

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 10 February 2021
at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

J Cairney and J M Downes

Present

Officers:

Eileen Paterson (Development Management Manager), Maria De Leiburne (Legal Services Team Leader), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Alex Marsh (Conservation Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

122 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.59)

There were no apologies or substitute Members.

123 REMOTE MEETINGS PROTOCOL (0.04.09)

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

Note: *The remote meeting protocol previously circulated and attached to the minutes

124 PUBLIC QUESTION TIME (0.04.18)

There were no questions from members of the public present

125 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.42)

Members were reminded of the need to declare any interested when appropriate

126 MINUTES OF THE PREVIOUS MEETING (0.04.59)

The minutes of the meeting held on 13th January 2021 were agreed as a true record

127 **CHAIRMAN'S ANNOUNCEMENTS (0.05.59)**

The Chairman had no announcements to make

128 **DEFERRALS FROM THE PLANS LIST (0.06.07)**

There were no deferrals from the Plans list

129 **THE PLANS LIST (0.06.13)**

The Committee considered the applications in the *Plans List.

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

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:

- a) **Application 20/01985/HOUSE - Erection of porch at Wilcombe House, Lewis Avenue, Tiverton** 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

- b) **Application 20/00146/FULL - Erection of 9 dwellings with associated vehicular and pedestrian access at Land at NGR 295241 122012, South of Elizabeth Penton Way, Bampton.**

The Development Management Manager outlined the contents of the report by way of a presentation which highlighted the proposed site layout, elevations and floor plans, proposed sections, proposed highway layout and landscaping and photographs of the site.

The officer explained that the site had been subject to a number of previous planning applications and had gained outline planning permission for up to 26 units in 2010.

In response to Members questions about the proposed materials for the roof tiles the officer confirmed that a change to condition 8 could be made to ensure that samples of materials were submitted for prior approval.

Detailing the S106 contributions the officer confirmed that there was provision for education by way of contributions towards school transport and that the open space contribution for improvements to public open space at Bampton Motte and Bailey.

With regard to the S106 requirement for affordable housing, the officer explained that Policy S3 advised that for sites between 6-10 units outside of Tiverton, Crediton and Cullompton a financial contribution could be made. The applicant's viability study had concluded that the site was not viable and therefore no S106 contribution for the provision of affordable housing had been included. The officer confirmed that the S106 agreement would be drafted with an affordable housing review mechanism following the sale of the 9 units so that if appropriate a clawback could be included.

In response to Members questions, the Development Management Manager confirmed that the applicant's viability report had been independently verified at a cost to the Authority.

Consideration was given to:

- Members views that the description of the units as traditional Devon barns was not accurate
- Green open spaces on the site would be run by a management company
- The applicants identity was not relevant and that the application had to be determined on its merits
- The views of the objector that the application was fundamentally flawed and not a viable development
- The views of the agent who explained the rationale for the reduction in units from the original permissions and that an environmental plan would be agreed
- The views of Members that felt that no construction traffic should be allowed on site during school run times
- The views of Members that bin storage with recycling should be provided for each proposed house

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

Amendment to condition 7 to read:

Construction and delivery traffic vehicular movements to and from the site will be restricted to the following hours:

- Between 7.00am to 8.00am Monday to Friday;
- Between 9.00am to 3.00pm Monday to Friday;
- Between 4.00pm to 6.00pm Monday to Friday;
- Between 9.00am to 1.00pm Saturday; and
- At no time on Sundays and Bank/Public holidays

Amendment to condition 8 to read:

Notwithstanding the submitted plans the following shall take place:-

- (a) samples of the construction materials as shown on approved plan L0203 Rev B will be submitted and approved in writing by the Local Planning Authority prior to commencement of construction.

(b) details including elevations and materials of all boundary treatments as shown on approved plan L0203 Rev B will be submitted and approved in writing by the Local Planning Authority prior to their implementation.

No dwelling will be occupied until such details have been approved and implemented.

Amendment to condition 13 to read:

Each dwelling hereby permitted shall be fitted with a built in bat or bird box prior to occupation of the dwellings hereby approved. The developer / owner will notify the Local Planning Authority in writing once installation of the bat or bird boxes has been completed.

Amendment to condition 19 to read:

Prior to the dwellings hereby approved being occupied, a plan illustrating the provision for cycle and bin storage (including recycling) for each dwelling shall first be submitted to and approved in writing by the Local Planning Authority. The approved details will thereafter be implemented on site before the dwellings are occupied

(Proposed by Cllr R F Radford and seconded by Cllr E J Berry)

Reason for the Decision: As set out in the report

Notes:

- i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as she used to be Ward member and knew the landowner;
- ii) Cllrs S J Clist and G Barnell made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had visited the site with the applicant and had received letters of objection;
- iii) Cllrs D J Knowles made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had received information regarding the application;
- iv) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had been approached by the applicants Director;
- v) Mrs K Stephenson (objector) spoke;
- vi) M Timms (agent) spoke;
- vii) The Ward Members were unable to speak to the application as they were directly involved with the applicant;

- viii) A proposal to defer the application for a further independent viability study was not supported;
- ix) Cllrs G Barnell, S J Clist and L J Cruwys requested that their vote against the decision be recorded;
- x) The following late information was reported:

The open space contribution will be £11,442 and will go to **improvements to public open space at Bampton Motte and Bailey.**

Condition 15 refers to Condition 13 above – this should be Condition 14 above

c) Application 20/01584/MOUT - Outline for the erection of a 50 bedroom nursing home at Langford Park Nursing Home, Langford Road, Langford, Newton St Cyres

The Area Team leader outlined the contents of the report by way of a presentation which highlighted the current site layout, indicative site plan, 3D indicative views, cutaway floor plan and photographs of the site.

The officer explained that no objections had been received from the Highways Authority who had stated that the development was appropriate and would not have a severe effect on the highway.

Environmental Health had raised no issues with regard to drainage of the site and South West Water had raised no objection to the capacity of the mains sewer.

The officer explained that the application sought outline permission with all matters reserved so consideration of the development related to the overall principle of development.

In response to Members questions the Area Team Leader confirmed that the final design and number of car parking spaces could be determined as reserved matters and would not be tied to the indicative plans.

The officer explained that the S106 request from the Royal, Devon & Exeter NHS Foundation Trust was flawed as it had calculated the contribution on the basis of development for 50 residential dwellings on a domestic housing estate. Officers did not feel that the 3 tests had been proved and that the request was not compliant to CIL Regulation 122.

Consideration was given to:

- The application was for a nursing home unit not a care home unit and would cater for the most vulnerable residents
- The views of the objector who did not object to the expansion of the nursing home but felt consideration should be given to the height of the building, sewage provision, highways safety and light pollution from security lighting
- The views of the agent who stated that the development was in a good location with good transport links and that there was a need for the provision

of these services within Mid Devon. The developer would be willing to work with local residents to ease any concerns with the development

- The views of the Ward Member who had concerns with the potential height of the building, drainage and transport issues and requested a travel plan with practical steps to protect staff

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

An additional condition (11) to read:

Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with the approved Travel Plan. For the avoidance of doubt the Travel Plan should outline safety measures for staff who are encouraged to use travel modes other than the car given the lack of footpath and highway lighting from the nearest public transport stop.

Reason: In the interests of highway safety and sustainability.

(Proposed by Cllr F W Letch and seconded by Cllr B G J Warren)

Reason for the Decision: As set out in the report

Notes:

- i) Cllr G Barnell made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he was Ward Member and was known to the objectors;
- ii) Mrs S Daldorph (objector) spoke;
- iii) Mr D Taylor (agent) spoke;
- iv) Cllr G Barnell spoke as Ward Member;
- v) The following late information was reported:

Response received from Newton St Cyres Parish Council - 5th February 2021:
'Following our Parish Council meeting last night, we have no comment on this application.'

An additional condition is recommended to require the submission of a Travel Plan. The condition would therefore be number 11 and would be worded as follows:

11. Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with the approved Travel Plan. For the avoidance of doubt the Travel Plan should outline safety measures for staff who are encouraged to use travel modes other than the car given the lack of footpath and highway lighting from the nearest public transport stop.

Reason: In the interests of highway safety and sustainability.

d) Application 20/00059/HOUSE - Retention of retaining walls, widening of access and formation of hardstanding for the parking of vehicles at 27 Downeshead Lane, Crediton, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation which highlighted the site plan, car parking area (as constructed), proposed layout, elevations (as proposed), indicative plans of alterations to driveway and photographs of the site.

The officer explained that the application was retrospective and that the development had already been constructed and that it was a condition of (19/02118/FULL) that car parking provision be completed before occupation of the new dwelling.

In response to Members questions regarding cladding the built structure in natural stone to blend in with the surrounding landscape, the officer reported that the applicant had not been willing to engage with suggested changes to the built structure. Members were required to consider not only the appearance of the built structure but the harm caused to a listed asset.

The Conservation Officer confirmed that although natural stone covering would soften the look of the car port, he still felt that the development was out of character for the conservation area.

Members requested further details on actions that could be taken if the application was refused and the Principal Planning Officer confirmed:

- Enforcement action could be taken for the car port to be removed and reverted to the initial design
- Members could condition a timeframe for the structure to be clad in stone but the applicant could lodge an appeal against any condition imposed

Consideration was given to:

- The views of the applicant who stated they had not refused to install stone cladding and that the removal of the original driveway was a benefit to the property.
- The views of the Ward Member who stated that Crediton had a certain nature and that the application was in a conservation area
- The damage caused to a listed structure
- That the applicant had not engaged with Enforcement Officers to try and rectify the issue
- Members views that the structure as built was not appropriate in a conservation area

It was therefore:

RESOLVED that: planning permission be refused 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) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he was Crediton Town Mayor and he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;
- ii) Cllr J Cairney made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;
- iii) Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, Mrs C P Daw, L J Cruwys, C J Eginton, S J Clist, F W Letch, D J Knowles, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from the applicant;
- iv) The following late information was reported:

Since the officer report was drafted two letters of support have been received, the main points are summarised below;

- The car parking area makes virtually no impact on the general aspects of the area
- There is hardly any passing traffic and a low volume of pedestrian traffic
- To make any unnecessary major structural changes at this time will only prolong any positive benefits already achieved to the environment

Members will be aware of the correspondence from the applicant which has recently been circulated, document titled 20/00059/HOUSE 27 Downeshead Lane – additional photographic evidence. This correspondence was received on 24th January and was taken into account during the assessment of the application and drafting of the officer report to committee. Therefore it is not considered that it raises any additional matters that members need to be updated on at this time.

e) Application 20/00061/LBC - Listed Building Consent for removal of boundary wall at 27 Downeshead Lane, Crediton, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation which highlighted the site plan, car parking area (as constructed), proposed layout, elevations (as proposed), indicative plans of alterations to driveway and photographs of the site.

The officer explained that the application was retrospective and that the development had already been constructed and that it was a condition of (19/02118/FULL) that car parking provision be completed before occupation of the new dwelling.

In response to Members questions regarding cladding the built structure in natural stone to blend in with the surrounding landscape, the officer reported that the applicant had not been willing to engage with suggested changes to the built structure. Members were required to consider not only the appearance of the built structure but the harm caused to a listed asset.

The Conservation Officer confirmed that although natural stone covering would soften the look of the car port, he still felt that the development was out of character for the conservation area.

Members requested further details on actions that could be taken if the application was refused and the Principal Planning Officer confirmed:

- Enforcement action could be taken for the car port to be removed and reverted to the initial design
- Members could condition a timeframe for the structure to be clad in stone but the applicant could lodge an appeal against any condition imposed

Consideration was given to:

- The views of the applicant who stated they had not refused to install stone cladding and that the removal of the original driveway was a benefit to the property.
- The views of the Ward Member who stated that Crediton had a certain nature and that the application was in a conservation area
- The damage caused to a listed structure
- That the applicant had not engaged with Enforcement Officers to try and rectify the issue
- Members views that the structure as built was not appropriate in a conservation area

It was therefore:

RESOLVED that: listed building consent be refused 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) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he was Crediton Town Mayor and he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;
- ii) Cllr J Cairney made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;

- iii) Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, Mrs C P Daw, L J Cruwys, C J Eginton, S J Clist, F W Letch, D J Knowles, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from the applicant;
- iv) The following late information was reported:

Since the officer report was drafted two letters of support have been received, the main points are summarised below;

- The car parking area makes virtually no impact on the general aspects of the area
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Members will be aware of the correspondence from the applicant which has recently been circulated, document titled 20/00059/HOUSE 27 Downeshead Lane – additional photographic evidence. This correspondence was received on 24th January and was taken into account during the assessment of the application and drafting of the officer report to committee. Therefore it is not considered that it raises any additional matters that members need to be updated on at this time.

130 **APPEAL DECISIONS (2.52.18)**

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.

(The meeting ended at 5.19 pm)

CHAIRMAN