

PLANNING COMMITTEE AGENDA - 29th June 2022

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	22/00431/FULL - Change of use from public convenience to office/storeroom (Class E (g) (i) and B8) - Public Conveniences Footpath from Bus Station to Phoenix Lane Tiverton.
2.	22/00599/HOUSE - Erection of single storey extension - Lower Warnicombe House Warnicombe Lane Tiverton.
3.	<p>22/00040/MARM - Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with access reserved) following outline approval 17/01359/MOUT - Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell.</p> <p>24th June 2022</p> <p>Further to discussions with the Housing Enabling Officer it is considered that there should be an additional condition with respect to the self build units to specifically agree the timings for plots to be serviced and made available for sale. Therefore the following condition is recommended to be included:</p> <p>Condition:</p> <p>10. A phasing plan for the construction of the development shall be submitted to the Local Planning Authority prior to above ground works associated with the house building in the first phase being undertaken. Prior to the occupation of the first open market dwelling within the phase that contains the self-build plots a marketing strategy for the self-build plots shall be submitted to and approved in writing by the Local Planning Authority. No more than 50% of the open market dwellings within the phase that contains the self build plots may be occupied until the self-build plots have been fully serviced and made available for sale.</p> <p>Reason:</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p>In light of comments raised to a number of the planning conditions where retention has not been specified, it is advised that the following sentence is added to the end of conditions 4 and 6 '<i>Once provided the approved facilities shall thereafter be retained</i>'. Therefore conditions 4 and 6 would read as follows:</p> <p>4. The development hereby approved shall not be occupied until refuse/bin storage facilities have been provided in accordance with the refuse and cycle strategy plan with details submitted to and approved by the Local Planning Authority to include proposals for maintenance and management of the refuse storage areas and provision of bins to serve the public open spaces on site. Once provided the approved facilities shall thereafter be retained.</p> <p>6. The development shall not be occupied until the Locally Equipped Play Area has been provided in accordance with the details which have first been submitted to and</p>

approved in writing by the local planning authority. Relevant details shall include the specifications of play area equipment to be used including at least one item of play equipment suitable for children with disabilities as well as the use of locally sourced and sustainable materials. Once provided the approved facilities shall thereafter be retained.

Representations:

Further to the writing of the Committee Report three additional letters have been received, two of which relate to a discharge of condition application submitted for the outline planning permission 17/01359/MOUT requiring the submission and approval of a Construction Method Statement. This is a separate matter to the reserved matters application which is currently being considered by the LPA.

However the third letter was addressed to the Ward Member where they raise a number of points which they believe have been omitted from the Committee Report. The six points are included in full below:

- 1. The main outstanding problem relates to the decision of DCC, as Highway Authority, not to require the reduction in the speed limit, from 60 to 30 mph, around the entire perimeter of the site. I attach for your information my complaint to DCC regarding this matter but the response is not due until the middle of July as I have just agreed an extension to the period for response. In my view the position of DCC is contradictory and appears to be at the whim of the officers as the other officer [Sorenson] who agreed it was necessary, with which the Inspector concurred, has now retired. Although not directly related to the reserved matters application [as highways matters were agreed at outline stage], any pressure you can bring to bear in this matter would be appreciated even though it will impact us, in Turnpike, much less than those who use Higher Town and hence travel via Battens Cross.*
- 2. With regard to the reserved matters application the main issue outstanding is the absence of new planting around the perimeter of the site. Contractors for Edenstone removed and/or substantially cut back hedges around the site in the early part of the bird breeding season. These works appear to have been done in anticipation of certain highway works but some of those works are no longer proposed and yet the developer is not proposing any replacement planting. One example is on the bank above the road running north of Battens Cross. You might recall that at one stage they proposed to remove that bank and hedge for forward visibility on the corner coming down the hill but they were forced to change this proposal because we pointed out that the bank was covered by a condition on the outline planning permission that protected reptiles. The hedge has grown back in part but is now gappy whereas it was formerly a continuous hedge. A second example is opposite us [No 16, Manleys B&B] where the pedestrian access has changed position but the hedge was removed along a circa 20 m stretch and needs replacing, and the sparse hedge on the bank opposite the cemetery also needs supplementing. Do not be fooled by the vegetation that is visible in June as it is largely seasonal [nettles etc] and comprises little of substance. The report has noted but not addressed the removal of existing vegetation, even though it was raised in previous comments.*
- 3. There is also a need to address surface water run-off from the internal footpaths where they emerge onto the highway network. The section of the report entitled*

"Drainage and Flood Risk" suggests this can be dealt with exclusively by a filter drain along one edge and I accept this is shown on the engineering drawing but this is not an answer near the junction because the drain stops short of that. In my final comments I said the following, which might explain this but the crucial point is that the officer's report has not addressed the matter: "Turning to the vicinity of the SE access, an outstanding concern relates to surface water drainage. Recently a survey has been undertaken along Turnpike and the nearest surface water drain is approximately 50-60 m down Turnpike from the SE access. At this point the contractors have annotated the road and, separately, the pavement with the words "Possible collapse". Photographic evidence has been sent to the Agent. I have suggested that the surface water drain was never installed past this point when the road was improved in the 1960s, such that what has been identified as a collapse is the end of the surface water drainage system. Even if this might be wrong it is clear that remedial action is required in this respect. I appreciate that the PHG Drainage Engineers report says "To prevent runoff from the footpaths connecting to the wider highway network discharging over the site boundary, these will be provided with a filter drain along one edge", but this is not a practical solution in the vicinity of the junction of the SE access with Turnpike. At this point the footway/cycleway will be set down beneath a high retaining wall on one side and a hedgebank on the other, which is shown most clearly in the section on the drawing entitled "Footpath Link to S278 3 of 3". The practical effect of this canyon, taken together with the associated steps, will be to give rise to a surge of surface water running down onto Turnpike at a fair speed and volume. We already experience a stream of water down the gravel path at the side of our house during peak events due to the volume of water running down our driveway. In order to address this I would need to be persuaded that any sort of trench drain or slot drain would be adequate parallel to the road unless it was connected up to the existing surface water drainage system in the highway. For the avoidance of doubt the manhole shown 2 near the SE crossing on the drawing entitled "Engineering Layout Sheet 1" [Drawing No 100-1 Rev K] serves the foul drainage system rather than surface water."

4. There is no condition with regard to the materials of the allotment shed. In my final comments I said the following: "I cannot see details of the elevation of the allotment shed, for example no materials are specified on the drawing entitled "Materials Layout". Assuming this is going to be of standard wooden or brick construction such details could be required by a suitably worded condition but such a condition is required because the structure would be prominent above the hornbeam hedge proposed around the allotment due to the topography". I acknowledge that condition 5 in the report covers materials but the crucial point is that the drawing [No 102 Rev B] does not specify the materials for the allotment shed and having raised the matter the officer should have addressed it in his report.

5. Paragraph 203 of the appeal decision said "Whilst the Appellant was content to accept a condition withdrawing permitted development rights for dormer windows and alterations to roofs including roof lights, on reflection I am not satisfied that at this outline stage I have sufficient evidence to demonstrate that such a condition would be necessary.". However the officer's report has not revisited this issue and a condition should be imposed to address this, specifically precluding any form of roof window on plots 24-29. I specifically requested this in my original comments on the reserved matters application [paragraph 27, comments posted on 31 January 2022] and the report is seriously negligent in not addressing this issue. Please note it is also likely to be relevant to all of the plots along the Turnpike frontage because of the vast difference

in levels.

6. Finally, there is no retention clause on a number of the conditions, including 4 and 6.

In response to the above, Members should be aware that point 1 relates to highway matters dealt with through the outline planning permission 17/01359/MOUT and associated S106 agreement. This is not a matter to be addressed through this reserved matters application. Points 2 and 3 relate to landscape planting and drainage which are matters which have been referred to within the committee report and will be addressed further in the presentation to Members of the Planning Committee on the 29th June 2022.

With regard to plans for an allotment shed raised in point 4, the layout plan identifies the required area for allotments with the drawing of a shed being illustrative within this area. The requirements for shed(s) to serve allotment plots would need further approval. Point 5 relates to the removal of permitted development rights for certain plots along the southern boundary. Given the separation distances involved to neighbouring properties, a condition was not considered to be necessary but Members would be able to impose a condition should they believe it would be required. With respect to point 6, an update has been recommended for an extra sentence to conditions 4 and 6.