He provided further detail on the distance of the proposed shepherds hut to neighbouring properties.

He explained that a noise management plan had been provided and that there would be no amplified music on site, no arrivals after 8pm and no more than two adult guests staying in the hut at any one time. The applicants had indicated that the hut would only be let to tourists approximately 4 days per month and that the rest of the time it would be for personal use.

He explained that Public Health had responded to the concerns of the Parish Council with regard to grey water and that they had no concerns with the proposals.

Answering questions about the seasonal use of the hut, the Area Team Leader explained that the application was for year round use. He also confirmed that although the hut had wheels, the application site was fixed and therefore it could not be moved around the site. He stated that the compost toilet would need to be moved from time to time as was the nature of the product.

Consideration was given to:

- The views of the objector who stated that neighbouring properties had concerns with noise levels, that the hut was too close to neighbouring properties and that the property had been sold, so questioned the need for the application to go ahead
- The views of the Parish Council who had stated there were concerns with grey water
- The views of the acting Ward Member who had concerns with the rural location of the application with no close amenities, the parking provision for visitors, the noise levels and development in open countryside
- The number of objectors to the application
- That although the shepherds hut had wheels it could not be moved around the site
- That Public Health had no concerns regarding the grey water
- That the hut would be used for both private and light holiday use

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, J Downes, L Cruwys, Mrs C P Daw, R Dolley, C Eginton, D J Knowles, F W Letch and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from the Objectors
- ii.) Mrs Lovesey (Objector) spoke
- iii.) The Chairman read out a statement by Nymet Rowland Parish Council
- iv.) Margaret Squires spoke as acting Ward Member
- v.) A proposal to refuse the application was not supported
- vi.) Cllr C Eginton requested that his abstention on voting be recorded
- vii.) The following late information was reported:
 1. A letter has been received from Nymet Rowland Parish Council raising the following matters of concern:
 - Grey water disposal
 - Noise
 - Implications of a change of use application.

2. A response from the Council's Public Health Officer has been received following the concerns received from the Parish Council over grey water disposal. This response was as follows:

'I can confirm that any potential impact on pollution to ground water would be low and therefore have no objections to the proposal.'

3. A letter and photograph was sent to members of the planning committee by Julie Lovesey outlining her speech for the committee meeting. She is speaking on behalf of the objectors.

111 MAJOR APPLICATIONS WITH NO DECISION (1.34.52)

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

It was **AGREED** that:

20/01588/MFUL Crediton Milling Co Ltd, Fordton Mill, Crediton, Devon EX17 3DH: Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) be brought before the committee for determination and that a site visit take place if the officers recommendation was one of approval.

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

Update Sheet

(The meeting ended at 3.52 pm)

CHAIRMAN