

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 5 January 2022 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
E J Berry, S J Clist, Mrs F J Colthorpe,  
L J Cruwys, Mrs C P Daw, R J Dolley,  
C J Eginton, F W Letch, B G J Warren and  
B Holdman

### **Apologies**

#### **Councillor(s)**

G Barnell

### **Also Present**

#### **Councillor(s)**

R J Chesterton, D R Coren, R M Deed,  
R Evans and Mrs M E Squires

### **Present**

#### **Officers:**

Stephen Walford (Chief Executive), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Angharad Williams (Interim Development Management Manager), Adrian Devereaux (Area Team Leader), Arron Beecham (Principal Housing Enabling & Forward Planning Officer), Jake Choules (Planning Assistant), Oliver Gibbins (Planning Officer), Sarah Lees (Member Services Officer), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

## **131 APOLOGIES AND SUBSTITUTE MEMBERS (00-03-56)**

Apologies were received from Cllr G Barnell who was substituted by Cllr B Holdman.

## **132 PUBLIC QUESTION TIME (00-04-14)**

Mrs Donovan referring to Item 2 (Exe Valley Brewery) on the plans list asked the following questions: How can the lane from Old Butterleigh Road to the brewery be safe enough for more traffic which is proposed when it is so narrow with bends? Is this not an accident waiting to happen, and a continuing health and safety issue?

She then referred to the narrow single track and her concerns with regard to the number of vehicles that would be using it.

Mr Donovan referring to Item 2 (Exe Valley Brewery) on the plans list asked the following questions: What rights do the unneighbourly Exe Valley Brewery applicants have over us, the peaceful owners of Land farm, to use our title deeds address to further their own cause at our expense to give us a loss of amenity?

He referred to his objections concerning a range of neighbour amenity issues including noise, disturbance, smell, light pollution, access problems, parking issues, biodiversity sanitation issues, waste and litter; lack of information with regard to the frequency of their events, the number of public likely to attend, the absence of a shelter if it rains and potential closure of the brewery, he also asked what are the contingency plans and controls in place and will Land Farm be left to muddle through an uncontrolled work site?

Miss Glover referring to item 3 (Meadow Park, Willand) on the plans list asked the following questions:

Will the Section 106 money still be available for this development and if so will they still be released at the start?

With Mid Devon having a net zero target for properties for 2023 what will this housing developer be doing to ensure targets are met?

The housing documents in the past have said, the houses are made for lifetime use. With this we know many get dementia in old age, what will the developer do to ensure this area is made friendly, and where are they seeking advice to make sure this is done correctly?

She also referred to conversations she had had with the Woodland Trust with regard to the protection of ancient trees that needed to be maintained and protected and asked that there be a robust policy to cover the other trees (and replanting schemes) within the development.

### 133 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-16-48)**

The following interests were declared:

| <b>Member</b>     | <b>Type of Interest</b> | <b>Reason and Application</b>  |
|-------------------|-------------------------|--|
| E J Berry         | Protocol                | 21/01879/FULL - received emails from objector                                    |
| S J Clist         | Protocol                | 21/01879/FULL - received emails from objector<br>21/01754/MARM - received emails |
| Mrs F J Colthorpe | Protocol                | 21/01879/FULL - received emails from objector                                    |
| Mrs C Daw         | Protocol                | 21/01879/FULL - received emails from objector<br>21/01754/MARM – received emails |

|              |                             |   |
|--------------|-----------------------------|---|
| R J Dolley   | Other Interest              | 21/01879/FULL- was an acquaintance of the applicant and the objector  |
| C J Eginton  | Other Interest              | 21/01879/FULL - objector was known to him                             |
| P J Heal     | Protocol                    | 21/01879/FULL – received emails from objector                         |
| F W Letch    | Protocol and Other Interest | Item 10 – attended Parish Council meetings to do with the application |
| B G J Warren | Protocol                    | 21/01879/FULL –received emails from objector                          |
|              | Other Interest              | 21/01754/MARM — Chairman of the Parish Council and Ward Member        |

#### 134 MINUTES OF THE PREVIOUS MEETING (00-20-05)

The minutes of the meeting held on 1 December 2021 were agreed as a true record and duly signed by the Chairman.

#### 135 CHAIRMAN'S ANNOUNCEMENTS (00-20-40)

The Chairman reminded those present that there would be a special meeting of the Committee on Wednesday 19 January 2022.

#### 136 DEFERRALS FROM THE PLANS LIST (00-20-58)

There were no deferrals from the Plans List.

#### 137 THE PLANS LIST (00-21-09)

The Committee considered the applications on 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 21/02289/CLP –Certificate of lawfulness for the proposed erection of a single storey rear extension at 79 Queensway, Tiverton*** be approved as recommended by the Interim Development Management Manager.

(Proposed by the Chairman)

**Reason for the decision:** As set out in the report

***b) Application 21/01879/FULL – Change of use of storage area to outdoor seating area for host visitors for tastings and similar activities and erection of bar/shed – Exe Valley Brewery, Land Farm, Silverton***

The Planning Officer presented updates to his report stating that an additional letter from the objector had been received with regard to the 2017 planning permission for the site and he confirmed that the planning permission was for the land and that permission was granted. He also confirmed the reason for the call in and that an amendment to Condition 3 had been proposed.

The Officer then answered questions posed in Public Question Time, stating that the access lane had been considered, there had been no objection from the Highways Authority, there were no grounds for refusal as this was an existing brewery, with regard to ownership, any application stayed with the land and the right amount of notice had been given, the land and the brewery had operated since 1980, it was an established business and this would have been known by the objector when he purchased his property. The issue of amenity had been addressed within the report, conditions had been put in place and he reminded the meeting that the permission would be temporary.

He then outlined the contents of the report by way of presentation highlighting the site location plan, a block plan, floor plans, elevations, the fencing screen, the supporting information and photographs from various aspects of the site. He confirmed that the business had operated since the 1980's, Policy DM18 did support expansion of the business and the impact on the neighbouring property had been considered.

Consideration was given to:

- Whether the application conflicted with Policy DM5
- Whether further consideration of the application should have been considered by the Highway Authority
- Parking arrangements on the site and the nature of the events that were being proposed
- Highway issues with regard to the Open Days that had and would take place
- The number of events that could take place without permission on an annual basis
- The views of the objector with regard to the impact of the proposal on his property, the lack of shelter proposed if it rained, noise, smells, disruption, the number of people in attendance, loss of privacy and amenity, parking issues and the fact that there was no space for additional parking
- The views of the applicant with regard to the fact that the brewery had been on the site for 37 years, it was a much loved community asset which had always offered tasting and talks and that the planned garden space would allow her to expand this; tasting events would be by appointment, some additional space was available for parking and that operating hours would be limited. Open

days would take place at the most twice a year and locals walked to the event or a minibus was provided

- The views of the Ward Member referring to whether there was an impact on the neighbouring property, the brewery premises had existed for many years, the applicant wished to expand her business and whether such an expansion was unreasonable in terms of scale and the consequent impact on the neighbour
- How the temporary permission would be assessed with regard to the number of people attending events
- The period of the proposed temporary permission and the proposed opening hours

**RESOLVED** that a temporary permission be granted subject to conditions as recommended by the Interim Development Management Manager subject to an amendment to Condition 3 to read that: The planning permission hereby granted shall be limited to a period of 18 months starting from the date in which the use is first commenced. After which the use of the land shall cease and be reinstated to an area used for storage for the brewery only.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr S J Clist)

**Reason for the decision:** as set out in the report

Notes:

- i) Declarations of interest were reported as set out in Minute 133;
- ii) Mr Donovan spoke in objection to the application;
- iii) Ms Wright spoke as the applicant;
- iv) Cllr R M Deed spoke as Ward Member;
- v) Cllr R J Dolley requested that his abstention from voting be recorded;
- vi) The following late information was provided:

22/12/21

Reason for Call in by Cllr R M Deed - 'Consideration to the impact of the development on the amenity of the neighbouring property' – this was missing from the report.

05/01/22

Condition 3 - The planning permission hereby granted shall be limited to a period of 18 months starting from the date in which the use is first occupied. After which the use of the land shall cease and be reinstated to an area used for storage for the brewery only.

Changed to :

The planning permission hereby granted shall be limited to a period of 18 months starting from the date in which the use is first **commenced**. After which the use of the land shall cease and be reinstated to an area used for storage for the brewery only.

**c) Application 21/01754/MARM – Reserved matters for residential development of 125 dwellings (including 35% affordable housing), with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT – land at NGR 303288 110467 Adj to Meadow Park, Silver Street, Willand**

The Principal Housing Enabling & Forward Planning Officer, outlined the contents of the report providing some background into applications on the site including: the outline application that had been granted at appeal in 2019, the conditions already attached to that permission, the separate planning permission granted for the vehicular access and the current reserved matters application alongside the discharge of the outline conditions. He highlighted that the reserved matters application and the discharge of conditions from the outline permission were intertwined but were separate.

He then provided the meeting with a presentation which highlighted: the site location plan, an aerial view of the site, the proposed block plan, building heights proposed across the development, the affordable housing distribution plan, the landscape strategy, street scenes, proposed play areas and photographs from various aspects of the site.

Referring to questions asked in public question time, he stated that with regard to the S106 monies – a unilateral undertaking had been signed, all the obligations and conditions had been retained. With regard to the net zero target and addressing climate change in main standards, the development would need to comply with building regulations. With regard to the housing being for lifetime use, 27 of the 125 dwellings met accessibility standards. With regard to tree planting and the advice of the Woodland Trust, the detail was in the report and related to Condition 7 of the outline application which had been discharged.

Consideration was given to:

- The views of the applicant with regard to the contents of the reserved matters application for 125 dwellings, public open space, landscaping, play areas and 35% affordable housing. The application complied with the terms of the outline permission and a set of conditions had been discharged. She highlighted the pedestrian cycle way, the designated footpath, car parking provision and vehicle charging points. She noted the concerns of the Parish Council, the proposed drainage was in line with the flood risk assessment and the tree planting had been agreed by the arboricultural officer. Financial obligations would be met.
- The views of the Parish Council with regard to the concerns as to whether the financial obligations would be paid prior to commencement of the development. The road entrance off Meadow Park did not look like a temporary measure, but a permanent access and whether S56 should come into force and that the S106 monies should be collected by the Local Planning Authority.
- Concerns by Members of the committee with regard to the TPO's, the loss of oak trees
- The amount of affordable housing
- The outline appeal decision for a maximum of 125 dwellings on the site; the number of documents that had been added to the portal with regard to the

reserved matters application and the outline application (discharge of conditions) and whether Members of the committee had all the relevant information before them on highways issues, tree planting on verges, footpath improvements and tandem parking for 88 of the houses

- How the arboricultural officer graded the trees
- The number of conditions within the outline permission that had been discharged
- Who would be responsible for the play areas and their maintenance
- The Tree Preservation Orders on the site
- Whether the planting of established trees could be conditioned

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager with discussions to take place in advance with the applicant with a view to seeking to ensure that the landscaping details included trees which are more mature than just saplings.

(Proposed by Cllr Mrs F J Colthorpe and seconded by the Chairman)

**Reason for the decision:** as set out in the report

Notes:

- i) Declarations of interest were reported as set out in Minute 133;
- ii) Ms Taylor (applicant) spoke;
- iii) Cllr Grantham spoke on behalf of Willand Parish Council
- iv) Cllrs S J Clist and B G J Warren requested that their abstention from voting be recorded.

### 138 **MAJOR APPLICATIONS WITH NO DECISION (2-11-26)**

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

Note: \*list previously circulated and attached to the minutes.

### 139 **APPEAL DECISIONS (2-12-29)**

The Committee had before it, and noted, a \*list of appeal decisions

Noted: \*List previously circulated and attached to the minutes

### 140 **CASE FOR NON-DETERMINATION APPEAL (2-14-00)**

The Committee had before it a \*report of the Interim Development Management Manager.

The Chairman indicated that discussion with regard to this item, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the



Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 respectively of Part 1 of Schedule 12A of the Act, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

Consideration was given to the report before Members and it was:

**RESOLVED** that Option 2 as outlined in the report be pursued.

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

Notes:

- i) Cllr F W Letch requested that his vote against the decision be recorded;
- ii) \*Report previously circulated.

(The meeting ended at 5.25 pm)

**CHAIRMAN**