

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 12 July 2017 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe,  
R J Dolley, P J Heal, D J Knowles,  
F W Letch, B A Moore, R F Radford and  
J D Squire

### **Apology**

#### **Councillor**

R L Stanley

### **Also Present**

#### **Councillor**

Mrs N Woollatt

### **Present**

#### **Officers**

Lucy Hodgson (Area Planning Officer), Tina Maryan (Area Planning Officer), Alison Fish (Area Planning Officer), Daniel Rance (Principal Planning Officer) and Sarah Lees (Member Services Officer)

## 27 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R L Stanley who was substituted by Cllr Mrs G Doe.

## 28 **PUBLIC QUESTION TIME**

There were no questions from the public present.

## 29 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 14 June 2017 were approved as a correct record and **SIGNED** by the Chairman.

## 30 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 31 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

## 32 **THE PLANS LIST (00:03:30)**

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 (**17/00034/FULL - Retention of slurry lagoon at Land at NGR 276429 99746 (Adjacent to Mardles Gate), Brocks Cross, Colebrooke**).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proximity of the lagoon to the buildings on the site, photographs taken at various angles, perimeter planting and the adjacent lane.

Consideration was given to the fact that the lagoon, whilst it met with regulations, had not been lined and that the domestic property was only 40 metres away which was not deemed to be acceptable.

**RESOLVED** that planning permission be refused by reason of its scale and siting in close proximity to the neighbouring properties at Mardles Gate and Manor Croft is considered to adversely affect the residential amenity and the living conditions of these neighbouring occupants by way of odour.

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

Notes:

- (i) Councillor J D Squire spoke as the Ward Member;
- (ii) The following late information was reported:

17/00034/FULL – Retention of slurry lagoon at Land (adjacent to Mardles Gate) Brocks Cross, Colebrook, Devon

Page 3: Since the report was issued a letter (dated 5<sup>th</sup> July) has been received by an agent acting for the applicant: The letter confirms the following information in relation to the application:

1. The Slurry lagoon is to serve the a dairy farm which is 130 hectares (currently accommodating 250 milking cows).

The site was chosen as it is considered by the applicant that it has the following locational advantages:

1. It will allow for direct pumping from the reception pit in the nearby farmyard to the lagoon thus reducing transport movements. Note this is not how the slurry has been transported to date.
2. The slurry can be pumped from the lagoon using a umbilical cord arrangement and therefore further reduce movements.
3. The location has been chosen away from any water courses and therefore will minimise any incidents of pollution.
4. New planting will assist with screening of the unauthorised development.
5. The facility has Environment Agency (EA) approval.

10<sup>th</sup> July 2017

Officer Comment: this further information does not affect the officer recommendation as set out in the report.

Page 5 and 8:

Since the report was drafted the EA has confirmed in a letter to the applicant that the development as it has been constructed meets the requirements of the SAFFO regulations 2010.

Page 4: For the avoidance of doubt and to clarify the drafting in the report under comments from the Environmental Protection Officer.

The boundary of the unauthorised development is approximately 40 metres from the garden boundary of Mardles Gate, and given the separation distance the EPO is unconvinced that a cover would address the odour concerns arising from the development distance.

Page 8: For clarification at point 6 the report sets out a specific strategy for enforcement action should the application be refused by the planning committee. Any subsequent enforcement action that is necessary following consideration of the application by the committee will in fact be subject to a further report to committee.

Page 9 the drafting the reason for refusal has been mis typed , and should read as follows:

The slurry lagoon and surround earth bank surrounding, by reason of its scale and siting in close proximity to the neighbouring properties at Mardles Gate and Manor Croft is considered to adversely affect the residential amenity and the living conditions of these neighbouring occupants by way of odour nuisance, air quality impact and the creation of an un-neighbourly impact, contrary to Policies DM2, DM7 and DM22 of Mid Devon Local Plan part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

- (b) No. 2 on the Plans List (***17/00129/OUT - Outline for the erection of a dwelling with access at Land and Buildings at NGR 300985 112877, Between 36 and 42 High Street, Halberton.***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the site, the new proposed access, the visibility splay, the proposal to reconstruct the wall behind the visibility splay and lower the ground to provide a shelf between the relocated wall and road within which ground levels were lowered to 600mm to provide the visibility splay. The officer also referred to the fact that a unilateral undertaking and financial contribution towards the provision of public open space had been received and that an updated consultation response had been received from Halberton Parish Council.

Consideration was given to:

- The current traffic congestion within Halberton.
- The proposed access being in a difficult position.

- The location being in a distinctive part of the village.
- The loss of the wall.
- Previous planning permission had been given against conservation advice.
- The value of open green space within the village.

**RESOLVED** that planning permission refused based upon the following reasons:

1. The site is identified as a visually important open space within the Halberton Conservation Area Appraisal and Management Plan adopted by the Local Authority on 29th March 2006. It is considered by the Local Planning Authority that this open area, one of a number of such spaces elevated above the road, retained by a stone wall and lying between groups of cottages along the northern side of High Street, is integral to the character of this part of the village. Consequently, the proposed development which would result in the loss of the significant section of the rubble stone wall and the loss of open space within the street would in the opinion of the Local Planning Authority cause a high level of less than substantial harm to the character and appearance of the Conservation Area that is not outweighed by the public benefit, contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM27 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
2. No assessment has been made of the potential land contamination risks on the site and the status of the site in terms of land contamination and risks to future users of the site is unknown. This is not considered to be consistent with the introduction of a new sensitive/vulnerable land use where the history of the use of the site is not known, contrary to policy DM7 of the Local Plan 3 Development Management Policies.

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

Notes:

- (i) Councillor R F Radford declared a disclosable pecuniary interest as he owned the land almost adjacent to the site and knew the applicant. He left the meeting for the duration of the item;
- (ii) Councillor R J Dolley declared a personal interest as he knew the applicant and used to graze cattle in the field behind the site;
- (iii) Mr Alex Sebbinger spoke as the agent for the application.
- (iv) Councillor R J Dolley requested that his abstention from voting be recorded.
- (v) The following late information was reported:

10<sup>th</sup> July 2017

Unilateral undertaking and financial contribution towards the provision of public open space now received.

12<sup>th</sup> July 2017

Halberton Parish Council

I am just writing to confirm Halberton Parish Council's formal response to this application is:

The Council's objection to this application is unchanged on the grounds of access on to High Street, over burdening on the roadside wall, height, visual intrusion and over-looking other properties. It is unclear what revisions have been made to the plan and the plans appear to be inaccurate with regard to the elevation of the site. The Council requests this application be called-in.

- (c) No. 3 on the Plans List (**17/00617/MFUL - Erection of a commercial unit (1180sqm) following demolition of 2 existing units at Hartnoll Business Centre, Hartnoll Farm, Tiverton.**)

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation:

- The site location plan.
- The proposed access points.
- The height of the proposed building being slightly higher than the existing buildings.
- Side elevations and roof plans.
- Proposed improvements to the parking area providing a better traffic flow.
- Photographs of the buildings to be removed.
- Views taken of the site from the canal.

Consideration was given to:

- The new building would allow for the relocation of a successful, world leading, Tiverton firm, employing skilled local people.
- There would be some soundproofing and all work would be carried out within the building.
- The planting around the site was maturing and would further screen the building in question as time progressed.
- The possible future increase in trade and the resulting increase in traffic movements.

**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 C Collis)

Notes:

- (i) Councillors Mrs H Bainbridge, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, Mrs C Collis, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as they had all received correspondence from an objector.

- (ii) Councillors D J Knowles and R F Radford declared personal interests as they knew Mr Clapp.
- (iii) Councillor Mrs F J Colthorpe declared a personal interest as she had once attended a party where Mr Clapp had been present.
- (iv) The following late information was reported:

10<sup>th</sup> July 2017

Further objections have been received since the report was written, however the contents of such objections have already been considered in the report.

- (d) No. 4 on the Plans List (**17/00792/FULL - Erection of 2 dwellings at Land at NGR 302323 107962, Adjacent to 75 Head Weir Road, Cullompton**).

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation the site location, drawings of the proposed dwellings, current photographs of the open space, the proposed pathway, the current street scene. He stated that the Highways Authority had not raised any concerns in relation to the access. There was currently a mixture of properties in the locality in terms of size and finish. The proposed dwellings would be more modern in appearance with wooden cladding to the upper sections. It was anticipated that the dwellings would be placed on the open market and not allocated for social housing.

Discussion took place regarding:

- There had not been any public consultation on the open space although neighbours had been notified along with the advert and site notice.
- Whether the assessment of the site as being 'surplus to requirements' had been thorough enough.
- The value of public open space.
- Possible anti-social behaviour which might be encouraged by narrow alleyways.
- A precedent being set by building on small parcels of land and losing public open space.

**RESOLVED** that a decision in relation to the granting of planning permission be deferred to allow for a site visit to take place by the Planning Working Group in order to consider the setting of the open space and to allow for evidence to be brought forward to support the assertion that the open space is surplus to requirements.

(Proposed by Cllr D J Knowles and seconded by Cllr R J Dolley)

Notes:

- (i) Councillor D J Knowles declared a personal interest as he knew Mr N Quinn who had registered to speak as an objector.
- (ii) Mr N Quinn spoke in objection.
- (iii) Councillor Mrs N Woollatt spoke as Ward Member.

- (iv) Councillors Mrs F J Colthorpe, P J Heal and J D Squire requested that their vote against the decision be recorded.
- (v) The following late information was reported:

10<sup>th</sup> July 2017

The proposed allocation of open space funding for this site has been assigned to the Tufty park Fund, although there are two open space sites closer to the subject properties, Therefore following discussions with Cullompton Town Council and the Local ward Member it is considered that the funding should be allocated to Head weir Road and or Linear Park rather than Tufty park.

As Payment is still to be received this can be amended by the resubmitting the Unilateral undertaking with the appropriate open space allocation.

- (e) No. 5 on the Plans list (***17/00854/OUT - Outline for the erection of a dwelling at Land at NGR 306965 114496 (2 Appledore Court), Burlescombe, Devon***).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location, photographs showing the layout of the site in relation to neighbouring buildings, access arrangements, parking facilities and the road layout in the immediate vicinity.

Consideration was given to:

- Reference within the Local Plan to the fact that certain areas within the countryside would allow for sustainable development, however, it was the officers view that there were limited facilities within the locality and a limited bus service meaning that the occupants of the new dwelling would be likely to need a vehicle.
- Differing views as to what constituted as a limited bus service.
- Uffculme being within walking distance for able bodied people.
- Previous permission to allow the pre-existing building on the site to be converted from a pub to a domestic dwelling.

**RESOLVED** that planning permission be refused for the following reason:

The site is located in the countryside where national and local planning policy and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances such as the essential need for a rural workers dwelling. No information has been submitted to demonstrate there are any such special circumstances. The Local Planning Authority have considered the shortfall in housing land supply does not override all other considerations. In this instance, the harm that has been identified in providing residential development in an unsustainable location significantly and demonstrably outweighs the benefits that would be derived from the scheme. The proposal would not satisfy the environment dimension to sustainable development, as defined within the Framework, and in failing to meet overall sustainability objectives it would also

conflict with Mid Devon Core Strategy (Local Plan Part 1) policy COR1 and Mid Devon Local plan Part 3 (Development Management) policy DM1.

(Proposed by Cllr Councillor B A Moore and seconded by Cllr R J Dolley)

Notes:

- (i) Councillors Mrs H Bainbridge, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, Mrs C Collis, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire declared personal interests in that they knew the applicant.
- (ii) Councillor Mrs G Doe declared a further personal interest in that the applicant was a friend and she had visited the site.
- (iii) Mr Alex Sebbinger spoke as the agent for the application.
- (iv) Councillors Mrs C Collis, Mrs G Doe, R F Radford and J D Squire requested that their vote against the decision be recorded.

### 33 MAJOR APPLICATIONS WITH NO DECISION (01:56:20)

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

It was **AGREED** that the following applications be determined by the Committee:

Application 17/00982/FUL – Cromwells Meadow, Crediton, be brought before Committee for determination and that a site visit take place.

Application 17/00886/MOUT – Uffculme Road, Uffculme, be brought before committee for determination.

Application 17/00942/MOUT – Exeter Hill, Tiverton, before brought before Committee for determination.

Application 17/00878/MOUT – Land south of Broadlands, Thorverton, be brought before Committee for determination and that a site visit take place.

Application 17/00924/ - Newland farm, Cullompton, be brought before Committee for determination.

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

### 34 APPEAL DECISIONS (02:07:45)

The Committee had before it, and **NOTED** a list of appeal decisions \* providing information on the outcome of recent planning appeals.

Consideration was given to the appeal at Dulings Farm, Copplestone in terms of the Inspector not agreeing with the Planning Committee's reasons 3,4 and 5 for refusal.

A further brief discussion took place regarding how costs in relation to these matters were determined.

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

35 **APPLICATION 17/00593/HOUSE - ERECTION OF FIRST FLOOR EXTENSION TO SINGLE STOREY DWELLINGS - WOODLAWN, CALVERLEIGH (02:11:35)**

The Committee had before it a \*report of the Head of Planning and Regeneration. The application had been considered by the Committee on 14 June 2017 and Members had resolved to approve the application as per the officer recommendation. Within the officer report it was set out that no representations had been received in connection with the application. However, 3 letters had been received and a summary of their content should have been reported to Members.

The purpose of the additional report for this meeting was to ensure clarity and completeness with regard to the objections that had been received.

**RESOLVED** that planning permission be granted subject to conditions as the proposed extension by virtue of its overall scale, massing, design and location not being considered to harm the privacy or amenity of the occupiers of another dwelling, the future amenities and services of the dwelling/building to be extended or its surroundings. As such the proposal is considered to comply with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

Notes:

- (i) Councillors Mrs H Bainbridge, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, Mrs C Collis, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire declared personal interests as they knew the applicant.
- (ii) Councillor Heal requested that his abstention from voting be recorded since he had not been present at the previous meeting where the application was discussed.
- (iii) \* Report previously circulated; copy attached to the signed minutes.

36 **PLANNING PERFORMANCE 2016/17 (02:16:50)**

The Committee had before it, and **NOTED**, a report \* from the Head of Planning, Economy and Regeneration providing it with information on the performance aspects of the planning function of the Council for the 2016/17 financial year.

It was explained that the Planning Enforcement department had suffered significant staffing difficulties over the past two years but they were now up to the full complement of staff having 2 full time employees and one part time.

It was also stated that whilst the outcome of the restructure within the Planning Service was now known recruitment was still being undertaken in relation to vacant posts.

The Committee wished to pass on their thanks to the Planning Service for continuing to successfully run the service under difficult circumstances.

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

(The meeting ended at 5.00 pm)

**CHAIRMAN**