

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 23 September 2015 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs H Bainbridge, K Busch, Mrs C Collis,  
R J Dolley, S G Flaws, P J Heal, F W Letch,  
R F Radford, J L Smith, J D Squire and  
B A Moore

### **Apologies**

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

J M Downes, D J Knowles and R L Stanley

### **Also Present**

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

D R Coren

### **Present**

#### **Officers:**

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Reg Willing (Enforcement Officer), Christine McCoombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

## **51 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs: J M Downes, D J Knowles and R L Stanley who was substituted by Cllr B A Moore.

## **52 PUBLIC QUESTION TIME**

Mr Harrod referring to Item 3 on the Plans List (Rock Park Farm) asked the following questions:

How was it that so few people received the initial letters notifying local people of the proposal?

In [reportedly] being minded to approve the application, were its changing rationalisations along with inconsistencies regarding trailers etc negotiating Woodland Head Cross not considered? If they were, how could possible approval be justified?

Does he wish to destroy the hedge, cause disruption to all the neighbours, create a dangerous roadway, when he could easily consider the alternatives? The track could be rerouted.

The Chairman stated that answers would be provided when the application was discussed.

Mrs Coffey referring to Item 5 – Enforcement – Rowey Bungalow, Withleigh stated that at the March meeting it was agreed that the use of the land would be monitored. She referred to an email from the former Head of Planning and Regeneration in which he stated that he intended to write to the landowner reminding him that the land should be used for agricultural use and advising that regular mowing of the land was unnecessary also that agriculture should be its prominent use. Monitoring of the land had been referred to in the report of March 2015, this land had only be visited once on 19 August in which the length of the grass was the only thing looked at, nothing else was considered. Why had the land not been monitored regularly and why hadn't the frequency of the mowing been monitored.

The Chairman indicated that answers would be given when the item was discussed.

### 53 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 26 August 2015 were approved as a correct record and signed by the Chairman.

### 54 **CHAIRMAN'S ANNOUNCEMENTS (00-08-45)**

The Chairman welcomed Mrs Christie McCombe back to the authority, this time as Area Planning Officer dealing specifically with the Tiverton Eastern Urban Extension.

### 55 **ENFORCEMENT LIST (00-09-53)**

Consideration was given to the following cases in the Enforcement List \*:

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

Arising thereon:

No. 1 in the Enforcement List (***Enforcement Case ENF/14/00124/UDRU -0 unauthorised material change of use of land from agricultural use to use as a domestic garden – Rowey Bungalow, Withleigh***)

The Planning Enforcement Officer outlined the contents of the report stating that there had been a report to the March committee and that there had been recommendations. The landowner was advised regarding the regularity of mowing the grass in question; he had visited the site once, the landowner had completed a PCN stating that the land was in agricultural use and that the land was mown regularly for maintenance reasons and it was his view that he could not issue an enforcement notice on what he had viewed.

The Head of Planning and Regeneration stated in answer to questions posed in public question time that she was unaware of the email sent by the former Head of Planning or whether a letter was sent to the landowner; however the use of the land, its appearance and mowing/maintenance had been discussed with the landowner by the Enforcement Officer. The site had been revisited since the March Committee meeting and there was no evidence that a change of use had taken place. She

advised that any new concerns over an unauthorised change of use in the future would be investigated.

Consideration was given to:

- The history of potential breaches on the site
- Regular topping of agricultural land for maintenance purposes
- Whether there were any regulations regarding the number of times agricultural land could be cut.

**RESOLVED** that the Legal Services Manager be authorised to take no further action in respect of the alleged change of use of land in this case.

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

Note: Mrs Coffey (Neighbour) spoke.

## 56 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

## 57 THE PLANS LIST (00-36-52)

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 applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- (i) No 4 on the Plans List (***15/01130/FULL – Removal of Condition 3, holiday occupancy condition of planning permission 05/01218/FULL – The Barn, Pugham Farm, Westleigh***) be refused as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: Cllrs Mrs H Bainbridge and B A Moore declared personal interests as they both had holiday accommodation

- (ii) No 5 on the Plans List (***15/01149/FULL – Installation of 16 ground mounted solar panels to generate 4KW of power – Yarde Down Farm, Silverton***) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans List ***(15/00827/FULL – erection of two storey extension to form workshop, office and garden machinery store and store – Trumps Engineering, The Forge, Parsonage Road, Bradninch)***

The Area Planning Officer outlined the contents of the report by way of presentation identifying the location of the site, a block plan identifying the proposed extension, the proposed floor plans and elevations and access to the site. Photographs were shown from various aspects of the site and it was explained that repairs that had previously taken place in the yard would take place in the proposed extension. There was no increase in the scale of the business and therefore the Highway Authority had not raised any issues.

Consideration was given to:

- The number of parking spaces for visitors on the site
- The concerns of the neighbour regarding the size of the proposed extension, retail sales (ancillary to the existing use of the site) and a request for solid gates

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 3:

3. The development shall not be brought into its intended use until 6 vehicle parking spaces together with a storage area for plant and equipment have been marked out and provided, surfaced and drained in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such storage area and parking spaces shall be permanently retained and the spaces shall be retained for the parking of visitor vehicles attracted to the site only.

(Proposed by the Chairman)

Notes:

- (i) Cllr P J Heal declared a Disclosable Pecuniary Interest as the applicant was a customer of his business and left the meeting during the discussion thereon;
- (ii) Mr Parsons (Objector) spoke

(b) No 2 on the Plans List ***(15/00934/FULL – Reserved matters for the erection of 100 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, drainage, pumping station and landscaping, together with all other associated development, following outline approval 13/00859/MOUT (Revised Scheme land and buildings at NGR 302994 107178 (Former Cummings Nursery) Culm Lea, Cullompton)***

The Area Planning Officer outlined the contents of the report explaining the history of the site, the outline application and the previous reserved matters application. The application was therefore a response addressing the issues raised previously. The

presentation highlighted the layout of the proposal, points of access, the estate road the number of units, parking, the design of the proposed dwellings, the drainage layout, the highway plan and planting scheme including the hedgerow and the acoustic fencing and photographs from various aspects of the site.

Consideration was given to:

- The revised conditions, it was explained that some of the conditions had previously been agreed when the outline application was considered.
- Waste and sewerage issues
- Access for emergency vehicles
- The education contribution outlined in the S106 agreement
- Improvements to the footpath
- The contents of the S 106 agreement
- The comments of the Cabinet Member for Housing supporting the application.

**RESOLVED** that planning permission be granted subject to:

a) Conditions as recommended by the Head of Planning and Regeneration with amendments to:

Condition 1: Add additional line to end 'No other materials shall be used'.

Condition 4: Replace with the following wording 'The development hereby approved shall not be carried out otherwise than in accordance with an approved phasing programme that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site.

Condition 5: Replace with the following wording: 'The occupation of any dwelling in an agreed phase of the development shall not take place until a footpath link from the application site direct to Honiton Road has been constructed and is available for use.'

Condition 7: Delete

Condition 9: Revise first line to read 'no development shall take place until a scheme to minimise dust emissions during construction has been submitted to and approved in writing by the Local Planning Authority'.

Condition 11: Delete 'to the written satisfaction of the Local Planning Authority'.

**FURTHER RESOLVED** that

- Provide 30 affordable housing on site on the basis of 18 (60%) to be provided on an affordable rented basis and 12 (40%) to be provided on a shared ownership basis.
- Provide a contribution towards improving and/or providing new open space off site at a rate of £1205 per unit of market housing (x70) = **£84,350.00**
- Provide a contribution towards primary school education facilities to serve the occupiers of the development at a rate of £2840.80 per unit of market housing (x70) = **£ 198,856.00**

- iv) Provide a contribution towards air quality enhancement initiatives in Cullompton at a rate of £3,126.78 per unit of market housing (x70) = **£218,874.60**
- v) Provide a contribution towards kerb side recycling facilities at a rate of £50.00 per unit (x100) = **£5,000.00**
- vi) Provide a contribution towards improving the existing footpath network off site of **£2,000**

The total off site contribution delivery package is **£509,080.60**

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

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant was known to her;
- (ii) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, S G Flaws, P J Heal, F Letch, B A Moore, R F Radford, J L Smith and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;
- (iii) Cllr P J Heal also made an additional declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as Chairman of the Decent and Affordable Homes Policy Development Group;
- (iv) Cllr K Busch spoke as Ward Member;
- (v) Mr Russell (Applicant) spoke;
- (vi) The following late information was received: information regarding the amended conditions as listed above.

(c) No 3 on the Plans List (***15/00980/FULL – Construction of new vehicular access to holiday cottage – land and buildings at NGR 278019 96892 (Rock Park Farm), Woodland Head, Yeoford***)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the highway network, the revised access, the landscape, environmental and amenity aspects of the proposal, the view of the dwelling to be served by the new access, the distance from a specific oak tree and visibility splays.

He answered the questions posed during public question time: with regard to the alternative route, each application had to deal with on its merits; notification issues: information had been sent to 11 address points, a site notice had been erected and discussions had taken place with the Parish Council; inconsistencies within the application: the route had been assessed to provide access to the dwelling, traffic at the present time was going to the manege, any traffic entering the site would

therefore be split using the proposed new access, the proposal would not facilitate any increase in the use of the road network.

Consideration was given to:

- The future of the manege
- The steep driveway
- Merging large vehicles on to the narrow road and practical manoeuvring issues
- The concerns of local residents regarding the gradient of the track and the removal of the bank and verge
- A possible site visit by the Planning Committee

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

Condition 5: Delete 'to the written satisfaction of the Local Planning Authority'.

Reason for conditions 4 and 5: To prevent surface water run off onto the highway.

Reason for condition 5 as printed – relabel as reason 6.

(Proposed by Cllr F W Letch and seconded by Cllr R J Dolley)

Notes:

- (i) Cllrs D R Coren and P J Heal declared personal interests as the applicant and objectors were known to them;
- (ii) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, S G Flaws, P J Heal, F Letch, B A Moore, R F Radford, J L Smith and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;
- (iii) Cllrs D R Coren and P J Heal spoke as Ward Members;
- (iv) A proposal for a site visit to take place was not supported;
- (v) The following late information was reported: Page 41: Additional Information received from the applicant (summarised as follows):
  1. Photograph to show existing access track to holiday cottage: received 16.9.15
  2. Further letter from West Country Holidays restating concerns that the existing trackway to holiday cottage will cause damage to holiday-maker vehicles; also would not be possible to get an emergency vehicle to the cottage should the need arise. A new road would be used by 1 single car on a couple of occasions per day: received 16.9.15
  3. Letter of support received from a Sally Carter/Clive Carter (former residents) stating that there was always a gateway into the field mid-way down the back road that runs behind the cottages at Woodland Head: received 16.9.15

Page 42: Further comments received from Parish Council on 11.9.15 (summarised as follows):

- The Parish Council wish to restate their views that they are unable to support this application as it is considered that the 2 existing entrances are adequate to serve the site.
- The Parish Council has taken into the views/comments it received from neighbouring residents : the application has been considered to contain confusing statements /information relating to future use of the holiday cottage, and in particular if equestrian use was intended , which would be the principal purpose of the new entrance.
- Concerns continue to be raised on the width of the road and the encroachment onto others' property: specifically, if turning "right" (west out of the entrance within 100m is a blind bend cross roads. If turning "left" (east) vehicles, to join the Yeoford to Cheriton Bishop road, have to make a steep turn around another difficult junction. Such dangers are increased if vehicles are towing trailers.
- Currently, the property enjoys an entrance at the second junction, as if a cross-roads. The visibility is reasonable and no awkward manoeuvring is necessary to get onto the adjacent lane and on the main road itself.

Amendments to conditions and reasons page 45 as follows:

Condition 5: Delete 'to the written satisfaction of the Local Planning Authority'.

Reason for conditions 4 and 5: To prevent surface water run off onto the highway.

Reason for condition 5 as printed – relabel as reason 6.

## 58 THE DELEGATED LIST (2-27-39)

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

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

## 59 MAJOR APPLICATIONS WITH NO DECISION (2-28-00)

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

It was **AGREED** that:

- Application 15/01332/MOUT be dealt with under delegated authority
- Application 15/01334/MFUL remain as being dealt with under delegated authority
- Application 15/01194/MFUL be determined by the committee and a site visit take place if recommended for approval
- Application 15/01116/MOUT be determined by the committee if recommended for approval



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

60 **APPEAL DECISIONS (2-42-03)**

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.

(The meeting ended at 5.10 pm)

**CHAIRMAN**