

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 30 March 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
J Cairney, S J Clist, Mrs C Collis,
Mrs F J Colthorpe, L J Cruwys,
Mrs C P Daw, B Holdman, D J Knowles and
B G J Warren

Apologies

Councillor(s)

E J Berry, C J Eginton and F W Letch

Also Present

Councillor(s)

L D Taylor

Present

Officers:

Richard Marsh (Director of Place), Maria De Leburne (Operations Manager for Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Angharad Williams (Development Management Manager), Jake Choules (Planning Officer), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

Also in

attendance:

Michelle Woodgates (DCC Highway Authority)

174 APOLOGIES AND SUBSTITUTE MEMBERS (00-03-05)

Apologies were received from Cllrs C Eginton and F W Letch who were substituted by Cllrs Mrs C Collis and J Cairney respectively.

The meeting also received apologies from Cllr E J Berry.

175 PUBLIC QUESTION TIME (00-04-00)

Bev Moore, referring to item 1 on the Plans List highlighted the 2007 and 2010 applications on the site and the conditions that were placed on the approval and asked why the applicants who had widened the drive were requesting to put back the structure to narrow the access track and why were the same conditions not being added to the proposal. She also asked if the Planning Officer had visited the site.

Jan Jones referring to Item 10 on the agenda asked if the item related to the appeal at Langford and wondered why the public were being excluded from the discussion. The Planning Committee had made its decision and she felt that the Council had a

strong case and the appellant a weak case. The Rule 6 party were preparing their case, so why was the Council not getting on with writing its statement of case?

The Chairman read a statement provided by Janine Dennis also referring to item 1 on the Plans List which drew attention to the 67 objections to the application from family, friends and local people who drove to The Old School House and regularly had to navigate the existing difficult exit. She had outlined the lack of support for the application which she believed were grounds for refusal and asked whether the committee agreed.

The Chairman read a representation from Roger Bill referring to Item 1 on the Plans list and stating that the Local Planning Authority had acknowledged that the access was difficult for larger vehicles to and from the Old School House and Low Down House, if the extension to the rear of the Guildhall was built it would restrict the access even further. He asked whether it was possible to re-design the proposed toilet block so that the current access was at least maintained as it stands?

The Chairman read a representation from Clive Pedwell referring to Item 1 on the Plans list which stated that he frequently visited the Old School House with a large motability vehicle and currently accessed the property with caution but feared that if the driveway was narrowed, this would cause problems. He asked
Whilst you have correctly considered the rights of disabled visitors into the Guildhall in your planning, be it access, lifts, toilet facilities etc, why have you failed to offer the same consideration and regard to disabled visitors who currently enjoy and benefit from visiting their friends at The Old School House?

The Chairman indicated that answers to questions would be provided when the applications were discussed.

176 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-11-51)**

Cllr S J Clist made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had received emails with regard to the Guildhall, Bradninch application.

177 **MINUTES OF THE PREVIOUS MEETING (00-12-29)**

The minutes of the meeting held on 16th March 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

178 **CHAIRMAN'S ANNOUNCEMENTS (00-13-09)**

The Chairman had the following announcements to make:

- At the informal meeting of the Planning Committee held on Monday 7 March, the receipt of late information was discussed and it was agreed by both members and officers that a deadline should be set for updates to the published agenda – that being 12 noon on the Friday before the committee meeting (the following Wednesday).

Planning Officers had been made aware that any information received following this deadline will not be able to be considered by the committee.

Letters sent to applicants, agents, objectors and town and parish councils would be amended and the Planning Committee webpage and guidance would also be updated all in time for the April Committee.

- He congratulated Angharad Williams on her permanent position as Development Management Manager.

179 DEFERRALS FROM THE PLANS LIST (00-16-40)

There were no deferrals from the Plans List.

180 THE PLANS LIST (00-16-54)

The Committee considered the applications on the *Plans List

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

- a) Application 21/01998/FULL - Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch***

The Planning Officer outlined the application by way of a presentation highlighting the site location plan, the proposed elevations, the existing and proposed ground floor and access, the existing and proposed access and egress of the track and photographs from various aspects of the site. He informed the meeting that the Conservation Officer had been consulted and had agreed with the proposals; and the access was still wider than other parts of the track.

Referring to questions posed in Public Question Time, the officer stated that the new application if permitted would override the previous applications. With regard to the access, the Highway Authority had no concerns. The number of objections had been noted and the material considerations had been considered on the planning merits. He understood that the access was difficult but it had not been made worse by the current application. With regard to re-designing the extension, the committee could only consider the application before it. The impact of larger vehicles had been considered, but the access situation had not been worsened by the current application.

Consideration was given to:

- The views of the objector who voiced concern that access to her property was under consideration, the sale of the property had come with a right of way, she highlighted the conditions that had been placed on previous applications and the narrowness of the access track. She asked how the access could not be disregarded, the application would restrict access to disabled visitors. She hoped that the design could be adjusted and informed the meeting that further negotiations were taking place. She raised concerns with regard to service vehicles accessing the site.

- The views of the applicant with regard to the daily use of the building, the need to improve the access to the hall for disabled users with the provision of a lift to the first floor. The removal of the single story extension did involve increasing the footprint for the new extension but that this did not impede the legal right of access and that discussions were still ongoing with the neighbours.
- The view of the Town Council with regard to concerns of means of access to the Old School House and the service vehicles which maintained the house. The 2009 application had removed the single story block so that there was safe access to the site and the impact of the application generally on the neighbouring properties.
- The views of the Ward Member with regard to the impact of the proposal on the neighbouring properties, the demolition of the public toilets which had allowed a wider access route to the properties; the neighbours would no longer be able to access their property with their campervan, which may have to be parked on the heavily congested streets of Bradninch, emergency vehicles would not be able to access the site. He suggested that a site visit take place so that members could fully understand the impact of the proposal on the neighbouring properties.

Members then considered the proposal and highlighted the fact that negotiations were still ongoing between the applicant and the owners of the neighbouring property and that maybe a compromise could be found with regard to the easement line and whether the application should be deferred to allow further discussions to take place and in the meantime maybe a site visit could take place.

The views of the Highway Authority were received with regard to the smaller sweep path, access of vehicles and the track width.

It was therefore **RESOLVED** that the application be deferred to allow for further discussions to take place between the two parties to consider a compromise and that in the interim period a site visit be arranged.

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

Notes:

- i) Sue Eakers spoke as the objector;
- ii) Phil Chambers spoke on behalf of the applicant (Trustees of Bradninch Town Trust);
- iii) Cllr Jim Porteous spoke on behalf of Bradninch Town Council;
- iv) Cllr L D Taylor spoke as Ward Member;
- v) The following late information was provided: An additional swept path analysis plan has been received as the plan currently on file only showed the access into the private lane. This plan shows the egress.

b) Application 21/02001/LBC - Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch

This item was not considered as the previous application had been deferred.

181 **MAJOR APPLICATIONS WITH NO DECISION (00-58-00)**

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

Application 22/00398/MFUL – Blundells School be determined by the Committee and that a site visit take place.

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

182 **ACCESS TO INFORMATION PRESS AND PUBLIC (1-03-09)**

The Legal Advisor in response to the public question referring to Item 10 stated that legal advice was being considered and that this should be discussed in closed session.

The Chairman indicated that during discussion of the following item it may be necessary for the Planning 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.

RECOMMENDED 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, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

Notes:

- i) Cllrs S J Clist and B G J Warren requested that their vote against the decision be recorded;
- ii) Cllr J Cairney requested that his abstention from voting be recorded;
- iii) Cllr B G J Warren left the meeting at this point.

183 **APPEAL UPDATE**

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

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

RESOLVED that Option 4 as outlined in the report be pursued.

(Proposed by Cllr Mrs C P Daw and seconded by Cllr L J Cruwys)

Notes: *Report previously circulated.

(The meeting ended at 3.55 pm)

CHAIRMAN