

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 5 October 2016 at 2.15 pm

### **Present**

#### **Councillors**

Mrs H Bainbridge, Mrs C Collis,  
Mrs F J Colthorpe, Mrs G Doe, R J Dolley,  
P J Heal, F W Letch, R F Radford,  
Mrs J Roach, J D Squire and R L Stanley

### **Apologies**

#### **Councillors**

D J Knowles and B A Moore

### **Also Present**

#### **Councillors**

P H D Hare-Scott, T G Hughes and Mrs M E Squires

### **Present**

#### **Officers**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Simon Trafford (Area Planning Officer), Alison Fish (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Christie McCombe (Area Planning Officer) and Sarah Lees (Member Services Officer)

### **Also in**

#### **attendance**

I Sorenson (Highway Authority, Devon County Council)

## **78 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr D J Knowles who was substituted by Cllr Mrs J Roach.

Apologies were also received from Cllr B A Moore who was substituted by Cllr Mrs G Doe.

## **79 PUBLIC QUESTION TIME**

Referring to item 11 on the agenda, 19 Exeter Road, Silverton, Mr Peter Davies said that this was the fourth set of drawings we've had to object to and each time it has been because the objections we have made have not been addressed significantly. The list of objectors to the previous plan was considerable and included the Parish Council, the Ward Councillor, 14 neighbours, the Conservation Officer and this Committee. Once again the Parish Council have come out strongly against. The implications report concluded that there are reasons for refusal and nothing in the

revised plan changes this. The Committee rejected the previous plan because of over development and this remains unaltered. Members complaining of shoe horned two buildings onto the site and cramping them in will still be disappointed. The committee rejected the previous plan because of the street scene. The two two-storey buildings will still have an overpowering visual affect and look completely out of context in this row of bungalows. Positioning them back one metre will have little significance. The Committee also rejected the previous plan because of the impact on the conservation area. The hedge bank at number 19 continues along Exeter Road to the country lanes leaving the village. This was previously 1.7m high. Mid Devon District Council's Silverton conservation area appraisal plan reports that the character of Exeter Road is enhanced by its hedges and that removal would impact greatly on the street scene. This bank is to be replaced by a narrow wall as seen in the drawing 1p16. As this wall will only be up to 900mm high there will be a large open frontage creating a suburban feel and certainly not improving or enhancing the conservation area. Furthermore with a large tarmacked front garden and wide visibility lines there will be little room for any planting. At the last committee meeting a Member wished to be reminded of the pre appraisal plans. The first planning officer from this council decided that the site was only suitable for one dwelling with amenity space to the front and back. I would also add that one could then keep the same gated entrance and all the bank and hedge. Members have also remarked that one dwelling would sit better on the site. May I ask the current officer if such a proposal would not better satisfy every one of the Committees objections? As these revised drawings fail to implement these objections I can only urge the Committee to uphold its previous decision and reject this application on the same basis of over development and detrimental impact on the street scene in a conservation area.

Mr John Joliffie, Executive Head Teacher of the Exeter Federation which includes Newton St Cyres Primary School, referring to item 12, said that as there are several members of the Planning Committee that were absent from the briefing meeting that was held last week he would like to ask if they were aware of the very tight timescales that the EFA are now working under and that this would mean that any delay to the proposed new school could jeopardise the whole scheme and also I'd like to ask if the Committee Members have had the opportunity to read the schools updated travel plan and the support that parents have shown for walking buses, scooting and cycling to school and finally to ask if those committee Members are aware of the overwhelming support of the community for the new school and their support for the new improvements to the junction of the A377 and Station Road and the benefit that this will be to the whole community.

Mr Bill Croome, speaking to the item regarding 19 Exeter Road, Silverton and to the Three Tuns, Silverton, said that my concern is with regard to over development on the site at the Three Tuns and at Exeter Road and I believe this concern is shared by Members. The enlarged house proposed at the Three Tuns will be on higher ground than the cottages at Exeter Road which are at street level, the house will be overbearing and will take up parking spaces which highways have expressed reservations about if conversion of the pub is contemplated. I truly regret the closure of Silverton's most historic inn and had hoped that the original part may be kept as a pub. Would the Planning Officer confirm that an application has been made for the development and conversion of the Three Tuns itself? In the report reference is made to the development at the rear of 4 Exeter Road and I understand that revised plans have been submitted for this. Is the Planning Officer aware that the property is tenanted which may explain the lack of objection to the proposal? The proposal for 2

houses at number 19, even with the revisions before you, is also over development. You will see from the site plan which will be displayed that this site is smaller than the one re-developed at the rear and is barely capable of taking two buildings of the size proposed.

Dr Phillip Bratby, referring to Edgeworthy farm, said it is stated in the officer's report that one of the reasons for the large digester capacity, and I quote 'is to be in accordance with guidance from the Environment Agency with regards to planning for contingency'. Has the officer confirmed this with the Environment Agency and does it not seem odd that Greener for Life is wanting to increase contingency here whereas at Menchine farm and Red Linhay it has been going against the Environment Agency advice by wanting to increase the feed stock thereby reducing contingency? Can the officer confirm that figure 1, the overview, digestate main location, shows the full extent to the pipe line in both North Devon and Mid Devon and that it includes the pipeline passing to the south of the B3137 to Merryfield Hayes.

Mrs S Coffin, Templeton Parish Council referring to Edgeworthy Farm, said an 11000 v electricity cable of which Western Power Distribution were totally unaware has recently been laid through Nomansland between Menchine Farm and Edgeworthy Farm is the officer aware of the purpose of the cable and how it fits in with this application?

Mrs Sally Smythe, Chairman of Cruwys Morchard Parish Council, referring to Edgeworthy farm said that the report states that if an emergency spill occurred on the site it is proposed that this would be directed to the existing slurry lagoon on the south side of the buildings. This slurry lagoon sits above and is in close proximity to a tributary of the River Dart. Can the officer confirm that she has inspected the lagoon and that a spill would be directed around the buildings into the lagoon, and whether the lagoon is of adequate size to contain the spill and that it can be covered?

Ms Kirra Broadhurst, referring to item 11 on the agenda, 19 Exeter Road, Silverton, said that as a representative of the younger generation in Silverton said that what was needed in the village was houses that young families could buy not enormous bungalows or massive houses that only in-comers could afford. The proposed gardens were of an ideal size and ideal for children to play in. The recent builds in Newcourt Road are attractive, in keeping with the times and an asset to the village, they are the type of houses that we need. They were built on a plot approximately the same size as the plot in Exeter Road and passed without any hesitation. There were only two of them which were rapidly occupied. We now have the opportunity to have two more of the same quality. The emerging Neighbourhood Plan also included houses at a greater density than this proposal. Can the officers advise any specific plot sizes or density figures that apply in Mid Devon?

Mr Graham Sherburn, also referring to item 11 on the agenda, said that the National Policy Planning Framework states 'at the heart of the National Policy Planning Framework is a presumption in favour of sustainable development which can be seen as a golden thread running through both plan making and decision making'. I understand that the Planning Officers now recommend that the revised drawings that have been submitted improve the overall scheme. The presumption in favour of sustainable development, such as this scheme, has not however been expressly mentioned or previously discussed by the Committee, so can the officers advise please if the presumption is relevant in the determination of this decision?

## 80 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 September 2016 were approved as a correct record and signed by the Chairman.

## 81 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) Sara Jenkins was introduced to the Committee as the new Planning Enforcement Officer;
- b) She reminded the Committee that there would be an informal pre-application presentation in relation to Wells Park, Crediton on Monday 17 October at 2.00pm.

## 82 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

## 83 THE PLANS LIST (00:22:15)

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.

No 5 on the Plans List **(16/01184/LBC – Listed Building Consent for internal and external alterations including relocation of the kitchen at 10 Briton Street, Bampton, Tiverton)** – Listed Building Consent be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

- b) No 1 on the Plans List **(16/00750/FULL –Variation of condition (2) of appeal decision APP/Y1138/A/14/2211282 relating to planning application 13/01170/FULL to allow the substitution of previously approved plans at Land at NGR 284927 114041 (Edgeworthy Farm), Nomansland, Devon.)**

The Area Planning Officer outlined the contents of the report and explained that the application sought to change the layout and appearance of the plant and equipment that together formed the anaerobic digester. This had become necessary as the company that were supplying the plant/equipment approved on appeal were no longer in business.

The Committee were shown how the site was set out at the moment as well as the proposed new layout. This was within the same red line as the original planning application and was well grouped with the existing buildings. Aerial photographs were shown of the buildings in question as were drawings illustrating various elevations. It was explained that the previous digester tanks were rectangular whereas the new proposed tanks were cylindrical. A gas flare had been installed to burn off excess gas. It was stated that all the equipment would be lower than the existing farm buildings thereby reducing the visual impact specifically addressing a comment which had been made by the Inspector.

She referred the Committee to a number of updates within the update sheet relating to Highway Authority comments and amendments to condition numbers 5,7 and 12.

She offered answers to questions posed within Public Question Time. There was not currently a proposed condition regarding the linking of the drainage system. Regarding the pipeline question the officer confirmed that should the application be approved it would be a re-approval of a previously agreed plan, this was merely a changed layout, everything else remained the same. There had also been a question about the electricity cable between Menchine Farm and Edgeworthy Farm, installed to provide a grid connection, she stated that this would be more difficult to achieve direct from Edgeworthy Farm.

Consideration was given to:

- Withdrawal of a previous objection from the Highway Authority regarding confirmation that there would be no change in feed stock volume;
- Traffic to Menchine Farm already being heavy;
- Feedstock being sourced within 6 kilometres of Edgeworthy Farm;
- The need for records to be kept on a quarterly basis showing the number of vehicles entering and leaving the site as well as their size, type and load weight;
- The site currently had a permit that controlled the amount of emissions;
- Concerns as to the passing of power between two plants;
- The expansion of previous conditions to address output and feedstock concerns.

**RESOLVED** that permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to conditions 5, 7, 12 and an additional condition 13 plus that delegated authority be granted to the Head of Planning and Regeneration to impose a further condition in relation to the submission of details of the drainage system to link the AD plant to the slurry lagoon in the event of an emergency spill.

#### Condition 5

Line 3, change “....point of origin or destination” to “...point of origin or **ultimate** destination” (add in word ultimate – but not in bold text)

### Condition 7

Change to:

- i) The feedstock for the anaerobic digester shall be slurry, manure, grass and arable crops only. The slurry and manure shall be that produced only at Edgeworthy Farm, Merrifield Hayes Farm and Pulsards Farm, Cruwys Morchard.
- ii) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from. The log book shall record name of farm, plot, supplier, number and gross and net weight of vehicles along with date and time of feedstock delivery.
- iii) No other sites are to be utilised for feedstock source. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.
- iv) Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

### Condition 12

Change to:

The permission hereby granted is for a 200kw anaerobic digester only. Power generation from the development shall not exceed 200kw averaged over a quarterly period (such quarterly period to commence from the first Feed in tariff submissions and continue thereafter). Such records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.

### Additional condition – 13

The Local Planning Authority shall be afforded access at reasonable times to all on site monitoring systems associated with the operation of the AD plant hereby granted.

Reason: To ensure the AD plant operates in accordance with the parameters and limitations as approved and as set out within the application and its supporting information.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs C Collis)

### Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as some of the people involved with the application were known to her and the site in question was within her county division as a County Councillor;
- (ii) Cllr Mrs G Doe declared a personal interest as she had family members who lived in Nomansland;

- (iii) Cllr R J Dolley declared a personal interest as he knew some of the objectors and had had a meeting with them;
- (iv) Cllr R F Radford declared personal interest and chose to leave the meeting during the discussion thereon as he was a chicken farmer;
- (v) Cllr R L S Stanley declared a personal interest as he knew some of the objectors and had had a meeting with them;
- (vi) Mr Michael Scott (CPRE Devon Branch representative) spoke in objection to the application;
- (vii) Mr David Manley spoke as a representative of the applicant;
- (viii) The following late information was provided:

Highway Authority comments received 5<sup>th</sup> October 2016

**Observations:**

I confirm the conversation, discussions with the Planning Officer, the comments received from the Developer and with the imposition of the condition in respect of the output and feed stock. The Highway Authority withdraws its objection and is confident that the Local Planning Authority will have appropriate control and that there will be no material increase in traffic from this application.

**Recommendation:**

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT,  
ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY  
AUTHORITY, HAS NO OBJECTION TO  
THE PROPOSED DEVELOPMENT**

Updates for Plans list item 1

The report states that planning permission has previously been granted for the installation of an Anaerobic Digester at Edgeworthy Farm. Permission was granted on appeal under reference 13/01170/Full. While works have started on site, not all of the pre commencement conditions have been discharged and therefore the works that have taken place are technically unauthorised. On 21<sup>st</sup> August 2015 the Department for Communities and Local Government (DCLG) set out changes to national planning policy to make intentional unauthorised development a material consideration that should be weighed in the determination of planning applications (the Statement has a specific focus on impact on Green Belts).

With regards to the development at Edgeworthy Farm, the unauthorised works **did not** take place in advance of planning permission being obtained. Planning permission had been granted but the pre commencement conditions had not been discharged prior to starting on site works. While the Local Planning Authority have taken the DCLG statement into account when assessing this current Section 73 application, it is not considered that the applicants failure to discharge the pre-commencement conditions (on a scheme that will no longer be

implemented), overrides the planning merits and acceptability of the currently proposed development.

**c) No 2 on the Plans List (16/00817/FULL – Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon)**

The Area Planning Officer outlined the contents of the report by way of presentation and section drawings highlighting the boundaries, landscaping plans and lay of the land. She reminded the Committee that the application had been deferred from the previous meeting to further consider drainage and possible flooding issues. An investigation report from UKDN Waterflow had been submitted, the details of which were on the update sheet. Their findings had not altered the officer recommendation which was still to grant approval with conditions to specifically address the impact upon the neighbours privacy, drainage and impact upon the Area of Outstanding Natural Beauty.

Consideration was given to:

- The high clay elements within the soil and the movement of water around it;
- Previous drainage issues at the neighbouring property;
- Safety issues regarding the movement of horses on adjacent roads;
- The housing and exercising of horses over the winter months;
- The proposed arena would be on a lower site than the property.

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

(Proposed by Cllr F W Letch and seconded by Cllr Mrs H Bainbridge )

Notes:

- (i) Ms Rachel Bennett (Objector) spoke;
- (ii) Mr Richard Bentley (Applicant) spoke;
- (iii) Cllr T G Hughes spoke as Ward Member;
- (iv) The following late information was reported:

30<sup>th</sup> September 2016

Two additional reports have been submitted.

An investigation report from UKDN Waterflow has been submitted by Ms Criddle (objector).

- The report concerns inspection results and observations of the drainage system
- Summary of works carried out at the property: there was damage to the septic tank and water backing up from the soakaway system, a new system was recommended.

- Percolation tests revealed a high water table, it was determined a traditional septic tank and soakaway system was not viable. A pump station, sewage treatment plant and low level drainage field was installed in May 2016.
- Sub topography of the soil is a mixture with a high clay element. The report states that in these circumstances it is impossible to accurately forecast the course of surface water.
- Due to the high water table the report advises that any development or building works which increase the flow of water to the property could cause damage to the new drainage system, causing saturation and the system to cease to function to specification.

An updated Technical Note – Flood risk Assessment by Stuart Michael Associates has been submitted by the applicant, this has been informed by a topographical survey of the site by South West Surveys.

- The technical note is based upon a topographical survey of the site showing contours at 0.1m intervals, ordnance survey mapping, submitted plans and infiltration test results, British Geological Survey information and Environment Agency Information.
- A drawing of the existing site has been prepared showing the direction of surface water runoff across the field.
- The topographical survey shows that the existing ground levels, in the area where the arena is proposed, fall approximately 1.2m from the highest point to the lowest point.
- The site has a very low risk of flooding from surface water. The field is close to the local high point so the catchment area affecting the field to the north is small.
- The existing ground levels in the vicinity of the proposed arena show that surface water would flow directly southwest towards the southwest boundary of the site.
- The arena will not generate increased runoff or increase flood risk because any rain falling on the arena will infiltrate through the permeable surface of the arena construction and through to the impermeable clay layer where it will flow along the top of the clay and either dissipate into the surrounding soil or if the soil is saturated continue downhill, as currently, towards the southwest boundary of the field.
- It is recommended that the arena base is laid the shallow falls in a southwest direction to mimic the existing situation rather than the direction shown on drawing GH/Bentley/04.
- The plateau formed by the arena and its sub-surface permeable construction will have a small attenuation effect on the flow of water through the arena construction when compared with saturated ground on top of the impermeable clay.
- In extreme events, when the ground and arena are saturated, there would be no increase in flood risk.
- The topographical survey provides evidence that the majority of the field is sloping towards the southwestern boundary. Surface water runoff from the area where the arena is proposed to be located

cannot flow towards 2 Haydon End and will not affect the drainage system.

- This report confirms that flood risk will be managed acceptably and that the proposed arena should not increase the risk of flooding elsewhere.

4<sup>th</sup> October 2016

A revised drainage plan has been submitted in accordance with the findings of the topographical survey, this amends the direction of the gradient that the arena base is laid to.

**d) No 3 on the Plans List (16/00922/FULL – Erection of a dwelling at The Three Tuns, Exeter Road, Silverton.)**

The Area Planning Officer outlined the contents of the report by way of presentation outlining the site location plan, the details of the proposed development, the access route, proposed site layout and the area of parking. She also outlined the history to the application and showed photographs of the rear of the properties on Exeter Road.

Referring to questions raised during Public Question Time she stated that two new planning applications had been registered with the Planning Authority one of which related to the conversion of the pub to three dwellings. The second one had been regarding the erection of two houses. Twelve parking spaces would be retained for use by the pub thereby ensuring adequate parking and complying with policy DM8.

The Planning Authority did understand that no. 4 was tenanted.

Consideration was given to:

- The size and re-siting of the proposed development compared to the original application;
- Potential loss of privacy and light to a neighbouring property;
- Whether approval of the application would lead to over development;
- The applicant had amended the plans in the light of concerns raised and had ensured adequate parking and a smaller rear extension;
- A need to look at the whole scheme holistically particularly with regard to access issues, delivery vehicles and the parking of visitors;
- The need to only consider the application before the Committee and not potential applications in the future;
- In the opinion of the Highway Authority as the current application stood there was sufficient parking proposed. The impact of the two newly received applications on parking would be considered as part of their determination.

**RESOLVED** that planning permission be granted subject to conditions and the provision of a Section 106 Agreement as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs C Collis)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she had been contacted by supporters and objectors to a previous application on this site;
  - (ii) Cllr Mrs J Roach declared a personal interest as she had been contacted by the objectors and spoken at a Parish Council meeting about this application;
  - (iii) Mr John Jackson (Objector) spoke;
  - (iv) Ms Maria Bailey (Agent) spoke;
  - (v) Cllr Mrs J Roach spoke as Ward Member;
  - (vi) Cllr Mrs J Roach requested that her vote against the decision be recorded;
  - (vii) A proposal to refuse planning permission was not supported.
- e) No 4 on the Plans List (***16/00964/FULL – Conversion of redundant stables to dwelling to Hackpen Stables. Blackborough, Devon***)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed floor plans and elevations. The position of the sewerage treatment plant and alteration to the position of the gates was also referred to.

Consideration was given to:

- The fact that there was still a caravan and storage container on the site;
- Whether the proposed one bedroom property could house a whole family;
- The results of the percolation test;
- The effects of enforcement on the applicant;
- The current housing situation of the applicant;
- Support for the proposal from the local community;
- Whether approval would be setting a precedent and the fact that the proposal went against policy.

**RESOLVED** that planning permission be refused for the following reasons as recommended by the Head of Planning and Regeneration:

It is the opinion of the Local Planning Authority that the building fails to meet the preliminary character test of Policy DM11. Despite being considered a rural building by virtue of its rural location, this stable block of a modern construction is not of a shape, form or materials that are worthy of retention. The building is not considered to be of any intrinsic merit, architectural or otherwise and isn't thought to positively contribute to Mid Devon's rural character. In addition there is no evidence to suggest that the buildings permitted use is entirely redundant, and the proposed works, effectively stripping the building to its frame, results in

significant alteration and rebuilding, contrary to Policy DM11. The proposed development is considered to be harmful to the character, appearance, setting and special qualities of the Area of Outstanding Beauty, due to the proposal securing the long term presence of the building within the rural landscape and the resultant domestic paraphernalia associated with a dwelling in this location. In addition, the existing building is located outside of an adopted settlement limit and is considered to be in an isolated location, as proposed the development would constitute a new isolated home in the countryside, contrary to policy. No evidence has been submitted to demonstrate that any of the other special circumstances set out in paragraph 55 of the National Planning Policy Framework have been met so as to justify a dwelling in this location. Overall, the proposed development is considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), and Policies DM11 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. The application is therefore recommended for refusal.

(Proposed by Cllr Mrs J Roach and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as she had received correspondence regarding the application;
- (ii) Mr Jack Perry (Objector) spoke;
- (iii) Mr Ian Firth (Agent) spoke;
- (iv) Cllr T G Hughes spoke as Ward Member;
- (v) The following late information was reported:

30<sup>th</sup> September 2016

A percolation test has been undertaken in accordance with the Building Regulations 2010 H2 document the results found the site to be within the suitable range for a soakaway and sewage treatment plant to support a single bedroom dwelling.

The applicants have suggested the following conditions should Planning Committee be minded to approve the application:

- Timing – Standard Condition – commencement of proposed development within 3 years of approval – reason: in the interests of proper planning
- Materials – Standard Condition – To supply and agree external materials with the council prior to their use on site - reason: in the interests of proper planning
- Generator – the development shall not be occupied as a dwellinghouse until the provision of a fixed mains electrical power supply is installed at the property – reason: to improve the residential amenity of the area (in

accordance with DM11) and in the interest of improving the peace and tranquillity of the Blackdown Hills AONB

- Landscaping, Planting & Hedgerow maintenance – the development shall not be commenced until details of a planting scheme and management plan has been received and approved in writing by the council – reason: in the interest of maintaining and enhancing the Blackdown Hills AONB (Condition as proposed by the AONB partnership)
- Bat boxes/ biodiversity enhancement – development shall be completed in accordance with the attached biodiversity report recommendations – reason: to ensure that net biodiversity gains result from the proposed development.
- Lighting plan – the development shall not be occupied until a lighting plan has been submitted and agreed in writing by the LPA – reason: to ensure that the residential amenity of the area is not adversely affected by the proposal and to limit light pollution in the Blackdown Hills AONB Restriction on permitted development rights - a planning condition which restricts permitted development rights for subsequent extensions and alterations – reason – to comply with Policy DM11 and para 2.9 of the 2013 Mid Devon local plan.
- The applicant would be prepared to restrict the property to ‘local needs’ housing.

3<sup>rd</sup> October 2016

Three additional letters of support have been received, they are summarised as follows:

- There is a shortage of low cost affordable housing.
- No effect on the environment nor are there any other reasons that the planning application cannot go through. Removal of the generator would be an improvement.

#### 84 THE DELEGATED LIST (02:42:43)

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

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

#### 85 MAJOR APPLICATIONS WITH NO DECISION (02:43:14)

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

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

#### 86 APPEAL DECISIONS (02:45:00)

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 the signed minutes.

87 **APPLICATION 16/00458/FULL - ERECTION OF 3 DWELLINGS AND ASSOCIATED INFRASTRUCTURE FOLLOWING REMOVAL OF EXISTING NURSERY BUILDING AT ACTION FOR CHILDREN, CREDITON AREA CHILDRENS CENTRE, NEWCOMBES, CREDITON (02:04:00)**

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 by way of presentation explaining that the application had previously been deferred to allow further discussion to take place between the applicant, the Town Council and Ward Members with regard to design and access issues onto Jockey Hill and traffic generation. Following a site visit and further consideration by the Town Council they were now recommending approval for the application.

The Committee were provided with information with regard to highway and access arrangements as well as the planned new landscaping, refuse arrangements and how the development would affect pedestrian movements. The Committee were also shown illustrations of how the proposed dwellings would affect the street scene and how they would visually sit within the environmental context.

Consideration was given to:

- The innovative design of the proposed dwellings which was seen as refreshing;
- The value of having a site visit to see proposed dwellings in context.

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

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

Notes:

- (i) Cllr F W Letch declared a personal interest in that he was a Town Councillor and also Mayor of Crediton;
- (ii) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as he had received correspondence regarding the application;
- (iii) Cllr F W Letch spoke as Ward Member.

88 **APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLINGS (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON (02:42:66)**

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 presentation, highlighting the fact that Members at Planning Committee on 6 July 2016 were minded to refuse planning consent contrary to Officer's recommendation. The application was therefore deferred for a further report

setting out the implications of the proposed reasons for refusal. The reasons for refusal related to:

- Overdevelopment of the site.
- The development was not in keeping with the street scene.
- The impact of the development on the setting of the conservation area.
- Parking arrangements were insufficient.

Following the presentation of the implications report and revised drawings, that had been submitted by the applicant in response to Members comments at Planning Committee on 6 July, Members requested that the application be deferred (Planning Committee, 7 September 2016). Committee procedures determine that when an application is deferred for an implications report, that members of the public do not have an opportunity to speak, other than at public question time. Since revised drawings were also presented at the Committee meeting on the 7 September, Councillors were concerned that the public did not have an opportunity to comment at that meeting. The application was therefore deferred to provide an opportunity for members of the public to speak.

In response to questions posed during Public Question Time the Area Planning Officer stated that Mid Devon did not have a specific density or plot size. However, Policy DM22 stated that any proposal should take into consideration the characteristics of the site including its wider context, efficient and effective use of a site and integration with surrounding buildings so that it does not have an adverse impact on privacy. Reference was made to paragraphs 11 & 12 of the NPPF which stated that proposed development that accords with an up-to-date Local Plan should be approved unless material considerations indicated otherwise. The starting point for this application is a 'presumption in favour of sustainable development'.

Consideration was given to:

- Previous comments with regard to over development, the impact on the conservation area and parking;
- The density of two dwellings on the size of plot proposed;
- The revisions to the design following a previous Planning Officers advice;
- The risk of setting a precedent in the future for similar proposed development;
- The effect on the street scene.

**RESOLVED** that planning permission be refused for reasons 1 and 2 as set out in the report.

1. The proposal is contrary to Section 7 of the NPPF, policy COR2 of the Adopted Core Strategy and policies DM2 (a, c, ei, eii and eiv) and DM149a) of the Local Plan part 3 because by virtue of its siting, scale, massing and detailed design the proposal represents over development of the site having a detrimental impact upon the character of the street scene.
2. The proposal is contrary to Policy DM27(b) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal would neither preserve or enhance the character of the adjacent conservation area.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs J Roach)

Notes:

- (i) Cllr Mrs J Roach made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as she had been contacted by both supporters and objectors to the application;
- (ii) That in the event of an appeal being received, the following Councillors be nominated to represent the views of the Planning Committee in assisting to defend the decision: Cllrs Mrs J Roach, R F Radford and R L Stanley.

89 **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 OPENS PACE - LAND AT NGR 288080 098230 - EAST OF STATION ROAD, NEWTON ST CYRES (03:14:42)**

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 presentation, highlighting the fact that the Planning Committee had considered matters in relation to the off- site highway works required as part of the proposed school and housing development at Newton St Cyres at its meeting on the 7 September.

Members had considered two recommendations. Whilst they resolved to approve Recommendation 1, the 2<sup>nd</sup> recommendation which was in regard to the scope of works to be delivered at the junction of Station Road and the A377, as required by condition 10 of the outline planning permission and as shown on the drawing at appendix B, was not approved. The resolution which was passed was as follows:

Resolution: 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).

Following this, Members of the Committee had an informal briefing on 26<sup>th</sup> September, with updates from the land promoters team as to how they had sought to progress matters since the meeting on the 7<sup>th</sup> September. This included:

- The scope of the ongoing discussions to acquire the 3rd party land in order to deliver a two way arrangement in full.
- The programme to deliver the new school in Newton-St-Cyres and how it was currently affected by the ongoing discussions regards the junction works.

- The scope of the improvements to the junction that had been built into the revision D design, and the implications that were considered likely focusing on the members reasoning given at the last meeting as set out above.

Consideration was given to:

- The additional land which had now been acquired by the developer and had been conveyed to the Highway Authority;
- Both phases of the improvement works could now be delivered;
- Contracts had been exchanged with the landowner that morning;
- There would be a 7m section of road that would require a priority system;
- The amount of traffic using the road at weekends to attend sporting events in the recreation field was often more than during the school day;
- Traffic movements would be closely monitored.

Following the Officer presentation and the ongoing discussions that followed the Committee agreed that the approach to managing the delivery of the junction works on a phased basis as set out in the committee report pack was an acceptable approach.

It was explained by the Area Planning Officer that the recommendation as set out in bold: **that neither the new school and associated facilities nor the 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:** would be confirmed through the minutes of the meeting and as part of the decision on planning application 16/01222/FULL which is currently pending consideration.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllrs Mrs F J Colthorpe, R J Dolley, P J Heal, R F Radford 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) Mr David Graham (objector) spoke;
- (iii) Mr Paul Jones (Agent) spoke;
- (iv) Cllr Jim Enright (Newton St Cyres Parish Council) spoke;
- (v) Cllr P H D Hare-Scott spoke as Ward Member;
- (vi) The following late information was reported:

3<sup>rd</sup> October 2016  
Page 132.

As stated at point 3 of the report an informal presentation to the planning committee was undertaken on Monday 26th September. The meeting was well attended with various presentations from the developers team. The notes of the meeting have been circulated to the members with comments from a number of key speakers.

The comments as set out below add further to report in terms points i) and ii) reflecting on that meeting and further submissions to yours officers since the update report was drafted.

- i) Third Party land: Discussions have progressed and it has been agreed that the additional section of land currently owned by the by the occupiers of the corner property will be acquired by Kingswood Homes and transferred to Devon County Council. This will enable the Highway Authority to complete phase 2 as indicated on the junction improvement plan which was submitted to support the outline planning application and as produced at appendix A of the report.

Members will have received a letter from Newton St Cyres parish Council putting forward the following recommendation:

That approval be given to the proposal for an amended one way system as presented by Kingswood Homes and DCC Highways on condition that once the new School is occupied this system is fully monitored for 12 months and, if after 12 months, there is a problem then the full widening scheme should be implemented on land that will then be owned by Devon County Council.

- ii) At the presentation on the 26<sup>th</sup> September Mr Joliffe, the Executive head of the Primary school clarified further the benefits of the new school as proposed and the scope of the travel planning survey work that is ongoing in relation to how pupils and parents will travel to the new school. The notes as circulated confirm that Mr Joliffe stated that:

The building was no longer fit for purpose and disabled access was virtually impossible. The safeguarding of the children was severely compromised in that there was no secure entrance whereby identity checks could be undertaken. The road on which the school was located was extremely busy and very steep meaning that parents found pushing a buggy up it very difficult. The community fully supported the building of a new school with neighbouring properties willing to sacrifice their views for the betterment of the community.

A new school would have full disabled access, all the children would be under one roof, would provide a secure entrance and be in a safer location with off street parking.

A survey had been undertaken with parents asking them how they travelled to school. The results had shown that if the school moved to the new site, car usage would drop to 35%. There was a great willingness

amongst parents to bring children to school on foot. A walking bus would be encouraged and the numbers of cars actually entering the school would drop from 40 to 10. The breakfast and after school clubs would mean that the comings and goings of vehicles using the busy junction would be staggered. In addition to this 466 members of the community had signed an on-line petition in support of the new school.

Alison Beacham from the Education Funding Authority confirmed that the funding allocated to the project would only be released once there was an agreed programme to complete the necessary infrastructure as required by the terms of the planning permission.

Finally since the update report was drafted 28 letters of support for the building of the new School have been received.

In summary since confirming their resolution on this issue at the meeting on the 7th September, clarification of the matters which were a concern to the members has now been provided. Clarification as to how the new junction arrangements would operate with the phase 1 works completed have been clearly set out in the various reports presented to members. These are the scope of works shown on drawing number 4058 RevD which members are requested to approve in terms of allowing condition 10 to be discharged. The phase 2 works would then be completed in compliance with a programme to be set by Devon County Council who will own the land and the necessary rights to complete the works following the completion of the land transfer.

## 90 **PERFORMANCE (03:46:05)**

The Committee had before it, and **NOTED**, a report \* of the Head of Planning and Regeneration providing information on the Planning Service for quarter one of the 2016/17 financial year.

She outlined the contents of the report stating that the service had exceeded the majority of the performance requirements. However, there had been a slight slip in the 'Other applications to be determined in 8 weeks' indicator and this also included 'listed building consents' which had achieved 78% rather than the target of 80%. Generally, however, this aspect was showing an improvement compared to this time last year.

She informed the Committee that in the Autumn Statement of 2015 and in the 'Technical consultation on implementation of planning changes' issued by the Department for Communities and Local Government in February 2016 it was indicated that it was the intention of the Government to tighten planning performance measures and add to them.

The report also set out the activity in the area of Planning Enforcement. This area was due to be considered by the Scrutiny Committee on Monday 10 October 2016.

There had been a period of flux in terms of staffing creating some challenges. She was looking at filling the gaps and undertaking a restructure within her department in order to address the issue. She would be involving the staff in that assessment.

Note: \* Report previously circulated; copy attached to the minutes.

(The meeting ended at 6.23 pm)

**CHAIRMAN**