

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 7 September 2016 at 2.15 pm

Present Councillors

Mrs H Bainbridge, Mrs C Collis,
Mrs F J Colthorpe, R J Dolley, P J Heal,
F W Letch, B A Moore, R L Stanley and
Mrs G Doe

Apologies Councillor(s)

D J Knowles, R F Radford and J D Squire

Also Present Councillor(s)

R M Deed, Mrs J Roach and F J Rosamond

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Thea Billeter (Area Planning Officer), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Christie McCombe (Area Planning Officer), Dean Titchener (Principal Forward Planning Officer), Sally Gabriel (Member Services Manager) and Ian Sorenson

64 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R F Radford who was substituted by Cllr Mrs G Doe.

Apologies were also received from Cllr D J Knowles and J D Squire.

65 PUBLIC QUESTION TIME (00-02-02)

Heather Woodman, representing her client and referring to item 12 (19 Exeter Road) on the agenda, stated that at the last meeting the Committee had spoken about the merits of the proposal. The implications report before you today sets out in detail the fact that this application does introduce change to this part of Exeter Road and that the decision on this application requires a very balanced judgement. We listened to the Members discussion on the website and looked again at the scheme following the meeting in July and the revised plans that you have today have been submitted for your consideration that address those concerns that you raised and as your planning and conservation officers advise they do improve the proposal. It is still considered that to provide two three bedroomed houses on this site is more desirable for the village in principle. Silverton property prices are at a premium, it would be for more affordable for local people who wish to trade up to have a family house rather than a single four plus bedroomed house on this site. The two dwellings have now been set back further into the site as the Members and conservation officer indicated

they wanted and this has reduced the impact of the building on the street scene. The access into the site has been moved into the centre so that much of the stone boundary wall along the frontage is now retained and the sense of enclosure is maintained and the conservation area is enhanced because there were concerns about the loss of this stone wall so parking and turning for vehicles has now been provided behind the wall so that vehicles can enter and leave in forward gear as you indicated you desired.

Further landscaping is also proposed with the site especially on the boundary with Orchard Jeffrey, that's the house that is 22 metres to the north, so the new landscaping breaks up the gable of the north building and the modest increase in height will subsequently have little impact now. Conditions can be attached to this landscaping so that it can be maintained in perpetuity.

The consultation responses on the new plans are that the highways authority has no objection and the conservation officer has advised that this scheme is far less harmful so her previous recommendation for refusal is not repeated. The planning officer's recommendations are that the new plans are an improvement. It's considered that your previously stated concerns have now been fully considered and addressed. The consultation responses from your various officers on the changes to the submitted plans that improve the siting, scale and parking and effect on the character and appearance of the conservation area show that the reasons suggested for refusal cannot now be sustained so on the balance of consideration of all material considerations, the scheme before you is now acceptable under your planning policies and the applicant asks that you approve it now please.

Mr Ian Pike speaking in relation to item 14 on the agenda (Conigar Close, Hemyock), stated that his main concern was the affordable properties. He is Hemyock born and bred, his family had lived in Hemyock since at least 1725 and as things stand he would be the last in the family to live in the village. His daughter unfortunately had to move away from the village because she couldn't afford to live there. She works in the village, her partner has an agricultural contracting business which is based in the village and the majority of his work is in Hemyock and neighbouring parishes. They are unfortunately unable to afford market value properties because they are either on a national living wage or just above. He went on to state that he had three grandsons the eldest of whom started Hemyock Primary School on Monday and he has two year old twin brothers who started pre-school in Hemyock on Monday. They are desperate to come back to the village and it is extremely sad that families like ours who have lived there and whose ancestors have lived there and worked in the farming industry making Hemyock what it is today, cannot afford to live there. I think that affordable housing should be provided and unfortunately with the cut in government funding we have to have market value properties built as well. We need to do something for the longevity of villages like Hemyock.

Over the last 30 years I've watched it develop with the result that the majority of the houses are out of the reach of the locals and the majority of the new residents commute to and fro bringing traffic problems which a lot of people are using as an objection against this application. My daughter at the moment will be making three return trips from the village some days of the week purely to get the boys to and from school. If this application is approved and they are lucky enough to get one of these properties it's a five minute walk to and fro. My other daughter has moved away because of work. They both went to Hemyock Primary School where there were 52

children, of these there are 5 still living in the village. One of those did end up in a shared equity property so obviously the affordable housing does help.

Mr Peter Davies, referring to item 12 (19 Exeter Road) stated that he lived opposite this property. One of the reasons that the Committee were minded to refuse the application was over development. This has not been addressed at all in the revised scheme and we still have two detached houses replacing a small bungalow on a small plot. The Committee was also unhappy with the street scene. The houses will still have an overpowering visual effect. Positioning them back just one metre will be totally insignificant. The conservation officer was minded not to refuse the application on the basis that the boundary frontage would be retained to a great extent, would you clarify how this would be possible given that the 25 metre visibility display will require 80% of the boundary to be below 600 millimetres? Will the planning officer confirm that apart from the 25% of the boundary on the northern end she still maintains that the hedge bank is 900 millimetres or above? The loss of 80% of the hedge bank, an important conservation feature in this road and which was previously 1.7metres high will open up the scene completely. There will be a large open frontage creating a suburban feel and completely out of context. It will not preserve or enhance the conservation area. The visibility splay is shown on drawing 02P16 cuts across the land of both number 19 and 21 Exeter Road, is this acceptable in planning terms given the inhabitants would have no control over future developments? In conclusion therefore this scheme does not overcome the reasons for objection previously expressed.

Mr Steve Batt spoke in relation to item 13 on the agenda (Church Green, Bickleigh) and informed the Committee that he was a long term resident of Bickleigh having lived there for over 30 years. A few weeks ago we were able to view Mid Devon's working file and we could not see any of the significant input from the Parish Council within this file which gave you a lot of detailed evidence and information countermanding much of the misinformation in the planning documents. I did drop these documents into Mrs Gabriel yesterday, if you wish to see them they are all here. They include a review plan survey, which we did for the local village 2 years ago, a detailed analysis, south west archaeological report, some new historic research and a short detailed historic conservation area appraisal. Also just to remind you the 46 letters of objection from local residents. We do believe our inputs would have assisted your case officer in coming to quite a different conclusion. Do you have any evidence rather than assertions that our inputs were looked at in any detail?

The Parish Council did write to Mrs Clifford on 10 August 2016 expressing concern about the slipping in of changes at the last moment and concern about the definite lack of liaison regarding the documents and other pertinent information which was sent to you. The Parish did receive a response on the 3 September 2016 but there are still a number of inconsistencies. The two issues I really want to concentrate on are firstly the heritage asset listing of Church Green. It was recorded on the original heritage asset list. We assume that Mid Devon prior to its insertion carried out a check against Historic England criteria? The Parish Council only received notification of its delisting some time after the delisting letter from Mrs Clifford was sent to the owner. We were not consulted about the site meeting last year nor were we consulted in any way after this meeting. We wondered why it was suddenly de-listed without any reference to the parish, in fact Mrs Clifford says it was 'marginal and could be reviewed'. Whilst it was stated that both sides made submissions regarding the sites history and use we were not asked whether we had any fresh evidence of

information. We do have more information to hand now. It should be noted that our original information was backed up with evidence rather than merely assertions, for example, we offered 10 affidavits regarding regular use by members of the community going back at least 7 decades. We wonder why you did not ask for that information to be provided. Our understanding is that it is not necessary to meet all of the Historic England criteria and interestingly it does not have to be used as a green so I think there is a bit of a misunderstanding here. If you look 'green' is not even within Historic England's wording. As you may well know Historic England definition of 'social and community value', not the word 'value' and not 'green'. It's a place of local identity, distinctiveness, social interaction and coherence often residing in tangible aspects of heritage contributing to the collective memory of a place and I think we've provided a lot of information over many years to confirm that.

We note Mrs Clifford's comments received by the Parish Council this week when she said 'Church Green is an interesting, substantially undeveloped plot in the centre of a conservation area with a very important setting and view implications for the church and Bickleigh Castle as well as other listed buildings'. The conservation officer says that change must preserve and enhance the conservation area. Three questions then. Bearing in mind Mrs Clifford's comments, how can this proposed development be anything but damaging to this special site without any tangible benefits being demonstrated? The houses are not for local need and they could be built anywhere. Why have the Bickleigh Local History group not had a response from Mrs Clifford regarding the request for relisting which was sent on 27 June 2016? Finally, in the same way that you say Church Green cannot be designated as open green space because of objections then surely the Green should remain as a listed local heritage asset because of the valid outstanding objections from the village and anyway even if it is delisted how can the application suddenly become less damaging than it was before, nothing is changed in terms of the view since the last refusal?

Kerry Peters also spoke in relation to item 13 (Church Green, Bickleigh). Our understanding is that local green space designation is a product of local plan and survey. The criteria are, close proximity to the community it serves and demonstrably special, local significance, historic significance, tranquillity, wildlife, local in character and not extensive. The 1960's picture emailed yesterday of Bickleigh's historic core, which I have a copy of here, shows the Green in the foreground and show a quintessential Devon scene with a church, thatched cottages and a pretty orchard in the bottom right corner, now known as Church Green. The Parish Council submitted Church Green to be designated as local green space back in August 2013.

As an out of settlement community we also carried out our own local plan survey in March 2014 in response to your requests for parishes to feed into the review process. We supplied committee members with a copy of this survey yesterday in case you had not already seen it. Household responses were analysed by Parish Councillor, Professor Adam Scaife. We believe this is another example of where Bickleigh residents views have been ignored as it was perfectly clear from the survey that there was an overwhelming majority of households in favour of keeping the whole of Church Green as an open space. The percentage response rates in our survey were far higher than many other national response rates. Ours was 67%, with 90% in favour of the status quo i.e. keeping Church Green as an open space. The results of this survey are backed up the 46 letters of objection received in the latest planning application to build on Church Green. Are these very high numbers of letters not valid either? Our arguments for local green space listing seem therefore to have

perfect validity. We assume that this was checked by your officers last year as Church Green was included in the local plan as local green space so my question is should the fact that Church Green already appears in the draft local plan as local green space be given no weight whatsoever when so much work has been put in by both the Bickleigh community so far to reach this stage and has it in the local plan? We are all at the local level and have made decisions based on guidelines given so it's hard to see what objections can be raised about this designation going forward.

Jill Brownlow, also speaking with regard to the same application, stated that the planning officer writes in his report advising acceptance of the proposed development which although it is not policy compliant because of the absence of a 5 year plan of supply of deliverable housing land it should be given approval. However, Mrs Jenny Clifford is on record as saying that more than sufficient land has been put forward for development to satisfy the 5 year plan. In the report it is also stated that Mid Devon District Council's policies are out of date. He then goes on to justify granting approval by quoting these policies. One of my questions is, are your policies relevant or not? Secondly the historic environment is an asset, this is in policy DM27 and I quote "The historic environment is of great cultural, social, economic and environmental value". It contributes significantly to our quality of life and to the character of the village. It represents a non-renewable source which once lost is gone forever. Do you truly believe that these proposed buildings and concomitant infrastructure will preserve or enhance the very core of Bickleigh's conservation area? Your Core Strategy also states that previous experience within the district has shown that allocating market housing in the villages has not produced additional nor supported services or facilities and therefore does not help to deliver sustainable development. How can this application be sustainable and not harmful?

Mr Bill Croome speaking in relation to item 12 (Exeter Road) stated that he lived in Exeter Road and that over the past few years this part of Silverton village has come under pressure from over development. Permission has been granted for two rear garden developments, one was built out on a large scale. A third proposal is to come forward for a large house to the rear of the Three Tuns pub. As members will have seen from their recent site inspection a bungalow nearby has been replaced by a large two storey house. May I ask the planning officer if her reservations about the scaling and massing of the two houses proposed at number 19 remain unchanged in the light of the revised scheme which is on a site which is 10% smaller than a similar one in Newport Road and would she agree that the urban style of design will be out of character with the area?

Mr Nick Dyer speaking in relation to item number 11 on the agenda (Station Road, Newton St Cyres) stated that he had been a resident of Station Road for over 30 years. He had some questions regarding recommendation number 2 on the planning officers report, namely. The recommendation to approve a one way scheme in Station Road at its junction with the A377. If it is approved it would mean that the road would never be fully widened to allow two way traffic this is likely to be disastrous for road safety in the future and I have the following questions. The Committee originally approved condition 10 of the outline consent in October 2014 on the basis of plans produced to them on behalf of the applicant and the highway authority which showed the narrow section of Station Road being widened for two way traffic. The relevant part of the condition that it required highway improvement works, quote 'inclusive of and not limited to road widening'. Why is a managed one way scheme being recommended despite the wording of condition 10 when the

committee presumably anticipated on the basis of the plans submitted to them at the time that the road would be fully widened for two way traffic?

Secondly why was the proposal for a one way scheme slipped into a S106 agreement entered into in April this year, some 18 months after the original approval to grant consent without any previous public consultation or discussion when all the original objectors to the outline application had raised the Station Road issue as a major concern? Why even now was the proposal not expressly mentioned in the Council's circular letter to objectors advising them of this committee meeting leaving them to find it if they are sufficiently internet savvy in the planning report posted only last week? Why is a one way scheme being proposed when even the stage one road safety audit on behalf of the applicant recommends that the road is widened for two way traffic before the school is occupied and why does the officer report state that the safety audit had been misinterpreted by a local resident who I assume is me when I have set out in detail to the planning officer why the Council has misinterpreted it but I have received no reasoned rebuttal of the points I have made? Why does the officer report failed to mention the relevant parts of the safety audit in order to support the planning officers recommendation? I have a copy of the safety audit and also a copy of my comments on it as to why it does not recommend what the officer report states and I am happy to pass those over to anybody who is interested and indeed I have submitted a copy by email to the committee.

As I think he will be telling you later, it is known that the owner of the third party land which is required to permit widening for two way traffic has not been approached by or on behalf of the original applicant or the current developers except for an initial request, I think well over a year ago, to obtain two valuations as to the amount by which his property would be devalued if he disposed of the land. He obtained and provided those valuations but has heard nothing since from either the original applicant or the current developers. It is also know that the landowner is prepared to dispose of it for a reasonable price and does require anything like key ransom value as is claimed in the officers report. Why has the Council allowed itself to be misled by incorrect claims that the applicant or the developer have sought to enter into negotiations and an incorrect claim that the landowner has demanded key ransom value? Lastly why is there such haste to decide on recommendation 2 when a short delay would not put back start on the new school and that short delay would enable proper negotiations for the purpose of the land to take place?

66 MINUTES OF THE PREVIOUS MEETING (00-30-18)

The minutes of the meeting held on 3 August 2016 were approved as a correct record and signed by the Chairman.

67 CHAIRMAN'S ANNOUNCEMENTS (00-31-12)

The Chairman had the following announcements to make:

- She reported that Cllr Knowles was still in hospital following surgery and on behalf of the Committee conveyed her best wishes to him.
- Following decisions at Full Council (31 August 2016), some changes had been made to procedures followed by the Committee, the objector would now speak

before the applicant and Ward Members would be given 5 minutes to speak on Ward issues whether or not they were on the Planning Committee.

68 ENFORCEMENT LIST (00-33-05)

Consideration was given to the cases 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/16/00131/AGTIE–Breach of Condition (f) of planning permission 88/1726/OUT which states: the occupation of the dwelling shall be limited to a person solely or mainly employed; or last employed in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971 (including dependants of such person residing with him or her) or widow or widower of such a person - Nethercott, Brithem Bottom***).

The Area Planning Officer outlined the contents of the report stating that the issue to be discussed was non-compliance with an agricultural occupancy condition. An application had been received to amend the condition which had been refused on the grounds that no information had been provided to demonstrate that the property had been marketed for sale under the terms of the condition, in an appropriate way for an appropriate period of time or at an appropriate price. No substantive evidence had been provided to indicate that there was no need for an agricultural occupancy condition on the property.

The property owner stated that she had had some tenants who had complied with the agricultural occupancy but that she would like to rent the property out at a reasonable rent so she could keep the property for the family and wanted the agricultural tie lifted.

Consideration was given to the agricultural occupancy condition, the size of the dwelling and the evidence required to instigate the lifting of the condition.

RESOLVED that having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172 of the Town and Country Planning Act (1990) as amended; the Legal Services Manager be given delegated authority to issue a breach of condition enforcement notice and to take any legal action deemed appropriate including prosecution in the event of non-compliance with the notice.

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

Note: Mrs Emmet, property owner, spoke.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/09/00048/LIS–without listed building consent the execution of works for the alteration (the works) to the listed building namely the removal of timber windows and doors in the facade and inserting uPVC windows and a door – 5 Dukes Cottages, Bow***).

The Area Planning Officer outlined the contents of the report highlighting the breach via a selection of photographs. He explained that the cottages had been listed in 1986 and that works to No 1 Dukes Cottages had taken place prior to the listing. The owners of No. 5 Dukes cottages had been requested to rectify the breach with regard to the windows and the door, but had not done so.

Consideration was given to whether the windows at the rear of the property were also uPVC and the steps required to rectify the breach.

RESOLVED that the Legal Services Manager be given delegated authority to take any appropriate legal action including the service of a Notice or Notices to reflect the breaches as outlined in the report. In addition, in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.

(Proposed Cllr B A Moore and seconded by Cllr Mrs G Doe)

Note: Cllr Mrs H Bainbridge made a declaration in accordance with the Protocol of Good practice for Councillors dealing in planning matters as she had received a telephone call from the property owner.

69 **DEFERRALS FROM THE PLANS LIST (00-53-57)**

The Chairman informed the meeting that Item 1 (Hayden End, Blackborough) on the Plans List had been deferred.

70 **THE PLANS LIST (00-54-40)**

a) No 1 on the Plans List ***(16/00817/FULL – Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End) Blackborough)***

This item had been deferred as stated in Minute 69.

(b) No 2 on the Plans List ***(16/01007/FULL– Variation of Condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times - Gilberts Lodge, Morebath.***

The Area Planning Officer outlined the contents of the report and explained that it had been demonstrated that the property was not viable as a holiday cottage in the winter months and that the applicant had requested that the condition be varied to allow short term lets in the winter months and that it would return to holiday lodge for the summer.

Consideration was given to:

- Planning policy
- Whether enough evidence had been gathered to demonstrate the lack of viability for holiday use throughout the winter months.

RESOLVED that permission be granted to vary Condition 8 of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr R J Dolley)

Notes:

- (i) Cllr B A Moore declared a Disclosable Pecuniary Interest as he was the applicant and left the meeting whilst a decision was taken;
- (ii) Cllr R L Stanley declared a personal interest as the applicant was a fellow Ward Member and close associate;
- (iii) Cllr Mrs H Bainbridge declared a personal interest as she owned holiday cottages;
- (iv) Cllr Mrs H Bainbridge requested that her vote against the decision be recorded;
- (v) Cllr F W Letch requested that his abstention from voting be recorded;
- (vi) The following late information was reported: Morebath Parish Council had considered the planning at its meeting yesterday evening, and their comments are: "Morebath Parish Council has no grounds for objection, however if the property was to be converted to a dwelling on a permanent basis, the Council would expect to see a new planning application for change of use, so as to not set a precedent for development creep."

(c) No 3 on the Plans List (***16/01090/FULL– Installation of 2 replacement windows with doors at Tiverton Library and Learning Centre, Phoenix House, Tiverton***)

The Head of Planning and Regeneration outlined the contents of the report stating that the application to remove windows and replace with doors would allow weekend access to the Library without the entire Council building being unlocked.

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

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing.

71 THE DELEGATED LIST (1-12-05)

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

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

72 MAJOR APPLICATIONS WITH NO DECISION (1-12-32)

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

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

73 APPEAL DECISIONS (1-14-22)

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.

74 APPLICATION 14/01332/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPEN SPACE AT LAND AT NGR 288080 0982230 - EAST OF STATION ROAD, NEWTON ST CYRES (1-15-39)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of explanation, highlighting the illustrative masterplan for the site and explaining the history to the site and the outline application determined by the Committee in 2014. Following consideration of the S106 agreement, the developers had requested that Condition 6 and 10 be amended changing pre commencement to pre-occupation.

He referred the Committee to the access issues to the site and the programme of works identified (highlighted in appendices A and B) and the original formation of a two way access to Station Road from the A377. The Road Safety Audit had however stated that a one way system would be appropriate. This would also allay problems with attaining a piece of land owned by an adjoining resident.

A representative from Devon County Council Highways Authority outlined the pre application discussions that had taken place regarding a priority scheme and the road safety audit stages that had taken place. He informed the meeting that there were concerns regarding a one way system but that it was not possible to impose a condition that required the purchase of 3rd party land.

The Area Planning Officer provided answers to questions posed in public question time:

- Why Appendix B was not included in the signed S106 agreement – ongoing work had taken place with the Highway Authority, there had been a need to discharge Condition 10, however the plan had not been discharged and that was why it was before the Committee today.
- The officer report ignored advice in the Road Safety Assessment process - Mr Sorenson had answered that, the issue was about road safety.
- The advice had been contrary to the Road Safety Audit – that was the Highway Authority view.

- The recommendation is being put to the meeting because the land had not been acquired – the update sheet clarified the situation with regard to advice from the Highway Authority, a detailed response set out in the report justified the recommendation.

Consideration was given to:

- Road safety and the issue of backing-up onto the A377 and the results of the road safety audit
- The preference of the Highway Authority
- Issues regarding the purchase of 3rd party land to progress a two way system
- The need for the developer and the 3rd party land owner to negotiate further
- Construction traffic entering the site

RESOLVED that

a) agreement in principle be confirmed (subject to the submission and resolution of a formal application – section 73A) that conditions 6 and 10 are amended so that they are not pre-commencement conditions, with the trigger for the completion of the works covered by each condition set as.

6. Neither the new school building and associated facilities nor the new housing shall be occupied until the following works have been completed:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

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

FURTHER RESOLVED that

(b) The managed one way scheme at the junction of the A377 and Station Road which is now proposed to satisfy condition 10 not be agreed and be refused on the following grounds that in the opinion of the Local Planning Authority the proposed managed one way system would be likely to lead to unacceptable inconvenience and highway danger to road users arising from the concentration of traffic flows at peak times resulting in unacceptable queuing and reversing movements contrary to policies COR9 Core Strategy (Mid Devon Local Plan Part 1) and DM2, Development Management Policies (Local Plan Part 3).

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Notes:-

- (i) Mr Graham (Objector) spoke;
- (ii) Miss Smith (Agent) spoke;
- (iii) Mr Sorenson (Devon County Council Highway Authority) spoke;
- (iv) Cllr Mrs G Doe requested that her abstention from voting in (a) be recorded;
- (v) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against (b) be recorded;
- (vi) The following late information was provided: Two local residents have circulated a number of emails (via the Committee Clerk) regards this agenda item. Issues relating to highway safety and capacity are covered in the reports and the Highway Officer from Devon County Council will provide clarification at the meeting on Wednesday. This update note clarifies the issue of the process that has been followed by the parties regarding the acquisition of the land that would be necessary to complete a two passing system.

The owner of the land has stated that there has been no meaningful discussions regarding the acquisition of his land since the outline consent was granted back in 2015. Whilst it is not a condition of the planning permission for the LPA to oversee this process it would appear that, the landowner has stated in his email, t a baseline value of £20,000 has been established for the section of his garden that would be required. In addition the landowner has stated his Solicitor and Kingswood Homes (the developer) have been in contact with the landowner's solicitor setting out the basis for any negotiations. What is evident from the correspondence that has been provided to the Case Officer is that expectations of an appropriate land value exceed the baseline value as referred to above.

Members are however advised that on the basis of the advice provided by the Highway officer at Devon County the design of the junction improvements as shown on the drawing attached at appendix B to the report (a one way managed system), which has now been subject to a Stage 1 and 2 Road safety Audit, is considered acceptable in highway safety terms for existing and proposed users of the highway.

Finally to assist Members understand the operational context of the junction, based on TRICS data, the development in conjunction with existing traffic levels , would generate predicted peak hour traffic flows of no more than 2 cars per minute passing through the junction.

7th September 2016 –

One further objection has been received which raises concerns about both the recommendations covered in the report for reasons relating to highway safety concerns. It is considered that the junction improvements should include the additional land so that a two way system can be achieved.

Officer Response: The justification for the two recommendations are clearly set out in the report.

Page 86/87/91: amend the drafting of recommendation 1 and to the drafting of point 2.8 (which is to be read in conjunction with 2.7) as set out below. The drafting changes to the text as set out in the report as circulated are considered necessary to add clarity to the scope of control imposed by the revisions to conditions 6 and 10.

Page 86/87:

1. Confirm agreement in principle (subject to the submission and resolution of a formal application – section 73A) that conditions 6 and 10 are amended so that they are not pre-commencement conditions, with the trigger for the completion of the works covered by each condition set as.

6. Neither the new school building and associated facilities nor the new housing shall be occupied until the following works have been completed:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

Page 91:

2.8 Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use.

(vii) *Report previously circulated copy attached to minutes.

75 APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON (2-08-32)

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

The Area Planning Officer answered questions posed in public question time:

- With regard to the visibility splay and the height of the bank - the Manual for Streets requires visibility up to 25 metres above a height of 600mm with no obstruction. The height of the hedge bank at 900 mm was acceptable as it was still below driver eye line. Part of the visibility splay was outside the control of the application in that it crossed the neighbouring property, but this was acceptable to the Highway Authority as at this point it crossed the neighbour's drive
- The scale and massing remained the same, the application had been considered on balance and would still sit in line with No 21 Exeter Road, there would be reasonable sized gardens and acceptable separation.

She outlined the contents of the report reminding the meeting of the site location plan, and providing photographs of the property to be demolished and the street scene; Members viewed the original plans and the revised drawings which would move the property back marginally and the amendment to the access which would allow a turning point, therefore removing the need to reverse onto the highway.

Consideration was given to:

- The revised plans that had been submitted
- The fact that some people had not been able to comment on the revised plans
- The policy for speaking to an implications report
- The consultation that had taken place
- Design issues and possible overdevelopment of the site

RESOLVED that the application be deferred to allow public speaking to take place at the next meeting in the interest of fairness.

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

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore 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 regarding the application.
- (ii) Cllr Mrs J Roach spoke as Ward Member;
- (iii) A proposal to refuse the application was not supported;
- (iv) The following late information was reported: SILVERTON PARISH COUNCIL (6/9/16): the proposed development is too large, represents overdevelopment of the site, is overbearing and will dominate and change the appearance of Exeter Road. Concerns are also expressed relating to loss of Devon hedge bank and volume of traffic that will use the proposed access.

Resident (31/8/16): concern that the Conservation officer has misunderstood the revised proposal that the height of the hedgebank is ambiguously labelled

as 'below 900mm'. The revised drawings indicate that the visibility splay cuts across the neighbouring property – land beyond the applicants control.

Resident (26/8.16): comments of support withdrawn.

- (v) *Report previously circulated copy attached to signed minutes.

76 APPLICATION 16/00465/OUT - OUTLINE FOR THE ERECTION OF 4 DWELLINGS (REVISED SCHEME) AT LAND AND BUILDINGS AT NGR 294162 107150 (SITE ADJACENT TO BICKLEIGH CHURCH), BICKLEIGH (2-53-00)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application which had been deferred from the previous meeting so that a site visit could be made by the Planning Working Group.

The Principal Planning Officer and the Head of Planning and Regeneration provided responses to questions posed within public question time:

- The views of the residents had been taken into consideration; there had been opportunity for involvement in the application as there were 2 stages of consultation and at the previous committee meeting along with involvement in the site visit.
- The application had to be determined on the basis of national and local policy evidence and material consideration. A number of revisions had been made to the scheme in response to objections from the parish Council and local residents.
- The impact on the historic environment had been considered and 3 stakeholders including Historic England and the Conservation Officer had provided responses. None were recommending refusal, Mid Devon's Conservation Officer noted that only less than substantial harm arose. Devon County Council's archaeology team were satisfied that mitigation via the use of conditions was acceptable.
- With regard to the local heritage asset listing, the site was originally identified on the heritage asset list, this was subject to information coming from local parties, some of which agreed and some disagreed. The site was removed from the register and a letter sent on 16 November 2015 to that effect, having reassessed the issues against criteria for selection.
- The Conservation Officer had stated that more information was required to assess the impact – this was provided by the applicant and used to inform the assessment of impact to the historic environment.
- With regard to green space – the site was proposed as Local Green Space in the Local Plan Review – however the Local Plan Review had yet to be adopted and there were objections to the designation, it would now rest with the inspector at examination.
- With regard to the application being less damaging than the previous with regard to the historic environment - more information was available to enable a fuller assessment of the scheme's impact.
- With regard to relevant planning policies, consideration had to be given to the Uffculme appeal decision regarding land supply, in which the inspector concluded policies COR 3, COR 17 and COR 18 were not up to date. The Local Plan Review would rectify this.

- Reference to the Core Strategy and services and infrastructure, the 4 dwellings would not lead to an increase in services or facilities, however the level of facilities within the village was a consideration in reaching the recommendation to approve the scheme.

He continued by outlining the contents of the report by way of presentation, highlighting the site plan, the proposed elevations of the development, the proposed section drawings and photographs from various aspects of the site.

The representative from Devon County Council Highway Authority stated that with regard to the visibility splay, as the road was single track you could take the visibility from the centre of the carriageway. There were also a lot of brambles that could be removed which would aid visibility and result in less hedge removal.

Consideration was given to:

- The site visit that had taken place
- The possible negative impact on local wildlife
- The trees and general landscaping of the site
- The careful design work that had taken place
- Planning policy and the recent appeal decision
- The local infrastructure surrounding the site
- The condition and appearance of the site, its surroundings and the character of the village

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with 2 additional conditions stating:

1.No development shall begin until a scheme for tree planting and tree management has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the development and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme. New tree planting should be in accordance with the processes laid out in 'BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.

2.No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reasons:

1.To safeguard the character and appearance of the area in accordance with Policy DM2 of the Local Plan Part 3: Development Management Policies.

2.To ensure the development makes a positive contribution to the character and appearance of the area by protecting existing trees during development in accordance with policy DM2 of the Local Plan Part 3: Development Management Policies.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore 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 regarding the application;
- (ii) Cllr R J Dolley declared a personal interest as both sides were known to him;
- (iii) Mrs Hetherington spoke in objection to the scheme
- (iv) Ms Banks (Agent) spoke;
- (v) Cllr Harrison (Bickleigh Parish Council) spoke;
- (vi) Cllr R M Deed spoke as Ward Member;
- (vii) Cllrs B A Moore and R L Stanley requested that their vote against the decision be recorded;
- (viii) The following late information was reported: Supporting information submitted –

Arboricultural Input Assessment Plan Drawing Ref 04728-AIA.TPP-Aug2016 dated 3.8.16

Since the application was considered at the Planning Committee meeting of 3rd August, the application paperwork has been supplemented with additional information and assessment of the existing trees on site. The additional information includes an assessment of amenity value of the trees by the Council's Tree Officer and an Arboricultural Impact Assessment from the applicant's arboriculturist. The Council's tree officer assessment scoring confirms their initial view that the trees do not have significant enough amenity value to warrant protection by a Tree Preservation Order.

The Arboricultural Impact Assessment provides a more detailed evaluation of the existing trees on site than previously provided by the applicant. It confirms the tree grouping to the south of the development is of moderate quality though is reasonably visible in the local landscape. The assessment states that the loss of the tree group is unfortunate, but notes that the trees are not particularly well-formed, having grown at such close spacing; the trees within the group are aerodynamically dependant on each other having developed together from a young age and recommends phased removal and replacement tree planting. These proposals have already been taken into account in the consideration of the application. One further tree, located to the west of the tree group is noted of low quality and is also recommended for removal because of its poor structural

condition. The tree has significant bark inclusion and weak union between its two main stems. The removal of this tree is not noted in the committee report, being new information arising from the impact assessment. Given its poor condition, its loss is considered a minor impact and mitigation planting would ensure provision of a more suitable long-term replacement. The impact assessment recommends the imposition of conditions for the management and maintenance of the trees and the protection of existing trees during construction phases. The following conditions are therefore proposed to be added to any permission if granted in addition to those stipulated in the report:

1.No development shall begin until a scheme for tree planting and tree management has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the development and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme. New tree planting should be in accordance with the processes laid out in 'BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.

2.No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reasons:

1.To safeguard the character and appearance of the area in accordance with Policy DM2 of the Local Plan Part 3: Development Management Policies.

2.To ensure the development makes a positive contribution to the character and appearance of the area by protecting existing trees during development in accordance with policy DM2 of the Local Plan Part 3: Development Management Policies.

In addition, it should be noted that the officer's report incorrectly states that Bickleigh Castle (grade I listed building and conservation area) lies 1.5km to the south west of the site. The distance has been re-measured and is approximately 600 metres. This is not considered to alter the conclusions in relation to the impact on the historic environment as the less than substantial harm identified is associated with change to views to and from the church. The church has also now been able to confirm the height of the tower, which is 18.2 metres from the centre crenellation to the ground. A spiral staircase leading to the tower roof is external to the tower and has its own conical roof which adds 0.7m to the overall height. The applicant has amended the cross sectional drawings using a height of 18.9m accordingly.

The planning committee working group also asked if further consideration could be given to reducing the size of the visibility splay and the associated loss of hedgerow. Subsequently the site was visited by the case officer and Devon County Council's highway officer. The latter confirmed that the

width of the splay was at the lowest level relative the local speed limit and could not be reduced further. However, the size of the splay was measured to determine the exact extent of the impact on the hedge. The highways officer estimated that the actual loss of hedgerow may be less than that identified on the plans, potentially being down to 5m on the south side of the proposed access (as opposed to approximately 10m). Bramble growth along the frontage of the hedgerow to the south of the proposed access artificially enlarges the depth of the hedgerow, with the bank set back relatively deep. Once the overgrowth is removed the bank is unlikely to be affected to the extent identified. To the north of the proposed access the boundary the splay overlaps with the existing access so the loss of hedgerow is about 6m from the edge of the proposed access – this will be lost as it is proposed as part of the footpath to the site. In total the loss of hedgerow is likely to be approximately 16-20m (having taken account of the loss from the proposed access road of 4.5m) – the range being dependent on the amount to be reduced on the south side;

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

77 APPLICATION 16/00918/MOUT - OUTLINE FOR THE ERECTION OF 22 DWELLINGS AT LAND AT NGR 313224 113301 (WEST OF CONIGAR CLOSE), CULMSTOCK, HEMYOCK (3-48-00)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting the proposal for 14 market dwellings and 8 affordable homes. The proposed development was outside the settlement limit and she explained the policy issues with regard to the principles for development and the 5 year land supply issue. Members viewed a presentation which highlighted the proposed site layout, the extension to Griffin Close the retention of the trees and photographs from various aspects of the site.

Consideration was given to:

- The work taking place between the Community Land Trust and West of England Homes
- The application had been worked up over a period of time in response to local need
- The cascading process with regard to the affordable homes.

RESOLVED that planning permission be granted subject to:

The signing of a Section 106 agreement in respect of :

- a) The provision of 8 affordable dwellings on the site
- b) A financial contribution of £26,510 towards improvements to Higher and Lower Millhayes open spaces
- c) A financial contribution of £73,495 towards additional secondary education infrastructure and secondary education transport costs

Conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 14 to state: No development shall begin until a detailed permanent surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority, to include details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme. The detailed permanent surface water drainage management plan shall be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (No. FRA01 Rev – dated May 2016).

And that negotiations take place on the allocation cascade agreement for the affordable homes

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing
- (ii) Cllr P J Heal declared a personal interest as Chairman of the Homes Policy Development Group;
- (iii) Mr Punnet spoke as a supporter of the scheme;
- (iv) Cllr F J Rosamond spoke as Ward Member;
- (v) The following late information was reported: 2nd September 2016 –

Hemyock Parish Council has noted that their comments on foul drainage have not been addressed in the officer's report. South West Water has a duty to accept connections into its system for new dwellings. SWW receives a list of all planning applications and comments only on those applications where it has concerns, for example it will object if it has concerns over the capacity of the sewage system to take additional foul drainage. SWW has not commented on this proposal and it is therefore accepted that the SWW has no issues with the additional foul drainage from this development.

6th September 2016 –

Additional response from Devon County Lead Local Flood Authority –

Following my previous correspondence (FRM/915/2016, dated 26th August 2016), the developer has contacted me in order to clarify the surface water drainage management proposals for this site, for which I am grateful.

The developer has confirmed that the design infiltration rate of 3.89×10^{-6} is a calculated value based on intrusive ground investigations as part of the Phase 1 development, which is acceptable.

The developer has also confirmed that the proposals to discharge the surface water runoff from the highway have been agreed with my colleagues in Highways, and that they are complemented by various highway drainage improvement works secured as part of the Phase 1 development, which is also acceptable.

I am therefore happy to confirm that my objection is withdrawn, and that if the Planning Case Officer is minded to grant permission in this instance, that the following pre-commencement planning condition is imposed:

□ No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy Report (Report No. FRA01, Rev. -, dated May 2016).

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Officer comments:

Page 158 of the committee agenda refers to Members being updated with the final comments of the Lead Local Flood Authority. The response has now been received and they have confirmed that they confirm their objection is withdrawn and the drainage scheme is acceptable, subject to a condition relating to a detailed surface water drainage management plan being submitted.

Amended condition 14.

No development shall begin until a detailed permanent surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority, to include details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme. The detailed permanent surface water drainage management plan shall be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (No. FRA01 Rev – dated May 2016).

7th September 2016

Housing and Enabling Officer –

Just to confirm that I'm happy with the mix of 4 AF Rents, 3 SO & 1 Starter home;

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

(The meeting ended at 6.50 pm)

CHAIRMAN

