

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 February 2017
at 2.15 pm

Present Councillors

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

Apologies Councillor(s)

D J Knowles

Also Present Councillor(s)

D R Coren and C J Eginton

Present Officers:

Jenny Clifford (Head of Planning and
Regeneration), Thea Billeter (Area Planning
Officer), Simon Trafford (Area Planning
Officer), Christie McCombe (Area Planning
Officer) and Sally Gabriel (Member Services
Manager)

127 **APOLOGIES AND SUBSTITUTE MEMBERS**

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

Cllr Dolley thought that he had given his apologies for the previous meeting and therefore apologised retrospectively for his absence for the meeting on 4 January 2017.

128 **PUBLIC QUESTION TIME (00-02-40)**

Mr Andrew Herniman spoke in relation to item 10 on the agenda, Howden Court, he asked, are the committee members aware of the recommendations on footpaths in the latest Official Police Security Initiative document Secured by Design 2016? The following is verbatim from that document and is highly pertinent to today's determinations:

'Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime and anti-social behaviour. Public footpaths should not run to the rear of and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Designers should consider making the footpath a focus of the development and ensure that they are:

- As straight as possible

- Well lit
- Devoid of potential hiding places
- That they should be overlooked by surrounding buildings and activities and be well maintained so as to enable natural surveillance along the path and its borders.

It is important that the user has good visibility along the route of the footpath. The footpath should be as much 'designed' as the buildings.

The need for lighting will be determined by local circumstances. In an inner city environment the lighting of a footpath is generally only effective in reducing crime levels (or preventing them from arising) if it is matched with a high degree of natural surveillance from surrounding buildings where reaction to an identified incident can be expected i.e. a witness calls the police, or the footpath is well used.'

In the light of that document, are the committee members aware that the proposed footpath:

- Runs to the rear of Howden Court and Groomes House
- Is not straight
- Will not be lit
- Is not visible by surrounding buildings so cannot enable natural surveillance along the path and its borders
- It does provide potential hiding places
- It is not effective in reducing or preventing crime levels and antisocial behaviour

It is hoped that due consideration will be given by the committee to the Police Security Initiative document, Secured by Design 2016, when a decision is made about this proposed footpath.

Mrs Herniman, also speaking in relation to item 10, Howden Court, asked, are the committee members aware that at the time the planning application was submitted for approval, it was pointed out by the developer to the Planning Officers that the pathway, because of the variance in elevations, would be impossible to be built to adoptable standard? I'm wondering if anyone from the planning committee came to see these difficult elevations prior to granting consent?

In recent weeks, councillors on the planning committee, who have made a site visit, have been appalled that this was part of the consent in the first place. It seems ridiculous that originally, when Heritage was granted planning permission, Heritage had to put in a road, which curved three times to get to the top. Now you are deliberating on a footpath, which was also going to include a cycle path originally, which is to have forty steps to ascend a near vertical hill.

I feel if a site visit had taken place at the very beginning, the committee would have seen that the proposed footpath was not fit for purpose. No one will use it. The security of various properties will be put at risk. My question, my plea is, please think seriously about this and make a pragmatic decision and not one that just fulfils policy.

Mr Cook spoke in relation to items 4 and 5 on the Plans List, acoustic fencing on Blundells Road, Tiverton. He stated that the application covered a condition change to the original planning application for acoustic fences which were put into the original design something like two years ago. It is an interesting fact that the sound or traffic noise consultant who designed the original planning application is not involved in the latest design and the condition for secondary fences has now been put in as the original fence was not in the right position or wouldn't have had any effect at all. The fact that it is now going to be put in a different position we consider to be a vast improvement on what we were faced with. However, at a meeting which Neil Parish MP attended on our behalf with Devon Highways, we asked that the fence, or so called 'baffle' for traffic noise, at the eastern end, on the westbound slip road, should be at least 3 metres high, if not more, to cut off the noise angle. What is more important is the visual angle for people living in houses close by.

As a point of interest, the World Health Organisation recommends that the maximum decibel level for residential properties should not be more than 55 decibels. Noise consultants have a wonderful way of producing noise level permissions on the basis that it is taken over twelve hours and the figures are spread over some other equation. The point is this, I live in Uplowman Road and so do many others and we suffer at the moment, as we have it recorded on our own machines, 68 – 71 decibels, although the argument will be that that is only a passing figure and why worry about it because it's only now and again. That is the rather laboured and if you like, the difficult way of presenting it to people living in houses. At the moment we are being faced with figures by the noise consultants that some of the houses will still be suffering with a 68 decibel level. In other words the planning department are designing the road levels that we will have to live with and people coming on behind us well above the maximum levels recommended by the World Health Organisations. This needs to be considered and we would like to make two requests:

1. That you ask the consultants, or you ask the planning department, that they provide a minimum 3 metre high fence at the eastern end and;
2. What methods will be used to reduce decibel levels at each house on the western side of Uplowman Road?

Mrs Westcott spoke in relation to item 1 on the Plans List, Cheriton Bishop. She stated that she wished to clarify her role in relation to the letters of objection. She was the Parish Councillor who was asked by the Parish Council to represent them on the Community Land Trust and she did not receive any benefit from doing this unless you count working with a number of committed individuals with public benefit at the heart.

129 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 January 2017 were approved as a correct record and signed by the Chairman.

130 **CHAIRMAN'S ANNOUNCEMENTS (00-15-45)**

The Chairman had no announcements to make.

131 **DEFERRALS FROM THE PLANS LIST (00-16-00)**

The Chairman informed the meeting that Item 2 (Land South of Lea Road, Tiverton) had been deferred to allow additional time for further consideration of the application.

132 **THE PLANS LIST (00-17-03)**

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans *List (16/01699/FULL – Erection of 8 affordable dwellings with associated access, parking, drainage and landscaping at land at NGR 271041 93178, Yeoford Road, Cheriton Bishop)*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and the scope of the application site. He outlined the planning history for the site and the already approved scheme that had not been progressed because of funding issues. A new funding stream had been identified and therefore a fresh application was before Members today. He explained the proposed layout of the affordable dwellings, the dimensions and design details which had a similar approach to existing dwellings in the area. Members were shown photographs from various aspects of the site which highlighted the distance from the village centre.

Consideration was given to:

- The history of the Community Land Trust, its work in progressing the project and the local housing need for affordable dwellings in the area.
- The need for the affordable housing to go to local people and the use of the local cascade system.
- The details of the proposed S106 Agreement.
- Issues relating to the lack of a footpath close to the site and the need for safe access.
- The possibility of the speed limit being managed.

RESOLVED that planning permission be granted subject to the prior signing of a S106 agreement to secure an education contribution (£13,652 and £2,603) and to ensure the retention of all the housing as affordable housing in perpetuity, the inclusion of a local allocations policy, that the Community Land Trust retains a legal interest and conditions as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllrs D R Coren and P J Heal made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they were Ward Members and had been involved in discussions regarding the application;
- (ii) The Chairman read a letter on behalf of the Objectors to the application;
- (iii) Mr Gorringer spoke on behalf of the applicant;
- (iv) Mr Byron-Edmond read a representation from the Vice Chairman of the Parish Council;
- (v) Cllrs D R Coren and P J Heal spoke as Ward Members.

(b) No 2 on the Plans List (**16/01707/FULL – Outline for the erection of 41 dwellings and formation of vehicular aces – land at NGR 295527 113644 (South of Lea Road) Tiverton**).

This item had been deferred as outlined in Minute 131.

(c) No 3 on the Plans List (**16/01773/MARM – Reserved Matters for the erection of mixed use facilities building with associated parking and highway works following outline approval 13/00947/MOUT – land at NGR 305036 113872 (Junction 27) Sampford Peverell**)

The Area Planning Officer outlined the contents of the report by way of presentation stating that outline approval had been granted in 2014 and that reserved matters were now before Members. She highlighted the site layout, block plan and proposed landscaping, the internal layout of the proposed buildings and elevations. The petrol station plans were viewed and photographs were shown from various aspects of the site. Members were also directed to the decision notice for the outline approval which highlighted the conditions already agreed.

Consideration was given to:

- The need to consider the application before the committee
- The locations of the petrol stations
- The design and massing of the main structure and the need for a 2 storey building

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

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs J Roach)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, Mrs J Roach, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in

dealing with Planning matters as they had all received correspondence regarding the application;

- (ii) Cllr Mrs F J Colthorpe declared a personal interest as one of the applicants was known to her;
- (iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members;
- (iv) Cllrs Mrs C Collis and R J Dolley requested that their vote against the decision be recorded.

(d) No 4 on the Plans *List (16/01757/FULL – Variation of condition 15 of planning permission 14/01168/FULL for the relocation of acoustic fence - land at NGR 298079 113306 (off the A361) Blundells Road, Tiverton)*.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting applications that had been approved in 2014 which had included a bund and a primary acoustic barrier along with the southern side of the application site.

Condition 15 had highlighted the requirement for a secondary acoustic fence and noise modelling had taken place with regard to the best location for the bund and the fence. She outlined the different option positions modelled, highlighting each on a plan and explained that noise and visual impact had been measured; Position 1 measured little mitigation against noise or visual impact, Position 2 which was on top of the embankment adjacent to the A361 provided a reduction in noise over a greater area but that there was no mitigation for near neighbours; Position 3 extended the primary acoustic barrier by 180 metres further east and noise modelling had shown a reduction in noise to properties close to the site. She also explained the legislation where any reduction in noise of 1 db was seen to be an audible improvement perceivable to the human ear. She also stated that the new road surface proposed would reduce the noise to some extent.

Referring to the questions posed in public question time she stated that the ground levels across the site varied with the properties at the eastern end being at a higher level; even if a 3 metre high fence was erected there would be little mitigation to residents because the properties were already at a higher level. The Head of Planning and Regeneration explained the detail of the World Health Organisation guidance with regard to acceptable noise levels and that the planning system approach sought to ensure that the pre-existing noise situation was not made any worse but there was no requirement for betterment.

Consideration was given to:

- The location of the acoustic fence and road surface changes
- The impact of the development on local properties
- The fact that a 0.5db advantage was not perceivable to the human ear and therefore mitigation was measured on a 1db level improvement
- The changes to ground levels on the eastern side of the site

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

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

Notes:

- (i) Cllrs Mrs F J Colthorpe and R F Radford declared personal interests as Devon County Councillors;
- (ii) Cllr R L Stanley declared a personal interest as he knew some of the objectors;
- (iii) The Chairman read an email from Dr Bell on behalf of the objectors.

(e) No 5 on the Plans *List (16/01759/FULL – Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence - land at NGR 298039 113326 (off the A361) Blundells Road, Tiverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting applications that had been approved in 2014 which had included a bund and a primary acoustic barrier along with the southern side of the application site.

Condition 15 had highlighted the requirement for a secondary acoustic fence and noise modelling had taken place with regard to the best location for the bund and the fence. She outlined the different option positions modelled, highlighting each on a plan and explained that noise and visual impact had been measured; Position 1 measured little mitigation against noise or visual impact, Position 2 which was on top of the embankment adjacent to the A361 provided a reduction in noise over a greater area but that there was no mitigation for near neighbours; Position 3 extended the primary acoustic barrier by 180 metres further east and noise modelling had shown a reduction in noise to properties close to the site. She also explained the legislation where any reduction in noise of 1 db was seen to be an audible improvement perceivable to the human ear. She also stated that the new road surface proposed would reduce the noise to some extent.

Referring to the questions posed in public question time she stated that the ground levels across the site varied with the properties at the eastern end being at a higher level; even if a 3 metre high fence was erected there would be little mitigation to residents because the properties were already at a higher level. The Head of Planning and Regeneration explained the detail of the World Health Organisation guidance with regard to acceptable noise levels and that the planning system approach sought to ensure that the pre-existing noise situation was not made any worse but there was no requirement for betterment.

Consideration was given to:

- The location of the acoustic fence and road surface changes
- The impact of the development on local properties
- The fact that a 0.5db advantage was not perceivable to the human ear and therefore mitigation was measured on a 1db level improvement
- The changes to ground levels on the eastern side of the site

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

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as he knew some of the objectors;
- (ii) The Chairman read a letter from Dr Bell on behalf of the objectors.

133 THE DELEGATED LIST (1-47-09)

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

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

134 MAJOR APPLICATIONS WITH NO DECISION (1-50-00)

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

It was **AGREED** that:

Application 17/00001/MOUT – land adjacent to Highfield, Bickleigh be brought before the committee for determination and that a site visit take place.

Application 16/01988/MOUT – Knowle Lane, Cullompton be brought before committee for determination if minded to approve.

Application 16/01932/MFUL – land at Higher Barn, Bampton be brought before committee for determination but that no site visit take place.

Members were also asked to consider whether a new application at Dulings Farm, Coplestone (which had only recently been validated) should be brought before the committee for determination – this was agreed.

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

135 APPEAL DECISIONS (1-54-55)

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.

136 APPLICATION 11/01927/MFUL - ERECTION OF 36 DWELLINGS WITH ASSOCIATED ACCESS ROAD, CAR PARKING, LANDSCAPING AND DEMOLITION OF EXISTING OUTBUILDINGS ADJACENT TO HOWDEN COURT, - LAND AND BUILDINGS AT NGR 294646 111535 HOWDEN COURT, TIVERTON (1-55-17)

The Committee had before it a *report of the Head of Planning and Regeneration providing updated information following consideration of the proposed footpath link between the new housing estate and Palmerston Park at a previous meeting.

The Area Planning Officer outlined the contents of the report highlighting discussions at a previous meeting when Members had deferred the decision to allow further discussion to take place with the developer with regard to the formation of a footpath between Howden Court and Palmerston Park. He outlined the revised route shown in appendix 2 of the report and the officer's recommendation that policy AL/TIV/10 should be followed.

He explained by way of presentation the site layout and the route of the footpath as stated in the approved application, Members viewed photographs from various aspects of the site which included the existing footpath to Exeter Road.

Consideration was given to:

- Who would use the proposed footpath
- The fact that the Highway Authority did not propose to adopt the footpath
- Whether the footpath would improve the connectivity of the site to Palmerston Park
- Whether the area would be lit
- The area was not in the ownership of the developer and whether access would be restricted
- An offsite financial contribution towards the Palmerston Park play area that that had been paid as part of the original S106 agreement
- The Crime Support Officer's original representation to the application
- Whether a financial contribution could be sought in place of a footpath in this instance
- The fact that the proposed footpath would be difficult for pushchair users or cyclists
- The fact that 95% of the residents did not want the path
- There were other footpaths/steps in Tiverton which were as steep
- The policy requirement

RESOLVED that: the requirement for the footpath link between the Howden Court development and Palmerston Park be waived and instead an offsite financial contribution be made towards enhanced pedestrian facilities in Tiverton town centre and that delegated authority be given to the Head of Planning and Regeneration to negotiate this in consultation with the Ward Members.

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

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, Mrs J Roach, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received correspondence regarding the application;

- (ii) Cllr R J Dolley declared a personal interest as Ward Member as he had been involved in discussions regarding the application;
- (iii) Cllr R L Stanley declared a personal interest as he knew some of the objectors;
- (iv) Mr Reetz spoke on behalf of the objectors;
- (v) Cllr Mrs Harrower spoke on behalf of Tiverton Town Council;
- (vi) Cllr R J Dolley spoke as Ward Member and voiced the concerns of local people;
- (vii) Cllr P J Heal requested that his vote against the decision be recorded;
- (ix) Cllr R J Dolley requested that his abstention from voting be recorded;
- (x) The following late information was reported: 30.11.2016 Members deferred making their final decision on whether the proposed link between the site and Palmerston Park as approved under LPA ref: 11/01927/MFUL, to allow officers to have further discussions with Heritage Homes and any other relevant land owning interests as to what could be achieved in terms of an off-site financial contribution in lieu of providing the link and on a quid pro quo basis.

1st February 2017

Five letters from the general public have been received since the report was published. One letter confirms support for the delivery of the footpath, and the other four letters raises concern about it being delivered given that there is considered to be very little support to use it as a route into Tiverton given the steepness of the route, and also concerns about as to who will liable for it given that Devon County Council have confirmed that they will not adopt or maintain it. The acceptability of the route through the estate and along Exeter Road into Tiverton is also highlighted.

One of the letters considers that the officer report does not articulate the views of local stakeholders. However, the report prepared for the meeting on the meeting on 30th November clearly set out the views of local residents and is attached as an appendix in the report pack. On this basis it is considered that views of local residents are clearly set out for Committee members.

- (xi) *Report previously circulated, copy attached to minutes.

137 **PLANNING PERFORMANCE (3-00-35)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for quarter 3 of the 2016/17 financial year. She outlined the contents of the report highlighting the performance to date and stating that the Government had set a range of additional performance targets in order to drive performance, speed and quality were now being measured and non-majors were

now a requirement in that 65% needed to be determined within 8 weeks (over a 2 year period).

Consideration was given to the number of enforcement cases outstanding and the measure of quality being addressed by the number of appeals overturned.

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

(The meeting ended at 5.37 pm)

CHAIRMAN