

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 June 2015 at 2.15 pm

Present Councillors

Mrs H Bainbridge, Mrs J B Binks, K Busch,
Mrs C Collis, Mrs F J Colthorpe, R Dolley,
J M Downes, S G Flaws, P J Heal,
D J Knowles, R F Radford, J D Squire,
R L Stanley and F Letch

Apologies Councillor

J Smith

Also Present Councillor

D R Coren

Present Officers:

Jenny Clifford (Head of Planning and
Regeneration), Sally Gabriel (Principal
Member Services Officer), Simon Trafford
(Area Planning Officer) and Daniel Rance

1 ELECTION OF CHAIRMAN (Chairman of the Council, Cllr W J Daw in the Chair)

RESOLVED that Cllr Mrs F J Colthorpe be elected Chairman of the Committee for the municipal year 2015/16.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D J Knowles be elected Vice Chairman of the Committee for the municipal year 2015/16

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr J L Smith.

4 PUBLIC QUESTION TIME 00-06-15

There were no questions from members of the public present.

5 MINUTES OF THE PREVIOUS MEETING (00-06-19)

The Minutes of the meeting held on 22 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

6 CHAIRMAN'S ANNOUNCEMENTS (00-08-20)

The Chairman requested that the Liberal Democrats Group nominate a representative to attend the Chairman's briefing that took place prior meetings of the Committee.

7 DEFERRALS FROM THE PLANS LIST (00-09-36)

There were no deferrals from the Plans List.

8 THE PLANS LIST (00-12-00)

The Committee considered the applications in the plans list *.

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

(a) 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:

(i) No 8 on the Plans List (**15/00574/FULL – Erection of a single storey extension – Sheraton House, Kennerleigh**) be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: Cllr Mrs J B Binks declared a Disclosable Pecuniary Interest in the application as the owner of the property and left the meeting whilst the decision took place.

(b) No 1 on the Plans List (**15/00071/FULL – Conversion of church hall (Use Class D2) into a dwellings (Use Class 3) with raised deck area and associated parking – Hall and Land at NGR 272174 101673, Bow**).

The Area Planning Officer outlined the contents of the report highlighting the site plan, the block plan which highlighted the side access, the existing and proposed elevations, the main access through the building and the proposed garden layout. Photographs were observed from various aspects of the site.

Consideration was given to the current usage of the building, the public consultation process, whether the building was a heritage asset, Policy DM25 and the possible loss of valued community facilities and services; the conservation area and the significance of the raised footway; the lack of parking facilities on the site for a community building, the fact that the building had not been maintained, the facilities available in the village, the lack of disabled facilities for a community building; Policy DM8 and whether there was a sufficient parking facility for a dwelling.

RESOLVED that the application be granted planning permission as recommended by the Head of Planning and Regeneration.

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

Notes:

- i) Cllr Mrs J B Binks declared a personal interest and she had once lived in the village and made visits to the church, she had also represented Bow as a District Councillor in the past;
- ii) Cllr J D Squire declared a personal Interest as his wife was on the PCC and as a resident had used the church;
- iii) Mr Wyllie spoke in objection to the application;
- iv) Cllr J D Squire spoke as Ward Member;
- v) Cllr Mrs J B Binks requested that her abstention from voting be recorded.

(c) No 2 on the Plans *List (15/00330/FULL – Erection of 8 affordable dwellings with associated access, parking areas, drainage and landscaping – land at NGR 277031 93171 (Adjacent to Glenthorne), Cheriton Bishop).*

The Area Planning Officer outlined the contents of the report highlighting the application site, the road network and the visual relationship with Dartmoor National Park. Members considered the landscaping plan, the detail of the type and size of the proposed dwellings, the foul water plant, the proposed elevations and the street scene. Photographs were viewed from various aspects of the site with the houses on the ridge being identified.

Consideration was given to the history of the project to bring affordable housing to Cheriton Bishop by the Community Land Trust, the concerns of the objectors with regard to the housing needs survey and the possible harm to the visual amenity of the area and other sites that were available. Discussion took place regarding the identified need for affordable housing in the village, exception sites in general and the local allocation policy.

RESOLVED that the application be granted planning permission subject to:

- a) the prior signing of a Section 106 agreement for the retention of the affordable housing in perpetuity and that the Community Land Trust retains a legal interest in the site;
- b) Delegated authority be given to the Head of Planning and Regeneration in consultation with the Chairman of the Planning Committee, the Cabinet Member for Housing and the 2 Ward Members in discussion with the applicants to consider the local allocation policy to be included in the Section 106 agreement;
- c) Conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr R F Radford)

Notes:

- i) Cllrs P J Heal and D R Coren made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters they had been involved in discussions regarding the development as Ward Members
- ii) Mr Gorringe spoke on behalf of the applicants;
- iii) Mr Stevens spoke on behalf of the Objectors;
- iv) Cllr Ms Westcott spoke on behalf of the Parish Council;
- v) Cllrs D R Coren and P J Heal spoke as Ward Members;
- vi) The following late information was reported: Page 35: 2 more representations had been received since the report was completed. 1 in support of the application scheme, with the other raising the following concern: The proposals do not include a footpath link into Cheriton Bishop. This matter is covered in the report.

(d) No 3 on the Plans *List (14/01474/FULL – Conversion of redundant barn to dwelling – land and buildings at NGR 304595 116820 (adjacent to Goldsmoor House, Westleigh).*

The Principal Planning Officer outlined the contents of the report highlighting the revised plans received since the previous application had been determined, the change to a pitched roof, existing and proposed elevations and Policy DM 11: the conversion of rural buildings.

The Head of Planning and Regeneration stated that this was a revised scheme and that the actual building proposed to be converted had not changed.

Consideration was given to future uses of the redundant barn if it was not developed, the suitable access and that it would be an affordable home for a young family.

It was therefore

RESOLVED that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to produce a set of appropriate conditions. The reason for granting permission was that the scheme would make use of an existing building which due to the amended design incorporating a pitched roof would result in an improvement to the amenity of the area. In this respect the current scheme was considered acceptable in contrast to the previous application.

(Proposed by Cllr J M Downes and seconded by Cllr R J Dolley)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, F W Letch, and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had had correspondence regarding this issue;

- ii) Mr Archer (Agent) spoke;
- iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members

(e) No 4 on the Plans *List (15/00382/FULL – Erection of an agricultural livestock building (889 sq.m) – land at NGR 299384 112863 – Red Linhay, Crown Hill, Halberton).*

The Head of Planning and Regeneration outlined the contents of the report highlighting the location of the proposed building, the existing livestock building and the site for the anaerobic digester (AD) plant. Members viewed the block plan, the ground level plan, site sections, elevation drawings and photographs from various aspects of the site. She stated that the building would be screened and that highway issues were explained in full in the report.

Consideration was given to whether there was a need for a further building, whether land that was supposed to be used for crops to feed the AD plan was now proposed to be grazed by the cattle and whether the application would as a result increase traffic movements. It was suggested that the land providing feedstock for the cattle and the AD plant did not tally and therefore it was:

RESOLVED that the application be deferred to allow for the receipt of further information to be gathered with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable.

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

- i) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had had contact with the Parish Council regarding the application;
- ii) Cllr Mrs H Bainbridge declared a personal interest as a Member of the Grand Western Canal Joint Advisory Committee;
- iii) Cllr R F Radford spoke as Ward Member;
- iv) Cllr Mrs F J Colthorpe, R J Dolley and F W Letch requested that their vote against the decision be recorded;
- v) The following late information was reported: 27th May 2015 – DCC Archaeology
I refer to the above application and your recent re-consultation regarding the submission of the Written Scheme of Investigation (WSI) prepared by the Magnificent Science Company. The WSI is largely fine, but needs to be amended with regard to:

1. The sections on the Scope of WSI and Project Aims refer to archaeological evaluation. The required archaeological works are archaeological monitoring and recording not evaluation.
2. A timetable for deposition of the site archive needs to be included.
3. A timetable for publication, if required, needs to be included.
4. The museum accession number needs to be included.

If the WSI could be amended as above and resubmitted I would be able to recommend its acceptance by the LPA

28th May 2015 -

Following the comments from DCC Historic Environment Service and condition 3 on the recommendation, the applicant has submitted a Written Scheme of Investigation which has been send to DCC for comment. They have replied as follows:

I refer to the above application and your recent re-consultation regarding the submission of the Written Scheme of Investigation (WSI) prepared by the Magnificent Science Company. The WSI is largely fine, but needs to be amended with regard to:

The sections on the Scope of WSI and Project Aims refer to archaeological evaluation. The required archaeological works are archaeological monitoring and recording not evaluation.

A timetable for deposition of the site archive needs to be included.

A timetable for publication, if required, needs to be included.

The museum accession number needs to be included.

If the WSI could be amended as above and resubmitted I would be able to recommend its acceptance by the LPA

Given that this is a condition on the recommendation, it is recommended that the condition remains in place until the DCC Historic Environment Service advise that the applicant has submitted a suitable document for discharge.

- (f) **No 5 on the Plans List (15/00533/FULL – Retention of cover over existing silage clamp – land at NGR 300503 112348 (Bycott Farm) Lower Town, Halberton).**

The Principal Planning Officer outlined the contents of the report explaining that the roofing of the approved building had not been constructed in line with the planning consent as the Yorkshire Boarding would not have provided enough protection from the weather.

Consideration was given to the concerns of the Parish Council with regard to the appearance of the structure and that Yorkshire Boarding would have been more suitable if cattle were to be housed in the building.

RESOLVED that the application be approved as recommended by the Head of Planning and Regeneration.

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

Notes:

- i) Cllrs R J Dolley and R F Radford declared personal interests as the applicant was known to them;
 - ii) Cllr R F Radford spoke as Ward Member.
- (g) No 6 on the Plans *List (15/00507/FULL – New surface car park and associated lighting – land at NGR 304319 114213 (Tiverton Parkway) Sampford Peverell)*.

The Head of Planning and Regeneration outlined the contents of the report, highlighting the history of the application site and how it was used on an emergency basis following the rail closure at Dawlish, the site location plan was identified with regard to the entrance to the station. Members viewed the block plan which identified the screening and the bund, the 185 additional parking spaces and photographs from various aspects of the site. Information was considered regarding the proposed legal agreement to secure a financial contribution towards the provision of highways works for a footway from Lower Town to the application site.

Consideration was given to need for the extension to the car park, disabled access, the proposed new pavement and its effect on the width of the road, improvements to the station and its surroundings, the concerns of the objector and the impact of the development on his property, the need for additional landscaping, headlight intrusion and the possibility of moving the entrance to the south of the site.

RESOLVED that the application be granted planning permission, subject to:

- Conditions as recommended by the Head of Planning and Regeneration'
- The provision of an informative note to be added regarding the provision of native evergreen planting within the scheme required under condition 3
- An amendment to Condition 4 to include details of lighting issues and the shielding thereof
- the deletion of Condition 5 and the re numbering of Condition 6 and 7
- An additional condition 7 stating that: The development hereby granted shall not be brought into first use until a legal agreement to secure a financial contribution towards the provision of off site highway works for a footway from Lower Town to the application site has been entered into.

Reason – To secure improved ensure access arrangements to the site in the interests of highway safety in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R F Radford)

Notes:

- i) Mr Okey (Regional Development Manager for First Great Western) spoke;
- ii) Mr Garside spoke on behalf of the objector;
- iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members;

- iv) Cllr R L Stanley requested that his abstention from voting be recorded;
- v) The following late information was reported:

28th May 2015 –

REVISED RECOMMENDATION:

Subject to the prior signing of a s106 obligation to secure a financial contribution towards the provision of a pedestrian footway from the junction with Lower Town to the application site frontage, GRANT planning permission subject to conditions:

Further information from the applicant: The applicant has advised that they are willing to offer an upfront payment via s106 of £80,000 and the comments of the Highway Authority are awaited

28th May 2015 –

Following the comments of the EA, the applicant has provided an amended plan showing the proposed level to be 75.4m. The EA have confirmed that:

The car park was built without a flood risk assessment on an emergency basis on the fringes of the floodplain. Evidence to date suggests that flooding of the lowest corner is possible albeit it would be shallow. It is preventable and we advise that the low corner be raised to 75.4m as previously advised. We do however consider that the provision of compensation storage is no longer necessary given the minute loss of potential storage that would result from raising the small area concerned.

As a result, condition 5 is no longer required and should be deleted, with the remaining conditions 6 and 7 being renumbered as 5 and 6

Further response from Highway Authority by email 28th May 2015:

I have agreed that we will take £80,000 now with the remaining £20,000 of the £100,000 being paid on the second anniversary of the signing of the agreement.

In order for you to be able to issue a permission I suggest a Grampian style condition that the works on the car park cannot commence until the highway contribution agreement is signed and in place. This agreement could be a s278 agreement Highway Act 1980. I believe this route enable MDDC to issue the consent by 26th June, whereas a S106 agreement would need to include the landowner and s unlikely to be completed in time.

The formal response to the application sets out the sum of £170,000 for the delivery of the scheme (off site footway). Our view is that the increased traffic along the road increases the risk to pedestrians and therefore brings about the need for the footway. In our view it is therefore appropriate that the scheme promoter provides the majority of the funding.

REVISED RECOMMENDATION:

Grant permission subject to conditions.

CONDITION 5 DELETED (CONDITIONS 6 AND 7 BEING RENUMBERED 5 AND 6).

ADDITIONAL CONDITION:

7. The development hereby granted shall not be brought into first use until a legal agreement to secure a financial contribution towards the provision of off site highway works for a footway from Lower Town to the application site has been entered into.

Reason – To secure improved ensure access arrangements to the site in the interests of highway safety in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

(h) No 7 on the Plans *List (15/00537/FULL – Installation of a solar farm to generate 4.6MW of power (site area 7.65ha) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications buildings, fence and pole mounted security cameras – Land at NGR 274885 105456 (Sharland farm, Morchard Bishop).*

The Area Planning Officer outlined the contents of the report highlighting the site location plan, the railway and the A377, the new access to the site, proposed panel and storage building details, the agricultural land classification and photographs from various aspects of the site which identified the existing and proposed view

Consideration was given to the landscape and visual impact, the use of best and most versatile land, the cumulative effect of the application of the scheme with others, the views of the applicant with regard to planning policy and the lack of objections from statutory consultees

RESOLVED that members were minded to refuse the application and therefore wished to defer the decision to allow for a site visit to take place and for a report to be received setting out the implications of the proposed decision based on the following reasons:

- The landscape and visual impact together with the cumulative impact of the application
- The use of the best and most versatile agricultural land

(Proposed by Cllr Mrs J B Binks and seconded by Cllr J M Downes)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs J B Binks, Mrs C Collis, Mrs F J Colthorpe, R J Dolley J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence from the applicant;
- ii) Mrs J B Binks declared a personal interest as she had attended a presentation by the applicant as the Ward Member;
- iii) Cllr P J Heal declared a personal interest as local residents were known to him;
- iv) Mr Ryan (Agent) spoke;

- v) A proposal to grant permission was not supported;
- vi) The following late information was reported: Page 77: 1 further representation has been received since the report was completed on the basis the proposals would result in the loss of best and versatile agricultural land and it would be an eyesore in landscape and visual terms. Your officers response to both these issues is set out in the report.

REVISED SECOND RECOMMENDATION:

To allow a variation to the S106 agreement pursuant to planning permission 92/01338/FULL to release the application land from the agreement.

9 THE DELEGATED LIST (4-18-14)

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

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

10 MAJOR APPLICATIONS WITH NO DECISION (4-19-00)

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

Application 15/00799/MFUL was noted as being a Committee decision and Members agreed that a site visit was not necessary.

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

11 APPEAL DECISIONS

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

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

12 APPLICATION 99/03432/FULL - CONVERSION OF REDUNDANT FARM BUILDING TO AN AGRICULTURAL WORKERS DWELLING AT HARTNOLL FARM, HALBERTON (4-21-02)

The Committee had before it a report * of the Head of Planning and Regeneration regarding a variation to the Section 106 legal agreement attached to the above consent. She outlined the contents of the report stating that this matter had been considered at the previous meeting but Members had felt that the area of alternative land being offered neither equated in size or value to the area of land being released from the agreement. Further negotiations had taken place with the applicant and an alternative land parcel had been identified.

It was therefore:

RESOLVED that the proposed variation of the Section 106 Agreement (to remove one area of land and replace it with another) be approved and that the Legal Services Manager be instructed accordingly.

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

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

13 **START TIME OF MEETINGS**

This matter would be discussed at the next meeting of the Committee.

(The meeting ended at 6.55 pm)

CHAIRMAN