

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 10 February 2016
at 2.15 pm

Present Councillors

Mrs H Bainbridge, K Busch, Mrs C Collis,
Mrs F J Colthorpe, J M Downes, S G Flaws,
P J Heal, D J Knowles, F W Letch,
B A Moore, J D Squire, R L Stanley and
Mrs B M Hull

Apologies Councillor(s)

R F Radford

Also Present Councillor(s)

F J Rosamond

Present Officers:

Jenny Clifford (Head of Planning and
Regeneration), Simon Trafford (Area
Planning Officer), Daniel Rance (Principal
Planning Officer), Reg Willing (Enforcement
Officer), Hannah Cameron (Planning
Officer) and Sally Gabriel (Member Services
Manager)

108 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R F Radford who was substituted by Cllr Mrs B M Hull.

109 PUBLIC QUESTION TIME

With regard to the following questions the Head of Planning and Regeneration provided answers later in the meeting however for clarity the answers have been provided underneath the questions.

Mr Byron referring to Item 11 (Land west of Paultett) stated that in 2013 outline planning permission was given for development on this site with 3 dwellings and 2 cars each (6 vehicles). At that point Highways described access arrangements as not ideal. The Chair of this committee said at that time that access was suitable for a maximum of three dwellings; it was approved on that basis. In 2015 Reserved Matters on the 2013 outline permission accepted 3 dwellings but with 3 cars each (9 vehicles): an increase of 50% on the 2013 expected traffic. Worse than not ideal. This 2015 application seeks to allow 4 dwellings with 3 cars each (12 vehicles). This is an increase of 33% on the Reserved Matters and a 100% increase on the original outline application where access was not ideal. From not ideal to worse than not

ideal to even worse than worse than not ideal. Members will see the direction of travel in this application.

How is this incremental lowering of standards from something that started as not ideal a sign of Mid Devon's commitment to high quality design?

Are Members happy to allow a fourth dwelling that allows 100% more traffic to use the access road than was first accepted in the 2013 outline plan.

The Head of Planning and Regeneration stated that as the Local Planning Authority it was necessary to decide why not to approve planning permission. Therefore not ideal was not necessarily not high quality design or unacceptable. The question has to be asked, is it bad enough to refuse and you have to justify refusal.

The Highway Authority had considered the access to the site, the length of the access, the width and whether vehicles would meet. The update provides further information on this.

In terms of highway issues we take advice from Devon County Council Highways Authority. The Highways officer had visited the site, we have had a response and he had discussed the issues with local residents. He had no objection to the proposal.

Mr Byrom continued stating that officers have told Members that the National Planning Policy Framework (NPPF) advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. But the context is developments that generate significant amounts of movement and the focus of the bullet is traffic flow and queues, not safety, which is our chief concern. An extra dwelling does, however increase by 33% from Reserved Matters, the likelihood of cars having to reverse into Paultett. The increase is 100% from 2013. Severe. Officers choose not to quote the more relevant previous bullet point that says plans and decisions should take accounts of whether.....safe and suitable access to the site can be achieved for all people. How do officers justify quoting a NPPF bullet point whose context is for a development that generates significant amounts of movement?

If officers contend that their quoted bullet point still applies, will they equally insist that Members should demonstrate that there is safe and suitable access....for all people, if they wish to approve the application?

Are Members satisfied that they would be fulfilling their duties under the Equalities Act if they allow at least a 33% increase in traffic along a narrow private drive without the required passing places and with a mere 55cm strip at each side as shown in the application plans?

The Head of Planning and Regeneration in response stated that the Highways Authority responses should be referred to. The Highways Authority is the statutory consultee. The NPPF should be taken in its entirety. If Highways had concerns regarding safety then they would have said so.

Mr Byrom stated that the Highway Authority insists that the visibility splays at the junction meet the Manual for Streets regulations. This is only true if the lowest standards are applied i.e. traffic travelling at 10 mph and in forward gear. The

Highways advice fails to acknowledge that the junction is in a 30mph area and that vehicles will be reversing into the junction from the new access road and from three other private driveways. Visibility to the south east is impaired by shrubbery even when cut back from the foot way. In those circumstances the splays do not meet the requirements. Highways have commented that ...a share surface style route is also acceptable for disabled access from a highways perspective. But the plans do not propose a shared surface style route as it has narrow foot ways/verges, each 55cm in width. If highways are right to say that the design style for the access route is shared surface, will officers show how the applicants have met the requirements in Manual for Streets paragraph 7.2.12 that says consultation with the community and users, particularly with disability groups and access officers is essential when any shared surface scheme is developed?

Please would officers explain to Members what are they expected to do should they believe that Highways have made a mistake or inappropriate assumption in their judgements about visibility splays or the design of the access road?

The Head of Planning and Regeneration stated that the DCC response and update should be considered. Members had the ability to refuse the application if they did not agree with the Highway Authority, good planning reasons for refusal and justification would be required.

Mr Preston (Agent for the Applicant) referring to Item 1 (Paultett) on the agenda stated that the site already had planning permission for 3 dwellings and Reserved Matters for this had already been granted. The current application sought to add one affordable dwelling to meet the local need. The first suggestion for refusal had been the impact on 9 Turnpike, officers view was that the impact was not unacceptable and could be mitigated with landscaping and fencing. Following this there had not been any further concerns for the residents at 9 Turnpike. With regard to the highway issues, 3 dwellings had already received planning permission, 1 additional dwelling could not be described as severe. With regard to the bin storage, 3 dwellings had been approved, would bins and boxes from one additional dwelling warrant refusal? With regard to drainage issues an onsite drainage strategy has been approved by the County Drainage Engineer. Are Members aware that if on site drainage is not acceptable access to the combined sewerage system is acceptable.

Mr Bond again referring to Item 11 stated that when considering the impact on neighbouring properties, Members, officers and the subsequent report of focuses solely on No 9 Turnpike, had ignored the greater impact on other properties, notably 13 Paultett. Overlooking and window to window distances are not the issue here. The issues are loss of privacy, loss of amenity, noise and fumes, and reduced security created by a driveway immediately adjacent to a back garden and within 10 m of a conservatory that is still not represented correctly on the plan. The Manual for Streets states the basic tenet of public fronts and private backs and that ideally back gardens should adjoin other back gardens or a secure communal space. When considering the question of the impact of plot 1 on the amenity of existing property, why was the impact on 13 Paultett not considered? Given the importance stressed by others of following guidance in Manual for Streets, why is it not being followed in this case?

The Head of Planning and Regeneration stated that the impact of Plot 1 had been considered by officers. Window to window the distance was 26 metres. It was not felt that there was significant loss of privacy or amenity. The relationships between all of the properties had been considered and it was felt that this was not sufficient to refuse planning permission.

Mrs Bond again referring to Item 11 on the agenda stated that the officers report recognises that bin collection arrangements are to quote not ideal, do not meet Mid Devon Waste Storage Guidance and are not in accordance with Building Regulations 2010 Drainage and Waste disposal document H. Why are officers considering allowing a 33% increase in the number of refuse bins and recycling containers making a not ideal situation, even more not ideal? And where exactly on the plan would officers expect the refuse bins and recycling containers to be placed on collection days and how would this affect highway and pedestrian safety? As residents of the new properties will have to carry waste between 60 and 85 metres to the nearest safe collection point, how would Members justify approving this application in light of the Equalities Act?

The Head of Planning and Regeneration stated that refuse collection is not ideal, It was recognised that Development Guidance states that there should be a highway pickup point. Pullett is an adopted highway, the collection point would be on the pavement, but the edge of the private access could be used. This would be the same for 3 or 4 dwellings. Carrying waste to the collection point was not considered to breach the Equalities Act; the assisted collection bin scheme could be used if required.

Mr Fisher again referring to Item 11 stated that at the committee meeting on 16 December Councillor Radford stated and this issue is about going from 3 houses to 4. We aren't talking an extra area.....it's all within the development area. The above statement was not corrected by Planning Officers at the time. Would they please clarify to the committee and by reference to a site plan that the land area is increased from that approved by outline planning permission and that the extended land area falls entirely within Conservation land?

The Head of Planning and Regeneration stated that the plan identified the Conservation Area; the Conservation Officer had no objections. The fact that the previous scheme did not include the Conservation Area was not considered to be able to sustain a refusal.

Mr Martin, referring to Item 11 on the agenda stated that the various plans presented at different stages of this application had shown inaccuracies and omissions. Conservation land had not been shown; neither has conservatories on adjacent properties, nor walls and landscaping details, all of which caused misleading interpretations of the actual situation. Why had officers not insisted on the correction of all inaccuracies and omissions so that Members could today be looking at an up to date and accurate plan?

The Head of Planning and Regeneration stated that we were giving you up to date information in the presentation with photots of the site to allow an assessment to be made. Window to window distances, loss of amenity or overlooking had been assessed and could not be considered to be able to be sustained as a reason for refusal.

Mr Dinnage referring to Item 11 stated that an affordable home had been identified on this site as Plot 1. Could Planning Officers explain how 1 affordable home was greater public benefit than the 3 affordable homes recently approved under reserved matters for this site which do not lead to the expansion of the development area onto conservation land.

The Head of Planning and Regeneration stated that permission for the 3 houses did not include an affordable home but a financial contribution towards offsite affordable housing. The application for 4 dwellings included 1 of affordable dwelling on site.

Mr Dumble referring to Item 11 stated that the developer had agreed to implement in full the recommendations of the Ecology Report. This included provisions of a continuous bio diverse hedging around the entire boundary perimeter linked to that between houses. But to date a plan showing this continuous hedge had not been produced. The need for this was to conserve existing foraging and migration routes of small mammals, and notably hedgehogs who nest and breed in surrounding gardens. Would Planning Officers please show to Councillors on the site plan the proposed position of the continuous double hedging on the northern and western side boundary? Could they then state how a continuous bio diverse hedge as recommended in the ecology report can be planted between the bungalow on Plot 4 and the northern boundary without moving the position of the bungalow?

The Head of Planning and Regeneration stated that on the northern boundary it would be difficult to provide a hedge along the full boundary on Plot 4 and on Plot 2 because of the position of the back of the property to the boundary.

Mr Dumble continued by stating that the draft consultancy report on the SUDS drainage design for the Pullett site had been accepted without question by the Planning Officers. It was demonstrably in error in many respects when compared to current SUDS guidance. For example the depth to water table was not identified and the design on the soakaways was significantly undersized by using average rather than a worst case infiltration rate. Given increased rainfall and flood risk, this was of real concern. Can Planning Officers explain the process they use for critical review of expert reports? Are independent advisors ever consulted when technical issues fall beyond the professional expertise available within the council or when issues are highlighted by objectors? And if so, when was this last done? Will the drainage report be reassessed and corrected?

The Head of Planning and Regeneration stated that Devon County Council were the Lead local Flood Authority, the drainage scheme had been conditioned, Devon County Council would provide the expert advice.

Mr Dumble stated that we had learnt in the course of this application that technical advice and policy published on Mid Devon and Devon County Council websites is contradictory to and over-ridden by the guidance in the NPPF. This inconsistency, lack of explanation of these issues by officers in the course of this application and unfortunately in our experience, a sometimes patronising approach to objectors valid concerns, does this council no credit and wastes an overwhelming amount of everyone's time. My question refers to guidance in the NPPF and in particular the Ministerial Forward, Sections 66, 189 and 190. Could Planning Officers explain when the principles expressed in the Ministerial Forward to the NPPF i.e. for planning

to be a collective enterprise which includes people and communities in planning issues will be taken seriously by this Council? What steps have they taken since 2012 when the NPPF was published to implement these policies? Can officers indicate what plans are in place to improve public information on their and DCC websites, to correct discrepancies in guidance and remove or update those documents which no longer have any validity or application?

The Head of Planning and Regeneration stated that the Statement of Community Involvement outlines the consultation process with neighbours and local residents. Local residents had also had the opportunity to speak today. Information was placed on Public Access on the website, if this was out of date or particular documents are considered no longer relevant then please let us know.

110 **MINUTES OF THE PREVIOUS MEETING (00-24-53)**

Subject to the following amendment to the first paragraph of public question time by removing the wording: "If you refuse permission it is likely that an appeal will lead to costs, the credibility and diligence of the officer will be judged; and replacing it with "If you refuse permission for the Planning Application, the Applicant is likely to Appeal against that decision and MDDC risks the very unwelcome costs involved in addressing the Appeal process. The Officer's scrutiny of the Planning Applications would be called into question if the Appeal is upheld. In that event the credibility and diligence of the Planning Officers would be seriously challenged together with your integrity as Decision maker".

The minutes of the meeting held on 13 January 2016 were approved as a correct record and signed by the Chairman.

111 **CHAIRMAN'S ANNOUNCEMENTS (00-27-19)**

The Chairman had the following announcements to make:

- a) Prior to the committee meeting on 9 March there would be a pre-application presentation from the agents for the Pedlerspool site (Creedy Bridge) on the edge of Crediton.
- b) The meeting of the Scrutiny Committee on 22 February would be looking at enforcement issues, Members may like to attend.

112 **ENFORCEMENT LIST (00-29-16)**

Consideration was given to a case in the Enforcement List *.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/11/00034/UCU – unauthorised material change of use of land for private park to mixed use of private parks and use for the siting of caravans for human habitation – Langford Park Limited, Langford Road, Langford, Newton St Cyres.***)

The Enforcement Officer outlined the contents of the report highlighting the issues of caravans being used to accommodate staff without the required permission, there was the possibility that an application may be received to rectify the issue, however there was a need to control the situation.

RESOLVED that the Legal Services Manager be given delegated authority to take any appropriate legal action including the service of a notice or notices seeking the removal of the caravans and the cessation of the use of the land for the unauthorised siting of caravans for human habitation. In addition, in the event of a failure to comply with any notice issued authority be given to prosecute, take direct action and/or authority to seek a court injunction.

(Proposed Cllr P H Heal and seconded by Cllr S G Flaws)

113 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

114 THE PLANS LIST (00-34-39)

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 2 on the Plans List (***15//01672/FULL – Removal of Condition 3 (holiday occupancy condition) of planning permission 05/01218/FULL – The Barn, Pugham Farm, Westleigh, Tiverton***) be refused as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

(b) No 1 on the Plans List (***15//01622/FULL – Erection of an agricultural work's dwelling and an agricultural livestock building at land at NGR 316711 110152 (Ten Oaks farm), Clayhidon***).

The Principal Planning Officer outlined the contents of the report which had been deferred from a previous meeting so that further information could be obtained with regard to financial sustainability, the water supply and the sufficiency of the land area available for the enterprise. He highlighted the block plan and proposed elevations of the dwelling and additional barn and provided photographs from various aspects of the site.

Consideration was given:

- To the possible use of a borehole and whether this was feasible
- Whether there was a need for the applicant to live on site
- Concerns of the local residents with regard to whether the business was financially viable
- The absence of effective business plans and financial data
- The cost of a borehole
- The need for stock movement information to be made available

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 reasons for refusal based on the following issues:

- Insufficient size of holding to sustain the proposed activity upon which the need for a dwelling was based.
- Information to support the applications did not adequately demonstrate that the business will be sustained and financially viable.

Members also requested receipt on a confidential basis of the applicant's stock movement records for the past two years and any audited accounts or financial information in support of the application.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs B M Hull)

Notes:

- i) Cllrs Mrs H Bainbridge, K I Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the applicant;
- ii) Mr Greenhill (Applicant) spoke;
- iii) Mr Catley (Objector) spoke;
- iv) Cllr Langford (Clayhidon Parish Council) spoke;
- v) Cllr F J Rosamond spoke as Ward Member;
- vi) Cllr Mrs H Bainbridge requested that her vote against the decision be recorded;
- vii) The following late information was reported: Regarding the relevance of disclosing the 'Stock register', Committee members may find the following information helpful.

Paragraph 11 of the inspector's decision letter:

"More significantly, in the case of a temporary dwelling, the key element of the functional test is not the amount of labour required but whether it is essential for a worker to be readily available at most times day and night".

The inspector, having thoroughly examined the need concluded, "*I accept it is necessary for a worker to be on hand day and night*".

Thus, it is not the quantity of stock at any one time, but the 'need' that is decisive.

Quantity and how long the stock are kept on site varies e.g. at present only a few stock have been moved off site, as the majority of farmers do not want to take them because they cannot put them out to graze owing to waterlogged pasture. Other factors, as with any business, are commercial market conditions. This was acknowledged by the Inspector at the time of the site visit when the stock were 6 months old (Paragraph 10).

115 **THE DELEGATED LIST (1-20-00)**

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

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

116 **MAJOR APPLICATIONS WITH NO DECISION (1-20-53)**

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

It was **AGREED** that application 15/01996/MFUL Lower Newton Farm, Zeal Monachorum be determined by the Committee and that a site visit take place.

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

117 **APPEAL DECISIONS (1-23-00)**

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.

118 **APPLICATION 15/01422/FULL - ERECTION OF 4 DWELLINGS WITH GARAGES AND ALTERATIONS TO ACCESS (REVISED SCHEME) AT LAND AT NGR 302666 114116 (WEST PAULLET), TURNPIKE, SAMPFORD PEVERELL ((1-24-08)**

The Committee had before it an * implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.

The Planning Officer outlined the contents of the report by way of presentation highlighting the site plan and the proposal for 4 dwellings one of which would be affordable compared to the approved application for 3 dwellings on the site. Consideration was given to the main difference in the applications that of Plot 1, the

affordable dwelling. The proposed floor plans and elevations were explained and photographs were shown from various aspects of the site.

The Head of Planning and Regeneration provided answers to the questions posed in Public Question Time (answers available in Minute 109)

Consideration was given to:

- Additional traffic caused by the additional dwelling
- The collection point for waste and the additional waste being presented
- Access issues and whether the private drive would be adopted
- The number of dwellings off a private drive
- The transfer of the affordable dwelling to a Registered Social Provider
- Possible screening of the development
- The National Planning Policy Framework and the Manual for Streets

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

(Proposed by Cllr K I Busch and seconded by Cllr R L Stanley)

Notes-:

- i) Cllrs Mrs H Bainbridge, K I Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the applicant;
- ii) Cllr R L Stanley declared a personal interest as the former landowner was known to him;
- iii) Cllr F W Letch declared a personal interest as he knew residents in Paultett;
- iv) Cllr Mrs H Bainbridge made an additional declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as she had provided procedural advice to local residents;
- v) Cllr Mrs H Bainbridge spoke as Ward Member;
- vi) Cllrs Mrs H Bainbridge and Mrs C Collis requested that their vote against the decision be recorded;
- vii) Cllr F W Letch requested that his abstention from voting be recorded;
- (viii) The following late information was reported: Since the Committee on the 16th of December, reserved matters have been granted for three dwellings, application reference 15/01899/ARM following the previous outline permission 12/01213/OUT.

Summary of additional objections:

- After taking the decision to refuse the application at the December committee members were given little time to summarise their reasons and the loss of the conservation area was overlooked.
- The loss of amenity of existing properties was focussed solely on 9 Turnpike, this ignores the impact on the properties in Paultet. It is unsustainable and misleading to focus on this property only in terms of overlooking.
- The submitted plans do not accurately show the true extent of the conservatories at 12 and 13 Paultet.
- The proximity of Plot 1 to 13 Paultet is 2 metres (Officer note: this measurement is incorrect, the garage of Plot 1 is 1metre from the proposed hedge and 3 metres from the site boundary)
- Parked cars on the driveway of Plot 1 will be 11 metres from number 13 (Officer note: this measurement is incorrect and should be 13 metres at their closest)
- The proposed garage on Plot 1 will overshadow much of the garden and cause loss of sunlight and amenity.
- The driveway and car movements will cause considerable noise nuisance and loss of amenity.
- The development will significantly affect outlook, light, sunlight and privacy of the occupiers of 12 and 13 Paultet.
- The proximity of Plot 1 to number 13 is out of context with the surrounding pattern of residential development. Nowhere else has a building and driveway end on to a rear garden boundary in such close proximity to another dwelling. This is unacceptable, not commensurate with the quality of dwellings or neighbourhood character.
- The outline permission had no buildings along the eastern boundary.
- Development fails to meet the criteria in the Manual for Streets, and is not in accordance with Highways Standing Advice, and is therefore inadequate, the road width should be a minimum of 3 metres with 1 metre either side, and should have a passing place as it is longer than 25 metres. The visibility splays are also inadequate as the neighbouring driveways have features obscuring the view. Dangerous for reversing vehicles out of the driveway.
- Concern over vehicular and pedestrian safety, and the lack of visibility at the junction, inadequate road width and no footpath or passing place. Should be limited to three dwellings under the outline permission.
- Outline application granted erroneously in terms of highway safety with an unsafe access width.
- Lack of designated area for bin collection, no satisfactory solution for dealing with waste disposal and recycling. Will have an adverse impact on the street scene, particularly due to the multiple containers now used, a fourth set of containers will add to the uncontrolled three sets of containers under the outline permission with a 33% increase.
- The distance from the collection point is up to 80 metres, will likely result in containers being transported by car, it is impractical to park cars at the end of the driveway and will add to safety concerns at the junction.
- Likelihood bins will be positioned unsafely on the highway and access over night and during the day exacerbating safety and visibility issues at the junction with the highway.
- This application is inappropriate in terms of scale, proximity, waste management, highway and pedestrian safety.
- Lack of concern for wildlife

- Executive bungalows are not small and affordable, misrepresented.
- Concerns the draft SUDs scheme does not address all of the issues on site, the soakaway to the rear of Plot 1 needs to be repositioned since the garage has moved on the plans, and will likely be even closer to the site boundary.
- The soakaway overspill levels should be positioned lower than the base of the adjacent gardens so drainage is directed elsewhere in high rainfall events.
- The building regulations referred to by the drainage engineer have now been superseded. The new CIRIA report 753 sets details of infiltration testing and design calculations. It is stated: The tests for the site appeared to be within argued boreholes, borehole tests are a last resort when construction pits is not possible, and such tests should be interpreted more cautiously, due to the lower water volume added to the ground. It is rare that sufficient tests are carried out on a site to allow statistical analysis. The worst case infiltration capacity value should be used, unless sound justification for doing otherwise is demonstrated. The design calculations use average values only and do not apply worst case. Applying worst case ensures a greater margin of safety than is presently provided and reduces over spilling in high rainfall events.
- The ground water level has not been recorded or estimated, the base of the soakaways needs to be at least 1 metre above the highest possible water table level in the underlying strata. There are wells in the village and other hydrological information publically available online form which estimates could be reasonably made.
- No information on siltation or future maintenance needs. Given the lack of future access due to soakaways located in back gardens this should be provided.
- Current drainage arrangements insufficiently evaluated.

Drainage responses from Chris Yalden AWP Engineer shown in relation to the concerns raised by objectors:

- Concerns the draft SUDs scheme does not address all of the issues on site, the soakaway to the rear of Plot 1 needs to be repositioned since the garage has moved on the plans, and will likely be even closer to the site boundary.
There is ample space within the rear garden of Plot 01 to accommodate a relocated soakaway which suits the latest site layout
- The soakaway overspill levels should be positioned lower than the base of the adjacent gardens so drainage is directed elsewhere in high rainfall events.
The soakaways are design to accommodate rainfall from all storm events up to the 100 year critical return period with 30% allowance for climate change. They do not have overflows.
 - The building regulations referred to by the drainage engineer have now been superseded. The new CIRIA report 753 sets details of infiltration testing and design calculations. It is stated: The tests for the site appeared to be within argued boreholes, borehole tests are a last resort when construction pits is not possible, and such tests should be interpreted more cautiously, due to the lower water volume added to the ground. It is rare that sufficient tests are carried out on a site to allow statistical analysis. The worst case infiltration capacity value should be used, unless sound justification for doing otherwise is demonstrated. The design calculations use average values only and do

not apply worst case. Applying worst case ensures a greater margin of safety than is presently provided and reduces over spilling in high rainfall events.

The application of soakaway testing in accordance with the guidance set by Building Regulations Part H was agreed with Richard Rainbow, DCC's Flood and Coastal Risk Engineer (who leads their Flood Risk Management team). It was considered that this method of testing was appropriate for a small scale development such as this. The use of average values is set out within the guidance document.

- The ground water level has not been recorded or estimated, the base of the soakaways needs to be at least 1 metre above the highest possible water table level in the underlying strata. There are wells in the village and other hydrological information publically available online from which estimates could be reasonably made. **By review of the BGS Borehole Scans, local records identify groundwater depths between 4-10m deep. Our soakaways are only 0.6m deep with minimal cover so are unlikely to be affected by groundwater. If there are residual concerns regarding groundwater then presumably this can be covered by a suitable condition?**
- No information on siltation or future maintenance needs. Given the lack of future access due to soakaways located in back gardens this should be provided.

We have applied a Factor of Safety of 3 for each soakaway which provides an oversized system to compensate for any losses in performance. At the detailed design stage there are measures available to prevent siltation of soakaways and ease of maintenance.

If there are residual concerns relating to future maintenance of the soakaways then a condition could be prepared which requires an O&M schedule to be offered to each future homeowner.

- Current drainage arrangements insufficiently evaluated.
The strategy has been undertaken in accordance with the requirements set by DCC. Their technical experts are satisfied that the strategy sufficiently demonstrates the scheme can be delivered. The strategy does not present the final design of the scheme and further investigations or supplementary information can be provided in due course, if and as necessary. Fundamentally, if the scheme is considered unsuitable for infiltration then a storm discharge to the public sewerage network has already been permitted by South West Water.

Highways update:

Summary of an additional letter of objection regarding Highway concerns:

1 – Visibility splays at the junction of the new private driveway and Paulet
The applicant's plans are faulty and do not show existing hedges and the position of private driveways where cars are always parked. These do obstruct the view within the visibility splay outlined for slow moving vehicles in the Manual for Streets and other relevant documents.

2 – Standing Advice

The development is not in accordance with Standing Advice, which sets out

Paragraph 3.10.1 says "Private drives may serve up to three dwellings ... private drives serving more than 3 dwellings **are not acceptable**".

Paragraph 3.10.7 says that "... where the private drive serves three dwellings, a **minimum width of 4.1 metres** should be provided between the highway boundary and the access to the first dwelling" and requires that "**1m wide edge clearance strips should be provided on both sides** of the access drive".

It also requires that "Intervisible **passing bays should be provided** for drives longer than 25 m".

The application falls short of this criteria, and is not acceptable for four dwellings. How does the proposed design of the access road allow for disabled access?

Summary of the response from Ian Sorenson, Highways Development Management Officer:

The original application for three dwellings advised Standing Advice applied, subsequently the site was revisited, it was concluded that "while the visibility to the east is not ideal, I could not sustain a reason for refusal" based upon the existing traffic generations and the increase in traffic that the development would attract. The principle of development has been established by the granting of planning permission. In terms of the current application, the Highway Authority has responded and view each site on its own merits and work in line with Manual for Streets and The National Planning Policy Framework, our Highway Design guide is just that a guide.

With regard to the access from Paulet into the site the observed speed of vehicles was upto 10mph and Manual for streets accepts visibility splays of 9 m and 11m adjusted for bonnet length. Generally these will be taken from a point 2.4m back along the centre line of the access and extend to the near carriageway edge. It also allow for a reduction to 2.0m from the carriageway edge in certain circumstances. The Cul-de-Sac of Paulet would fall within these criteria. The existing footway is 1.8m in width and 2.4m back the visibility distance are just met, at 2.0m back they are exceeded.

The Proximity of the neighbouring drives are not within the splays and any vehicles overhanging the footway, and overhanging vegetation is not a

planning consideration as these are subject to other legislation. The overhanging vehicles would be considered an obstruction of the public Highway and can be prosecuted by the police should they be considered a safety issue, likewise under the highways act the Highway Authority can compel the adjoining land owners to cut back their vegetation so it does not overhangs the Public highway and should this not be complied with by the land owner, the Highway Authority can undertake the works and recharge the owner accordingly.

The principle and visibility splays of the access have already been accepted as part of the already consented development under 12/01213/OUT. Additionally under the National Planning Policy Framework, the impacts of the development should be considered for its severity and the uplift from an already consented application of only 7 additional movements per day with the configuration proposed could not be considered as severe. The Highway Authority could not sustain a reason for refusal, nor would it be reasonable given this site already has consent.

With regard to the number of dwellings off a private drive, under manual for streets this is no longer a strict criteria and the overall package must be considered. It is however common practice to accept more from a single lane access drive particularly onto quiet, roads with slow speeds.

Strict adherence to design guide dimensions are no longer considered appropriate. The additional distance of the access drive from the desired guide of 25m to the 30m distance given the slow speeds and low frequency of movement would not be a material consideration. The width of the drive and verges are also acceptable given the relaxation from a prescriptive adherence to the guidance, and as a shared surface style route is also acceptable for disabled access from a highway perspective. I have visited the site on several occasions and the design and layout have been a matter of pre application advice.

xi) *Report previously circulated copy attached to minutes.

119 APPLICATION 15/01613/FULL - VARIATION TO CONDITION 1 OF PLANNING PERMISSION 12/01376/MFUL TO READ THE SOLAR PV FACILITY SHALL CEASE TO GENERATE ELECTRICITY ON OR BEFORE 30 JUNE 2043 AT LIGHTSOURCE S P V 52 LTD, SOLAR FARM AT NGR 296542 118012 (PALFREYS BARTON) COVE (2-26-09)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application which had been deferred at an earlier meeting to allow for information regarding case histories of such applications at appeal.

The Area Planning Officer outlined the contents of the report stating that both Palfreys Barton and the application at Ellicombe Farm, Morchard Bishop were applications to extend the life of the granted planning permission by 5 years. Both schemes were well contained within the landscape and this was confirmed by way of photographic evidence. The applications had been deferred from a previous meeting to allow investigation of comparable appeals that had taken place. One had been identified in Bodmin which had been overturned by the inspectorate. The inspector had recognised that output may reduce overtime, land had been of moderate quality and that there was no evidence that the PV arrays would affect agricultural

production of the site in 30 years. An additional 5 years would not alter the benefits in line with Policy DM5.

Consideration was given to:

- Why an extension of time could not be requested nearer the expiration date
- The screening at the sites
- The lack of objection from local residents
- Panels were now under warranty for 30 years and the applicant did not have this information in 2012 when the previous application was discussed.

RESOLVED that planning permission be granted subject to conditions 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 Mrs H Bainbridge, K I Busch, Mrs C Collis, Mrs F J Colthorpe, S G Flaws, P J Heal, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the applicant;
- ii) Miss Gullen spoke on behalf of the applicant;
- iii) Cllrs Mrs C Collis, B A Moore and R L Stanley requested that their vote against the decision be recorded;
- iv) *Report previously circulated copy attached to signed minutes.

120 APPLICATION 15/01612/FULL - VARIATION OF CONDITION 1 OF PLANNING PERMISSION 12/01306/MFUL THE SOLAR PV FACILITY SHALL CEASE TO GENERATE ELECTRICITY ON OR BEFORE 28 MARCH 2043 AT SOLAR FARM AT NGR 274160 105292, ELLICOMBE FARM, MORCHARD ROAD (2-26-09)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application which had been deferred at an earlier meeting to allow for information regarding case histories of such applications at appeal.

The Area Planning Officer outlined the contents of the report stating that both Palfreys Barton and the application at Ellicombe Farm, Morchard Bishop were applications to extend the life of the granted planning permission by 5 years. Both schemes were well contained within the landscape and this was confirmed by way of photographic evidence. The applications had been deferred from a previous meeting to allow investigation of comparable appeals that had taken place. One had been identified in Bodmin which had been overturned by the inspectorate. The inspector had recognised that output may reduce overtime, land had been of moderate quality and that there was no evidence that the PV arrays would affect agricultural production of the site in 30 years. An additional 5 years would not alter the benefits in line with Policy DM5.

Consideration was given to:

- Why an extension of time could not be requested nearer the expiration date
- The screening at the sites
- The lack of objection from local residents
- Panels were now under warranty for 30 years and the applicant did not have this information in 2012 when the previous application was discussed.

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 DJ Knowles)

Notes:

- i) Cllrs Mrs H Bainbridge, K I Busch, Mrs C Collis, Mrs F J Colthorpe, S G Flaws, P J Heal, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the applicant;
- ii) Miss Gullen spoke on behalf of the applicant;
- iii) Cllrs Mrs C Collis, B A Moore and R L Stanley requested that their vote against the decision be recorded;
- iv) *Report previously circulated copy attached to signed minutes.

121 **PERFORMANCE REPORT (2-58-00)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the performance of the Planning Services for quarter 3 within the 2015-16 financial year and how it related to previous quarters.

She outlined the contents of the report stating that major applications were exceeding the target and was an improvement on the previous quarter, other applications had slipped and would require monitoring and that performance with regard to listed buildings had shown an improvement. The Government had indicated its wish to increase the performance requirement with regard to major applications and this would have to be carefully monitored.

There continued to be issues with staffing due to maternity leave.

Note: *Report previously circulated copy attached to minutes.

Update Sheet

(The meeting ended at 5.35 pm)

CHAIRMAN