

## **MID DEVON DISTRICT COUNCIL**

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

### **Present Councillors**

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

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

Mrs F J Colthorpe

### **Also Present Councillor(s)**

D R Coren and Mrs E J Slade

### **Present Officers:**

Tina Maryan (Area Planning Officer), Simon  
Trafford (Area Planning Officer), Nick  
Sanderson (Head of Housing and Property  
Services), Paul Dadson (Conservation  
Officer) and Sally Gabriel (Member Services  
Manager)

## **138 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs F J Colthorpe (the Vice Chairman took the Chair).

## **139 PUBLIC QUESTION TIME**

Karen McCarthy referring to Item 5 on the Plans List (Beare Mill) asked whether Members understood how stressed her parents were about the building professionals breaching the planning permission at Beare Mill? Did the authority have an up to date 5 year housing policy and did the committee consider Beare Mill as part of the defined settlement?

Councillor Harrower (Tiverton Town Council) referring to Item 1 on the Plans List (Palmerston Park) stated that she was concerned about the amount of water around the Palmerston Park area especially in the area of Howden Industrial Estate, the drains were sunken and more water was pouring from the building site, it seemed that the structure that was in place was not coping with the water, what would happen when the development was built? Sludge was on the pavement leading to the industrial estate, children were having to walk off the pavement and into the road, would this be addressed as part of the planning application before Members today.

The Chairman indicated that the questions would be answered when the items were debated.

140 **MINUTES OF THE PREVIOUS MEETING (00-5-19)**

The minutes of the meeting held on 1 February 2017 were approved as a correct record and signed by the Vice Chairman.

141 **CHAIRMAN'S ANNOUNCEMENTS (00-06-17)**

The Chairman had no announcements to make.

142 **DEFERRALS FROM THE PLANS LIST (00-06-17)**

There were no deferrals from the Plans List.

143 **THE PLANS LIST (00-06-42)**

The Committee considered the applications in the plans list \*.

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

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

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

(i) No 4 on the Plans List - **(16/01967/MARM) – Change of use of common room to 1 bedroom bungalow – building at NGR 301779 106783 (Common Room) Woolcott Way, Cullompton)** be approved 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 Cabinet Member for Housing

b) No 1 on the Plans List - **(16/01524/FULL) – Repositioning of retaining structure – land at NGR 294775 111860 Palmerston Park, Tiverton).**

The Area Planning Officer outlined the contents of the report explaining the history of the site and the original application, she identified the layout of the site and the proposed retaining wall which was the subject of the application; the housing layout remained the same but there had been adjustments to the area containing the retaining wall. She explained via a plan, the area approved and the one currently proposed. The outfalls for the drainage had yet to be determined and a condition relating to approval of the drainage outfall details was recommended in the report.

The Head of Housing and Property Services answered questions posed in public question time. The retaining wall currently had not had its final connection to the outfall drain. He explained the construction detail of the proposed wall and highlighted the natural springs on the site, the construction to date which may have

altered the water course and that this would be addressed when construction restarted. He stated that he would look at the sludge issues on the footpaths.

Consideration was given to:

- The new stepped profile of the retaining wall
- The fencing proposed at the top and bottom of the wall
- Residents concerns and construction issues
- Safety issues on the site

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

(Proposed by Cllr R J Dolley and seconded by Cllr R F Radford)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Cllr R J Dolley declared a personal interest as the Ward Member in that he knew a lot of local residents;
- (iii) Cllr R J Dolley also made a declaration in accordance with Protocol of Good Practice for Councillors in deal with Planning matters as he had been involved in communications with local residents;
- (iv) Mrs Levens spoke in objection to the application.
- (v) Cllr R J Dolley spoke as Ward Member.

c) No 2 on the Plans List - **(16/001707/MOUT) – Outline for the erection of 41 dwellings and formation of vehicular access – land at NGR 295527 113644 (South of Lea Road) Tiverton).**

The Area Planning Officer outlined the contents of the report highlighting the details of the application, the site location plan, the access to the site leading from Lea Road and the detail of the visibility splay. Members were shown the indicative site layout, the strategic drainage layout and photographs from various aspects of the site.

Consideration was given to:

- The previous application on the site which had not been implemented
- The further work required on the layout, design, landscaping and engineers report on ground conditions once the reserved matters details had been worked up.
- The opportunity for the development to have a softening effect on the previous development and the need for a high quality scheme to come forward at reserved matters stage.
- The access point and its relationship to a potential future access to serve Tiverton High School land
- Education contributions

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

a) the prior signing of a Section 106 Agreement/Unilateral Undertaking to secure:

1. The provision of 12 affordable dwellings on site (35%)
2. A financial contribution of £49,405 towards the provision of a new play area garden at the entrance to Amory Park, including new fencing, entrance gates, furniture and signs
3. A financial contribution of £139,933 towards the provision of additional primary education facilities

(b) Conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllrs R J Dolley, D J Knowles and R F Radford declared personal interests as the applicant was known to them;
- (ii) Mr Preston (Agent) spoke;
- (iii) Cllr Mrs E J Slade spoke as Ward Member.

d) No 3 on the Plans List - **(16/01836/MARM) – Reserved Matters (layout, scale, appearance and landscaping) for the erection of 25 dwellings with parking and open space, following outline approval 14/01332/MOUT – land at NGR 288080 098230 – east of Station Road, Newton St Cyres).**

The Area Planning Officer outlined the contents of the report explaining the planning history in relation to the outline planning that was considered by the committee back in 2015 and granted planning permission for a new primary school and residential development and off site highway works. He confirmed the application was a reserved matters application for the residential aspect with 25 houses proposed set around a new village green. He highlighted the site location plan, minor amendments with regard to parking provision on the site, the boundary treatments, the landscaping plan, the street scene views and site sections. Floor and elevations were also viewed along with site sections which showed a similar height, scale and massing to the existing buildings in the area. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The design of the highway, and it was noted that a shared surface arrangement was proposed.
- The design of the development, noting the conservative approach to the design of the individual houses

- The scope of the pre-application that was undertaken, noting that whilst consultation events were held locally in Newton St Cyres no event had been arranged in Tiverton.

**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 J D Squire)

(Vote 5 for; 4 against)

Notes:

- (i) Cllr R J Dolley, D J Knowles, B A Moore and R L Stanley requested that their vote against the decision be recorded;
- (ii) Cllr F W Letch requested that his abstention from voting be recorded;
- (iii) The following late information was reported: Email received from Agent 23<sup>rd</sup> February 2017 detailed below:

We have looked at the committee report and draft conditions which have now been published in advance of next week's planning committee and can confirm that we are happy with the draft conditions suggested.

We note your concerns regarding the parking provision on the site. We also note your acknowledgement that the parking provision exceeds policy requirements by 12 spaces and also the condition which prevents the closure of the drive thru, yet you remain concerned about this drive thru parking arrangement on 2 of the house types.

As such we would be willing to further secure the retention of these spaces in perpetuity by adding a clause into the legal transfers of these properties to this effect to provide the Council with some additional comfort.

For your information where we have planning conditions such as these we always ensure that it is well documented and highlighted in the legal sales packs issued to purchaser's solicitors so customers are well aware of any such restrictions.

We would like you to add our comments as a late representation to the report you have written as we think it may help alleviate any concerns over the parking.

Minor alterations to the layout of the scheme have been submitted, as shown on drawing number SL01Z to accommodate the parking arrangements;

- Plots 24 and 25 have been moved south by approximately 1.6m to allow sufficient room for parking spaces between plots 23 and 24
- The single garages to plots 23 and 24 have been replaced by a double garage to serve both dwellings

Officer comment: The proposed alterations do not have a material impact on the overall scheme and the revised plan has been substituted. The changes as described raise no further assessment issue additional to the matters set out in the officer report.

e) No 5 on the Plans List - **(17/0073/FULL) – Retention of building works and new work to provide a dwelling (revised scheme) – land and buildings at NGR 282555 99153 (Beare Mill) Crediton).**

The Area Planning Officer outlined the contents of the report highlighting the previous application which had been refused by the Committee in 2016 and the revised scheme before the meeting. He explained that the revised scheme was as close as it could possibly be to the approval for the barn conversion which had been the original application on the site. The presentation identified the existing and proposed elevations, previous and proposed floor plans and photographs from various aspects of the site.

He addressed the questions posed in public questions time: he did understand how stressful the situation had been on the applicants and that they had been very responsive to his views. Members had been fully briefed on the 5 year land supply issue. Beare Mill was not part of the defined settlement.

Consideration was given to:

- That demolition of the original barn had never been intended
- The reuse of original material
- The resubmitted plans that took the application back to the original footprint of the barn
- The history of the site and the structural survey

**RESOLVED** that

- a) Planning permission be granted for the following reasons: that the scheme sought to replicate the design and appearance of the previous barn conversion originally approved and that the applicant had done everything that they could do to rectify the situation;

In summary the planning application had been submitted in part retrospectively to complete the development of a new dwelling in the open countryside which has arisen following problems arising from the implementation of the planning permission 13/00981/FULL which allowed the conversion of a barn to a dwelling. As a result there was no development policy support for the current application. However in completing the planning balance on the application the members of the planning committee considered that given the height, scale and floorspace within the proposed new building and the overall design was very similar to the development approved for the barn conversion this would be a reason in this particular case to override the policy concerns.

- b) Delegated authority be given to the Head of Planning and Regeneration to consider appropriate conditions.

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

Notes:

- (i) Cllrs: Mrs H Bainbridge, P J Heal and J D Squire made declarations in accordance with Protocol of Good Practice for Councillors in dealing with Planning matters as they had received correspondence regarding the application;
- (ii) Cllrs D R Coren and F W Letch declared personal interests as they knew the family and had visited the site;
- (iii) Mrs Tucker (applicant) spoke;
- (iv) Cllr D R Coren and P J Heal spoke as Ward Members.

**144 THE DELEGATED LIST (1-48-41)**

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

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

**145 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 17/00106/MOUT – North of Belle View, Ashley Road, Uffculme be determined by the Committee if the officer's recommendation was minded to approve and that a site visit take place if appropriate.

**146 APPEAL DECISIONS (1-52-29)**

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.

**147 URGENT WORKS NOTICE AND REPAIRS NOTICE - BELL COTTAGE, WOODLAND HEAD YEOFORD (1-53-04)**

The Committee had before it a \* report of the Head of Planning and Regeneration seeking approval to an Urgent Works Notice under Section 54 and a Repairs Notice under s48 of the Planning (Listed Building and Conservation Areas) Act 1990 for the temporary works to a grade 2 Listed Building namely Bell Cottage, Woodland Head, Yeoford, EX17 5HF to make it wind and weather tight and for works necessary to preserve the building. Additionally authority was also sought to commence preparatory work for compulsory purchase.

The Conservation Officer outlined the contents of a report highlighting the history of the property and the previous Urgent Works Notice that had been approved in 2012.



Further work was now required to the fragile property and a repairs notice was also being sought for a longer term solution which would include a schedule of work to be prepared.

Consideration was given to:

- How the notices were served in the absence of the owner and the procedures that had to take place
- The impact on the neighbouring properties
- How the works would be charged against the property

**RESOLVED** that:

i) That delegated authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to take legal action to include the service of an urgent works notice and / or repairs notice or notices. In the event of failure to comply with the urgent works notice, repairs notice or notices, the consideration of prosecution proceedings, the issue of injunction proceedings or direct action.

ii) That delegated authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to specify the requirements of the urgent works notice and repairs notice.

iii) That authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to commence preparatory work for compulsory purchase.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs H Bainbridge)

Notes-:

- (i) Cllrs D R Coren and PJ Heal declared personal interests as Ward Members as they had had some involvement with the property;
- (ii) \*Report previously circulated copy attached to minutes.

(The meeting ended at 4.30 pm)

**CHAIRMAN**