

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 2 February 2022  
at 2.15 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

C J Eginton

### **Also Present**

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

R J Chesterton, R M Deed, R Evans,  
Mrs N Woollatt and R L Stanley

### **Present**

#### **Officers:**

Richard Marsh (Director of Place), Angharad Williams (Interim Development Management Manager), Maria De Leburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

## 147 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.46)**

Apologies were received from Cllr C J Eginton who was substituted by Cllr B A Moore.

## 148 **PUBLIC QUESTION TIME (0.04.09)**

Mr Elstone referring to No 2 on the Plans list asked:

Why are the Applicant i.e., Zed Pods being permitted to very seriously violate the privacy of existing residents?

Why are Zed Pods stating that a building just 14 metres from the Zed Pods structure is an office building when in fact it is a residential building?

Why are there are only 7 parking spaces provided when MDDC policy requires 10?

Are Members aware that MDDC's own contracted Tree Officer first used the word "significant" when determining the amenity value of the Sycamore Tree?

Mr Hughes referring to No 1 on the Plans list asked:

The line block plan currently on the table still shows 3 shower/WC blocks and could, therefore, still lead to a misunderstanding in the future.

In order to avoid any confusion in the future could the agent be asked to submit a line block plan showing just the 2 WC and 1 boiler blocks accurately reflecting the elevations, floor plans and the statement, showing foul water drainage to just the two WC blocks?

That leaves just a couple of questions:

For the record are plumbed in structures, with electricity, classified as permanent or temporary buildings?

Where does the dividing line lie between these two classifications?

Would the boiler block require planning approval for 'change of use' should the applicants wish to convert it to a shower/WC block in the future?

The Chairman indicated that answers to questions would be provided when the application was considered.

#### **149 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

The following declarations were declared:

Cllrs G Barnell, S J Clist, L J Cruwys, P J Heal, F W Letch, B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received emails from objectors and applicants with regard to applications 21/02158/FULL and 21/01956/FULL

Cllr R J Dolley declared a personal interest for application 21/01956/FULL as he was the Chairman of Homes PDG

Cllr R J Dolley declared a personal interest for application 16/01707/MOUT as he was a personal friend of the applicant

Cllr S J Clist declared a disclosable pecuniary interest for application 16/01707/MOUT as he was related to the applicant and left the meeting during the discussion and vote on this item.

#### **150 MINUTES OF THE PREVIOUS MEETING (0.12.55)**

The minutes of the meeting held on 19 February 2022 were agreed as a true record and duly signed.

#### **151 CHAIRMAN'S ANNOUNCEMENTS (0.13.39)**

The Chairman informed the Committee that there may be a need for an additional meeting in March.

152 **DEFERRALS FROM THE PLANS LIST (0.14.11)**

There were no deferrals from the Plans list.

153 **THE PLANS LIST (0.14.16)**

The Committee considered the applications on the \*Plans List

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

- a) Application 21/02158/FULL - Variation of condition 2 of planning permission 21/00443/FULL to allow substitute plans - Change of use of land for the siting of 2 glamping tents and associated facilities at Deer Park Camping, Hockworthy, Wellington.***

The Interim Development Management Manager outlined the application by way of a presentation which highlighted the site location, the approved block plan and elevations, the proposed block plan and photographs of site in summer and winter. She explained that the new plans had introduced low level lighting but this was not considered harmful to bats by the applicants ecologist.

In response to public questions she stated:

- The application included two shower/WC blocks and a store to hold a fire extinguisher
- The site as a whole includes two units of holiday accommodation, three facilities blocks and car parking with lighting
- Floor plans for the ancillary blocks had been provided and included within the presentation
- The proposed plans were deemed to be sufficiently detailed
- No conditions had been imposed to remove the ancillary buildings whilst they remained in use and they were referred to semi-permanent as they were relatively easy to dismantle and remove
- The third ancillary building would not require change of use permission if it was turned into a shower/WC block
- Two shower blocks were not considered too onerous for the site
- Planning officers had looked into the ecological advice from the ecological advisor which stated that the low level lighting would cause no harm to wildlife

The officer explained that as the Committee had approved the original application it now came before them to determine the amended plans.

Consideration was given to:

- Members views that the amended plans would not cause any additional harm
- That the ancillary buildings should be accessible by disabled users

It was therefore:

**RESOLVED** that planning permission be granted with delegated authority given to the Interim Development Management Manager to amend conditions 3, 4 & 9 and to

introduce a condition to ensure the ancillary buildings were accessible for disabled users

(Proposed by R J Dolley and seconded by Cllr E J Berry)

Notes:

- i) The Chairman read a statement by the applicants agent
- ii) The following late information was received:

21/02158/FULL - Variation of condition 2 of planning permission 21/00443/FULL to allow substitute plans - Change of use of land for the siting of 2 glamping tents and associated facilities - Deer Park Camping Hockworthy Wellington.

1. A revised version of plan reference P/SS/01, now Rev 3. This shows an additional floor plan for the facilities building noting the layout to include storage of an emergency telephone, honesty box for store, emergency contact details, fire extinguisher and first aid kit.
2. Rope light specification, showing a typical detail for such lighting, this was alongside an email which confirmed that this rope light is proposed or another of the same specification.
3. A specification for the outdoor wall light fitting
4. A specification for the Rusty Slot 80, outdoor floor stand LED light
5. A specification for the Adana Solar Lantern
6. A letter from the Ecologist, Richard Green Ecology confirming the following:

An extended phase 1 habitat survey of land at The Deer Barn, Hockworthy, Wellington, TA21 0NW, NGR ST 03716 19607, was undertaken by Richard Green Ecology Ltd on 18 March 2021.

Since the initial survey and ecological appraisal report issued on 1 April 2021 (Richard Green, 2021), there have been some minor amendments to the proposal plans.

The initial proposal plans included the installation of two bell tents, three shower and W.C. shacks, and a car park screened by a new double row native species hedge, with no external lighting.

The amended proposal plans include the installation of one bell tent, a larger safari tent, three shower and W.C. shacks, a car park screened by a new double row native species hedge, and a variety of low energy lighting solutions (refer to Figure 1).

The amended plans would increase the loss of improved grassland from approximately 550 m<sup>2</sup> to approximately 570 m<sup>2</sup>, considered to result in a negligible ecological impact.

The addition of external lighting is also considered to result in a negligible ecological impact, given that the proposed lighting is to be at a low Lux level and to use passive infrared (PIR) sensors. The site boundaries would remain dark, resulting in minimal impact upon commuting and foraging bats that may be crossing the site or foraging around trees and hedgerows.

The other measures for ecological mitigation and enhancement referred to in our ecological appraisal report would remain unchanged.'

7. A photograph of the proposed canvas lodge adopting beige canvas. This application originally proposed green canvas but this is not available at present and so the agent has sent an email to confirm that the applicant is now proposing that either green or beige canvas will be used for the canvas of the canvas lodge. This will be dependent on the availability of the canvas at the time that it needs replacing. The approved glamping tents were proposed to be beige and the canvas lodge was proposed to be green at the time of completing the committee report. Both the beige canvas and the green canvas has been considered acceptable by officers and it is not considered that varying between these two colours will cause any harm to the character or appearance of the locality.

8. A brochure for the canvas lodge include build specification

9. In addition to the attached documents/plans, the Agent has confirmed that the scaling on the plans is accurate, an additional block plan has also been submitted omitting the aerial photograph and clarifying the position of the proposed holiday units and facilities blocks.

The outstanding matters referred to within the recommendation are now considered to be resolved. The updated recommendation is now as follows: Conditional approval. Final wording and drafting of conditions to be delegated to the Interim Development Management Manager.

***b) 21/01956/FULL - Erection of a three-storey block of 6 dwellings with associated soft and hard landscaping works at Garage Site 10 to 19, St Andrews Road, Cullompton***

The Area Team Leader outlined the application by way of a presentation which highlighted the site location, block plan, site plan, floor plans, elevations, section plan, landscape plan site aerial view, street view and photographs of the site.

In response to public questions he stated:

- The LPA did not have adopted design guidance to certain distances
- The 23 metres was usually taken between two rear elevation windows facing each other and that the rear elevation of the application faced a car park and the gable end of the nearest property
- The distance between neighbouring properties was considered adequate
- The neighbouring property was described as an office as it was believed there was an architect's office on site but the development did not face the rear of the property and was offset to the car park
- The shortfall in parking had been noted in the officers report and the Highways Authority had no objections to the proposal

- There was a difference of opinion between the Council's Arboricultural Officer and the tree consultants appraisal about the condition of tree but further tree planting had been provided and the tree officer had advised that this would be a benefit to the area in terms of amenity.

Consideration was given to:

- The views of the objector who felt that the application did not comply to parking standards and that the application was trying to shoehorn 3 storey flats into a small area
- The views of the ward member who welcomed the scheme but stated that car parking was a concern and that alternative provisions for this on the estate should be explored. That she would like to see the sycamore tree preserved even if this meant ongoing maintenance to it
- The officer outlined to Members of the legal position behind listed buildings and the need to weigh up the harm against the public benefits of the development. On this occasion the officer advised that given the conservation officer view that the harm was negligible, the officer advised members that it was considered the public benefit arising from the development outweighed any impact on the listed building
- The officers explanation that the existing tree could not be maintained but that the tree officer had noted the benefit of more replacement trees with semi mature specimens
- Additional car parking was not possible on the site but could be available elsewhere on the estate subject to relevant planning permissions
- Members views that they would have liked to have had a site visit
- National space standards had been used to determine the likely occupancy of the flats

It was therefore:

**RESOLVED** that planning permission be granted with delegated authority given to the Interim Development Management Manager to condition the use of semi mature replacement trees and for the Cabinet Member for Planning and Economic Regeneration to investigate the introduction of additional parking on the estate

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr Mrs C P Daw)

Notes:

- i) A motion to defer a decision to allow members to properly consider the implications and advice contained in the Conservation Officers report and to allow a site visit for members to assess the affect the proposed building would have on the area was not supported
- ii) Cllrs S J Clist, L J Cruwys and B G J Warren requested that their abstention from voting was recorded
- iii) Cllr G Barnell requested that his vote against the decision be recorded
- iv) Mr Elstone spoke as the objector
- v) Cllr Mrs N Woollatt spoke as the ward member
- vi) The following late information was received:

Response received from Ward Member Cllr Ashley Wilce:

'I wish to echo Cllr Woollatt's concerns over parking and the increased pressure that any development not complying with local planning policy in this regard, will cause. Cullompton is a rural commuter town without a train station and poor links to the nearest one, not an urban conurbation well-served by public transport, or with a wealth of local jobs. Cars - and parking for them – are a necessity until such time as this situation significantly improves. If the developer plans to place reliance on the argument that cars are not needed for those living in the Town centre, such a position is clearly untenable; residents already have to drive around trying to find somewhere to park.'

02/02/22

21/01956/FULL - Erection of a three-storey block of 6 dwellings with associated soft and hard landscaping works on Garage Site 10 to 19, St Andrews Road, Cullompton

Response received from Conservation Officer – 2/02/22

The site is in an elevated position on the hillside as the land rises up St Andrews Road, and it separated from the conservation area by the public car park to the east. To the south the conservation area includes the dwelling to the rear of No 28 High Street off of St Andrews Road. Listed Buildings near the site are Nos 28, 38, 40, 42 and 44 (all separate entries). This part of the conservation area is clearly visible from the site and vice versa. There is clear inter-visibility between the listed building at Nos 28, 40 and 42 with the site.

It should be noted that the draft Cullompton Conservation Area Assessment and Management plan, due for adoption at Full Council on the 23rd of February does not propose any changes to the extent of the conservation area nearby. There are no important unlisted buildings nearby.

You will recall that when you first consulted me on this application I visited the site and noted that the proposal had potential to impact on heritage assets: the conservation area and nearby listed buildings. No heritage assessment had been submitted with the application, and the application was contrary to policy DM25 and the NPPF in that respect.

#### 154 **APPLICATION 16.01707/MOUT SOUTH OF LEA ROAD, TIVERTON - S106 ALLOCATION**

The Committee had before it a \*report of the Interim Development Management Manager which confirmed the Committees resolution on 1<sup>st</sup> December 2021 to accept changes to the S106 agreement relating to outline planning permission 16/01707/MOUT. The Committee were asked for clarification as to how members wished for the revised S106 agreements to be allocated.

The Area Team Leader reminded members of the application by way of a presentation which highlighted an illustrative layout, photographs of the site and the background of the S106 agreement.

Consideration was given to:

- Members views that the relatively small amount of money requested for education from Devon County Council would not have much impact
- There was a mechanism for review of the contribution should the viability assessment change

It was therefore:

**RESOLVED** that the Council allocate the £23,000 to off-site housing provision for affordable housing.

(Proposed by Cllr B G J Warren and seconded by Cllr E J Berry)

Notes:

- i) Cllr S J Clist had declared a Disclosable Pecuniary Interest as he was related to the applicant and was not present for the deliberations or vote
- ii) \*Report previously circulated and attached to the minutes
- iii) The following late information was received:

Response received from Children's Services at D.C.C.:

'Given the viability assessment completed on this application, we understand that full education contributions originally signed into a section 106 agreement against this development cannot be secured. Therefore, as you have requested, we have reviewed our position and provide a revised response below based upon current pupil forecasts within Tiverton.

Regarding the above application, Devon County Council has identified that the proposed increase of 41 family type dwellings will generate an additional 10.25 primary pupils and 6.15 secondary pupils which would have a direct impact on the Primary Schools in Tiverton and Tiverton High.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

In accordance with the Education Infrastructure Plan 2016-2033, DCC will consider the adopted Local Plan allocations in addition to the forecast spare capacity and already approved but not yet implemented developments. We will share the forecast spare capacity of an area proportionately between all outstanding development sites allocated in the Local Plan. Based on this, a percentage is established, which will be requested for developments in the area.

The primary schools in Tiverton are forecast to have capacity for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards primary education infrastructure will not be sought.

Tiverton High is forecast to have capacity for 96% of all pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the Tiverton secondary percentage of 4% of the total number of pupils generated directly towards additional secondary education infrastructure at Tiverton High School. The contribution sought towards secondary is £5,790 (based



on the DfE extension rate of £23,540 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

All contributions would be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the cost of transporting pupils from Bampton to Tiverton High. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.'

#### 155 **MAJOR APPLICATIONS WITH NO DECISION (1.54.10)**

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

It was agreed that:

22/00063/MARM – To be determined by committee and full committee site visit was required

22/00040/MARM – To be determined by committee and full committee site visit was required

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

#### 156 **APPEAL DECISIONS (1.58.09)**

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

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

#### **Update Sheet**

(The meeting ended at 4.33 pm)

**CHAIRMAN**