

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 4 March 2015 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs H Bainbridge, M D Binks,  
Mrs D L Brandon, P J Heal, D J Knowles,  
E G Luxton, R F Radford, J D Squire,  
Mrs M E Squires (Vice Chairman),  
R L Stanley, K D Wilson and P F Williams

### **Apologies**

#### **Councillors**

J M Downes, A V G Griffiths and  
Mrs L J Holloway

### **Also Present**

#### **Councillors**

Mrs J Roach and Mrs N Woollatt

### **Present**

#### **Officers:**

Jenny Clifford (Professional Services Manager), Tina Maryan (Area Planning Officer) and Sally Gabriel (Principal Member Services Officer)

## 149 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs A V G Griffiths and Mrs L J Holloway.

Apologies were also received from Cllr J M Downes who was substituted by Cllr P F Williams.

## 150 **PUBLIC QUESTION TIME**

Mrs Hopkins referring to Item 10 (Town Hall Site) on the agenda stated that her and her husband had always planned to downsize when they could no longer manage their present property and would like to remain in Tiverton. They had visited other McCarthy & Stone developments and would like to make use of the development in Tiverton. The Environment Agency had checked out any possible flood issues. With regard to car parking people of our age do not need a car and we would not bother. I do hope that the plans go ahead.

Mr Davey referring to Item 10 (Town Hall Site) on the agenda stated that McCarthy & Stone have bought the Mid Devon site; why is the planning department recommending approval for plans that go against recommendations, policies and the flood assessment? With regard to this revised application, why has the developer not been forced to address the security issues of the last application?

Mr Hutchings referring to Item 10 (Town Hall Site) on the agenda; stated that there were differences between the site plans and the reality of the development as marked out on site. It was closer to Memorial Cottage that visualised. He raised privacy issues regarding the flats and the Memorial Hall. A letter had been received from McCarthy & Stone stating that they were moving the parking deck further away by 1 metre. There could be loss of privacy and light issues, the flats were not in keeping with the area. The scheme could be moved closer to the river. The conservation officer does not agree with it. How many councillors lived in Tiverton and feel that this development is acceptable given the amount of grade II listed buildings around it. With regard to the fact that older people do not drive, I do and I would want a parking bay.

The Chairman indicated that answers to the questions would take place when the application was debated.

#### 151 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting of 11 February 2015 were approved as a correct record and **SIGNED** by the Chairman

#### 152 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members of the special meeting of the Committee taking place on 18 March 2015.

#### 153 **MEETING MANAGEMENT**

The Chairman indicated that she intended to take item 6 before item 5 on the agenda.

#### 154 **MANOR HOUSE HOTEL - REPAIRS NOTICE UPDATE REPORT**

The Committee had before it a report\* of the Head of Planning and Regeneration updating members on the Repairs Notice to secure the preservation of the property.

The Senior Planning Officer (Design and Conservation) informed Members that a detailed survey of the property had now taken place by the owner's structural engineer; initial findings should be received within the next few days. She outlined the options identified in the report and the up to date state of the historic building.

The Professional Services Manager stated that there was a need to have a clear understanding of the structural issues, a robust schedule of works, the costs and the timings of any repairs.

Discussion followed regarding:

- The inconvenience of the closure of Tiverton Road and the impact on the town centre.
- Possible compulsory purchase of the property.
- Why had it taken so long for the property owner's structural engineer to undertake the work?
- Timescales for the receipt of the structural engineer's initial report.

- The cost of renovations and repair works.
- Whether the Council employed its own structural engineer to undertake the structural investigations.

As Members wished to discuss the cost of employing specific structural engineers, it was suggested that 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. 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 decided that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

### **ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC**

**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 3 of Part 1 of Schedule 12A of the Act, namely information to the financial or business affairs of any particular person (including the authority holding that information).

(Proposed by the Chairman)

Following discussions regarding the cost of employing particular structural engineers the press and the public were readmitted.

Further consideration was given to the possible sale of the property and costs of erecting the scaffolding around the property.

It was therefore

**RESOLVED** that

- (i) If within 2 weeks of the date of this meeting, the property owner's structural engineer has not completed a report of the structural investigations and compiled a schedule of works and submitted them to the Local Planning Authority, then the Council appoint a structural engineer to undertake structural investigations and compile a schedule of remedial works;
- (ii) The Council gain valuations of the property as set out in the report;
- (iii) A further report be brought before the Committee once the results under (i) and (ii) are available with updated options for further action including the consequences of a compulsory purchase and any back to back sale including a valuation and costs.

(Proposed by Cllr R L Stanley and seconded by Cllr M D Binks)

#### Notes:

- (i) Cllr Mrs N Woollatt spoke as Ward Member;

- (ii) The Chairman read a message on behalf of Cllr Mrs L J Holloway (Ward Member);
- (iii) The following late information was reported: a proposed additional recommendation: That the Legal Services Manager be authorised to take any appropriate legal action including compulsory purchase. In the event of any failure to comply with any notice served, the additional authority to prosecute, take direct action and/or seek a court injunction. (This was not agreed).
- (iv) \*Report previously circulated copy attached to signed minutes.

#### 155 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

#### 156 THE PLANS LIST

The Committee considered the applications in the plans list \*.

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

- (a) No 1 on the Plans List (***14/01943/FULL – Erection of dwelling – Three Tuns, 14 Exeter Road, Silverton***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location map, aerial photographs of the site, a block plan, proposed elevations, site sections and photographs from various aspects of the site. She outlined the concerns of neighbouring residents that of amenity, light issues and the shared access to the site.

Consideration was given to:

- The distance between the proposed dwelling and neighbouring properties
- The draft and revised plans which had altered the height of the proposed dwelling
- Loss of parking spaces
- The possible impact on neighbouring residents and Development Management Polices DM2 and DM14
- Access via the car park to the rear of the cottages
- The restriction of adding any windows to the west elevation of the proposed development.

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllrs M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, P J Heal, D J Knowles, E G Luxton, Mrs M E Squires, R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good practice for

Councillor dealing in planning matters as they had received correspondence regarding this application.

- (ii) Mr Snowden (Agent) spoke;
- (iii) Mr Jackson (Objector) spoke;
- (iv) Cllr Mrs J Roach spoke as Ward Member;
- (v) Cllrs Mrs D L Brandon, R L Stanley and K D Wilson requested that their votes against the decision be recorded;
- (vi) The following late information was reported: 1 further objection summarised as follows:
  - There is a right of way across the car park to the rear of the cottages backing onto the car park
  - As the pub was developed in the past, there was always a requirement to increase the car parking provision in line with the improvements. The current application would reduce the level of parking available and increase parking on the road.

Officer comments: These issues are dealt with in the officer's report.

(b) No 2 on the Plans List (***14/02077/FULL – erection of a dwelling with parking and associated access (revised scheme) – 11 Uplowman Road, Tiverton***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site plan, the block plan and proposed floor plans, proposed highway improvements and photographs from various aspects of the site.

Consideration was given to:

- Density issues
- The development was out of character with existing dwellings in Pomeroy Road
- Whether the proposal was in contravention to the Masterplan approved for the Eastern Urban Extension.
- The setting of a precedent of building in gardens of adjacent properties
- Whether the site could support 2 dwellings
- The overgrown garden
- The need for the development to be in line with Development Management Policies and not the Easter Urban Extension Masterplan.

**RESOLVED** that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed decision based on the following reasons:

The proposal is considered a departure from existing dwelling layout in the area, to have an unacceptable size of plot at an uncharacteristically high density contrary to the character and appearance of the surrounding area resulting in a loss of local distinctiveness and close proximity to other dwellings. The proposal is considered

contrary to policies COR1 Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM14 Development Management Policies (Local Plan Part 3).

(Proposed by Cllr M D Binks and seconded by Cllr D J Knowles)

Notes:

- (i) Cllrs D J Knowles and K D Wilson made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had had contact with local residents.
  - (ii) Mr Buzzacott (Objector) spoke;
  - (iii) Cllr D J Knowles spoke as Ward Member;
  - (iv) A proposal to grant planning permission was not supported;
  - (v) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, Mrs M E Squires, K D Wilson and P F Williams requested that their vote against the decision be recorded.
- (c) No 3 on the Plans List ***(15/00062/FULL – Relocation of existing parking spaces with access and erection of 2 dwellings with altered access, land at NGR 296643 113493, Beech Road, Tiverton)***

The Area Planning Officer outlined the contents of the report providing an aerial photograph identifying the location of the proposed dwellings and highlighted proposed floor plans and elevations. The current parking spaces were identified and the fact that No 29 and No 43 would be provided with parking spaces. The deeds for No 37 referred to the right to use the parking spaces if available.

Consideration was given to: discussions that had taken place with residents regarding off street parking. The Cabinet Member for Housing stated that parking would be provided for No 37 prior to the construction of the dwellings.

**RESOLVED** that planning permission be granted subject to conditions and an informative note as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllrs P J Heal and R L Stanley declared personal interests as the Chairman of the Decent and Affordable Homes Policy Development Group and Cabinet Member for Housing respectively;
- (ii) Cllr D J Knowles made a declaration in accordance with the Protocol of Good practice for Councillor dealing in planning matters as a Member of the Decent and Affordable Homes Policy Development Group;
- (iii) Mr Hubbard (Resident) spoke;
- (iv) The following late information was reported: Tiverton Town Council – 18th February 2015

Whilst supporting the application for 2 dwellings the council is concerned about the proposed re-location of car parking spaces for residents and would suggest that present garden space be utilised rather than the proposal, which is feared could result in vandalism and increased crime. Tiverton Town Council respectfully requests that a site meeting be held to outline the problems and the possible solutions.

Officer comments: MDDC has been in discussion with residents and will be providing off-street parking within the front garden of the one dwelling that does not currently have such an arrangement. The relocation of the existing parking spaces has been removed from the plans.

#### 157 THE DELEGATED LIST

The Committee **NOTED** the decisions contained in the Delegated List \*.

Note: \*List previously circulated; copy attached to signed Minutes.

#### 158 MAJOR APPLICATIONS WITH NO DECISION

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

Application 15/00108/MOUT - land west of the Harvesters Uffculme Road, Uffculme, be brought before the Committee for determination and that a site visit take place if minded to approve.

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

#### 159 APPLICATION 14/01847/MFUL - ERECTION OF 44 APARTMENTS FOR OLDER PERSONS, INCLUDING COMMUNAL FACILITIES, ASSOCIATED CAR PARKING INCLUDING CONSTRUCTION OF PARKING DECK AND LANDSCAPING (REVISED SCHEME) AT LAND AT NGR 295350 112455 (REAR OF TOWN HALL), ANGEL HILL, TIVERTON

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Professional Services Manager initially outlined the contents of the report identifying the differences between the original and revised scheme: 44 flats were proposed instead of 45, the balance of the 1 and 2 bedroomed flats had shifted, the 2 access points, the reduction in the size of the parking deck, part of the building has been pulled away from the boundary with properties at Ham Place, elevation and accommodation details had been amended and there were changes to the garage areas.

At this point the presentation equipment which had included the recording system failed. Following several attempt to re-boot the system it was:

**RESOLVED** that this application be deferred until the next meeting to allow for the presentation to be received in full.

(Proposed by the Chairman)

Notes:-

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Cllr D J Knowles declared a personal interest as a Member of the British Legion;
- (iii) Cllr K D Wilson declared a personal interest as he had been in discussion with local residents and the British Legion as Ward Member;
- (iv) Cllrs M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, P J Heal, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires, R L Stanley, K D Wilson and P F Williams made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;
- (v) The following late information was reported Amendments / clarification to report: The upper parking deck area provides 9 spaces.  
Parking on the two levels is connected with the lower development area by a lift / stair tower. In addition the upper area connects with an entrance to the apartment building on the second floor.  
Finished floor level is 63.3m and above the minimum advised in the flood risk assessment of 61.5m AOD.

Additional information received from the applicant's drainage consultant in response to representations:

Surface water drainage.

It was recognised that flood risk would occur when the river levels reach approximately 61.00mAOD as this would leave the flap valves unable to open. If a rainfall event occurs in conjunction with this high water level in the river then the developments' system would be unable to operate. Discussions with the Environment Agency indicated that the river levels could keep the flaps closed for up to 9 hours. A storm generating approximately 4.0mm rain/hour for a 9 hour period would generate the need for 75,600 litres of storage (75.6m<sup>3</sup>). This provision has been made by placing two storage tanks measuring 20x4x0.55m (83.6m<sup>3</sup>) adjacent to the building. It has been agreed with the Environment Agency that the probability of these two storm events occurring simultaneously is high enough and consequently, the WSP Surface Water drainage proposals provides a sufficiently robust solution to mitigate against flood risk via this mechanism.

On 20 February 2014 Chris Khan of the Environment Agency wrote a letter granting formal consent as required by the Water Resources Act 1991 for two 100mm flapped outfalls to the River.

Foul Water.

The combined sewer on the site is the responsibility of South West Water. On this basis, the sewer diversion works are being procured under Section 185 of the Water Industry Act 1991. Draft drawings prepared by South



West Water's consultants indicate that the sewer will be at approximately the same depth as the existing. We do not anticipate that the sheet piling or sewer works will alter the movement of groundwater within the area, but we will inform South West Water of Mr Thomas' observations and ask them to consider the inclusion of his proposals.

(vi) \*Report previously circulated, copy attached to signed minutes.

#### 160 **DECISIONS AGAINST OFFICER RECOMMENDATION**

The Committee had before it and **NOTED** a report \* of the Head of Planning and Regeneration providing information where the Committee had made decisions not in agreement with officer recommendations.

The Professional Services Manager outlined the contents of the report which reflected the decision making of the committee against officer recommendation, 3 cases had been identified which was a reduction on previous years.

Note: \*Report previously circulated, copy attached to signed minutes.

#### 161 **MEMBERS ANNUAL APPEAL REPORT**

The Committee had before it and **NOTED** a report \* of the Head of Planning and Regeneration providing information on the outcome of planning appeals for 2014.

The Professional Services Manager outlined the contents of the report stating that 42 appeals were determined or withdrawn within that period, 64% had been dismissed.. Of the 11 appeals allowed 4 of these were refused by the Committee against officer recommendation and costs awarded at a likely cost of £21,677. The Government sought to improve the speed and quality of planning decision making. In the event that the Secretary of State viewed that a Local Planning Authority was not adequately performing it's function of determining applications it would be designated for special measures. The performance of each authority in terms of speed and quality of decision making was monitored. The measure to be used to assess the quality of decision making was the average percentage of decisions on applications for major development that have been overturned on appeal. A report identifying the percentage of major applications overturned at appeal that had been determined over a 2 year period would be brought before a future meeting of the Committee. The threshold for inadequate performance in this respect being 20% or more.

Discussion followed with regard to training that had taken place on robust decision making and the contents of the implications reports.

Note: \*Report previously circulated copy attached to signed minutes.

#### 162 **SCHEME OF DELEGATION TO THE HEAD OF PLANNING AND REGENERATION**

The Committee had before it a report \* of the Head of Planning and Regeneration requesting that the current scheme of delegation to the Head of Planning and Regeneration be updated in light of the restructuring of the Planning Service.

**RESOLVED** that the scheme of delegation to the Head of Planning and Regeneration be amended as follows from 1st April 2015:

In the case of all Applications:

1. In the opinion of the Head of Planning and Regeneration or the Area Planning Officer, the application is of a significant, controversial or sensitive nature.

(Proposed by the Chairman)

Note: \*Report previously circulated, copy attached to signed minutes.

**Update Sheet**

(The meeting ended at 5.35 pm)

**CHAIRMAN**