

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 9 August 2017 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
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  
C J Eginton

### **Apologies**

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

R L Stanley

### **Also Present**

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

Mrs M E Squires

### **Present**

#### **Officers:**

Simon Trafford (Area Team Leader), Lucy Hodgson (Area Team Leader), Alison Fish (Area Team Leader), Kathryn Tebbey (Legal Services Manager and Monitoring Officer) and Sally Gabriel (Member Services Manager)

## 37 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R L Stanley who was substituted by Cllr C J Eginton.

## 38 **PUBLIC QUESTION TIME**

The Chairman read the following questions on behalf of residents of Burlescombe with regard to Item 10 on the agenda:

Mrs Rhiannon Holman ( resident of Burlescombe and member of Burlescombe Environmental Liaison):

### Questions

Since the previous Planning Committee meeting on 14 June 2017, there have been three further developments which need to be drawn to the attention of Members:

- Devon County Council has received a planning application to extract an additional 600,000 tonnes from Westleigh/Burlescombe Quarry (this would hugely increase lorry movements which are already over 200 movements per day).

- The Chair of Governors for Burlescombe Primary School has confirmed that a Governor has been appointed to lead on investigating the situation relating to the impact on school children from Diesel Emissions. The Governor will be liaising with interested parties including the Parish Council on the matter.
- The Government has defined new policies and strategies for addressing the impact of Diesel Emissions – especially within our towns and villages.

Bearing the above in mind, will any of these new developments be taken into account in making planning decisions?

In view of the national movement on reducing/eliminating diesel pollutants and the Councils responsibility for its residents, why would you choose to put 6 new houses in a place where they are already 200 diesel lorry movements per day? (and whilst the lorries may be “low emission” that is not the issue – it is the type of emission that diesels give out, as is widely reported in terms of peoples health and wellbeing).

There was a significant incident this morning with a quarry lorry that shed part of its load as he climbed out through the village. The lorry deposited a large quantity of stone on the road just adjacent to the proposed Affordable Homes site (further stone had already been deposited in other areas of the village).

However given it is at this point (proposed Affordable Homes site) that the lorries need to change gear and climb, a very large amount of stone was deposited.

I attach some photographs and further photos were taken by a Parish Councillor too.

Given the quarry lorry stone spillage ( as shown in the attached photographs) is this a safe location to site Affordable Homes?

### **Mr Morcom**

Given that there are no amenities (Public Transport, Shops, etc) in Burlescombe and the affordable houses are within “open countryside”, how can this be classified as a sustainable location if every person would need to travel in their own vehicle beyond Burlescombe to access services and facilities to sustain living within those properties?

### **Mr Duzy**

As you will be aware since the planning application for affordable dwellings has been made, Westleigh Quarry has submitted an application to extract an additional 600,000 tonnes of material from the quarry. This will necessitate additional lorry movements through the village with the associated implications for Highway safety and air quality. May I ask the committee if they can give consideration to the safety and sustainability of the site given the likely impact of this and any potential future applications to extract additional material from the quarry with regard to highway safety and air quality?

Mrs Downing again referring to item 10 on the agenda, (Burlescombe) stated that: when I moved to Burlescombe 14 years ago lorry traffic from the quarry was not so heavy, whether output has increased and by how much is not as important as the fact that it has increased. Where this site is during the week anyone living in affordable housing will hear and feel the noise and vibrations and smell the asphalt and not find it extremely easy to enter and leave the parking areas and if visitors arrive with extra transport where will they park? A display has been offered showing an alternative lorry route but funding is still not available. At the minerals plan last year the inspector paid particular attention to the fact that Burlescombe is very unique. It has two quarries in its parish and the possibility of Penslade, which is partly in our parish. The Government say affordable housing is needed where appropriate sites are provided. The Parish Council and local residents objected to this site, only one person supported it. Is this really an appropriate site as far as traffic, highways, sustainability and air quality are concerned? I would also note that in the Mid Devon Local Plan, which is to be discussed with the Inspector soon, this application is outside of permitted building area in the future.

### 39 MINUTES OF THE PREVIOUS MEETING

Subject to the addition of Kathryn Tebbey (Legal Services Manager and Monitoring Officer) to the attendance list for the meeting, the minutes of the meeting held on 12 July 2017 were approved as a correct record and signed by the Chairman.

### 40 CHAIRMAN'S ANNOUNCEMENTS (00-08-45)

The Chairman had the following announcements to make:

- She welcomed Ruthie Pollington (the new Administrative & Performance Team Leader) to the meeting.
- She also welcomed David Williamson (Independent Person) to the meeting, his role would be to observe the meeting and make any recommendations for improvement to the Monitoring Officer.
- She informed the meeting that the recruitment process in the Planning Department was now complete; some of the new staff would be in place by the end of the month.

### 41 ENFORCEMENT LIST (00-11-54)

Consideration was given to the cases in the Enforcement List \*.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/16/00243/UDRU – Erection of two storey building in rear garden, 6 Forestry Houses, Chenson, Chulmleigh***).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the property and the unauthorised development within the rear garden.

He explained that the unauthorised development was hidden from the A377 but could be viewed from other locations nearby.

The Ward Member stated that he had been in discussions with the land owners who had stated that they had paid an external organisation to submit a planning application and were unaware that this had not taken place.

It was therefore

**RESOLVED** that in the event that no fully validated planning application had been submitted regarding this issue within 3 months of this meeting that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the demolition and removal of the unauthorised development including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr C J Eginton and seconded by Cllr P J Heal)

Note: Cllr C J Eginton declared a personal interest in the matter as the landowners were known to him; he made a further declaration in accordance with the protocol of Good Practice for Councillors dealing in Planning Matters as he had received correspondence regarding the issue.

#### 42 **DEFERRALS FROM THE PLANS LIST (00-20-20)**

The Chairman informed the meeting that Item 1 on the plans List (10 Mayfair, Tiverton) had been deferred to allow for additional information to be sought.

#### 43 **THE PLANS LIST (00-20-44)**

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 2 on the Plans List (***17/00948/FULL – Erection of an agricultural livestock building – land and buildings at NGR 276310 106188 (Middle Weeke Farm) Morchard Bishop***) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(ii) No 3 on the Plans List (***17/01020/FULL – temporary change of use for 1 year from A1 use (Retail) and D2 (Assembly and Leisure) use – 7 Market Walk, Bampton Street, Tiverton***) be approved subject to conditions as recommended by

the Head of Planning and Regeneration amended as follows: Condition 1: The temporary use hereby approved shall cease on the 9<sup>th</sup> August 2018. Reason: In the interest of protecting the viability and vitality of the town centre in accordance with policy DM16 Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

(iii) No 4 on the Plans List **17/01024/FULL – temporary change of use for 1 year from A1 use (Retail) and D2 (Assembly and Leisure) use – 21-22 Market Walk, Bampton Street, Tiverton** be approved subject to conditions as recommended by the Head of Planning and Regeneration amended as follows: Condition 1: The temporary use hereby approved shall cease on the 9<sup>th</sup> August 2018. Reason: In the interest of protecting the viability and vitality of the town centre in accordance with policy DM16 Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

(b) No 1 on the Plans List **(17/00910/FULL – Erection of 5 dwellings and alterations to existing bungalow and erection of garage – 10 Mayfair, Tiverton)**

This item had been deferred as explained in Minute 42.

#### 44 **MAJOR APPLICATIONS WITH NO DECISION (00-26-55)**

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

It was **AGREED** that:

Application 17/01170/MOUT – Phase 1 North West Cullompton Urban Extension be brought before the committee for determination and that a site visit take place.

Application 17/01090/MOUT – Brookdale, Threshers, Hollacombe be brought before the committee for determination and that a site visit take place.

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

#### 45 **APPLICATION 17/00501/FULL - ERECTION OF AN AGRICULTURAL STORAGE BUILDING - LAND AND BUILDING AT CROSS PARKS FARM, NOMANSLAND (00-31-58)**

The Committee had before it a \* report of the Head of Planning and Regeneration regarding the above application.

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the application site, a plan of the proposed agricultural building, the proposed block plan, floor plans and elevations. Members viewed an aerial photograph which showed the existing buildings, the location of the proposed building and the closest residential property to the site. Photographs were also shown from various aspects of the site. She stated that there had been some

objection to the application and that the amended conditions sought to mitigate the concerns of local residents.

Consideration was given to the views of local residents, the Parish Council and the Ward Member:

- The impact of further development on the site in conjunction with activities at neighbouring farms on the health of local residents
- Over development of the site by way of land to fertiliser/manure disposal ration
- The monitoring of conditions
- The other activities of the operator
- Noise and odour issues
- Pending investigations with regard to Cleave Farm
- Residents quality of life
- The use and need for the proposed building and the wider farming context taking into consideration activities at Cleave Farm
- A possible increase in traffic movement from Cross Parks to Cleave
- The size and massing adjacent to local properties

The Area Planning Officer reminded Members at this point that there was a need to consider the application before them today.

Discussion took place regarding:

- The main aim of the proposed building
- Whether there was any cumulative impact on local residents
- The updated conditions that sought to mitigate the concerns of local residents
- Whether the proposed building would serve Cleave Farm as well
- Ongoing Environmental Health issues
- Whether any additional conditions would be reasonable
- Whether an additional building on top of those already in place was proportionate to the size of the holding
- Policies COR18 and DM22

**RESOLVED** that planning permission be granted subject to conditions and an informative note as recommended by the Head of Planning and Regeneration, with amendments to Conditions 3 and 4:

3. Prior to the first use of the building hereby approved, the visibility splays shown on Drawing 5.3 Revised Visibility Splay to Entrance, shall be provided with no obstruction greater than 600mm above the road surface, the visibility splays shall be retained and maintained as such thereafter.

Condition 4 amended to read as follows: The building hereby approved shall only be used for agricultural storage purposes and the housing of livestock (subject to condition 5) and no part of the building shall be used for the storage of any of the following materials at any time:

Any recycled manure solids  
Any anaerobically digested material  
Any composted bedding materials

Reason:

In order to safeguard the residential amenity of the occupants of the neighbouring properties in accordance with policy DM22.

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

Notes-

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she knew the applicant and other people in the surrounding area;
- (ii) Cllrs R J Dolley and B A Moore made declarations in accordance with Protocol of Good Practice for Councillors in deal with Planning matters as they had been in contact with some of the objectors
- (iii) Mrs Faulkener spoke in objection to the application;
- (iv) Cllr Miss Coffin spoke on behalf of Templeton Parish Council;
- (v) Cllr B A Moore spoke as Ward Member;
- (vi) Cllrs R J Dolley and B A Moore requested that their vote against the decision be recorded;
- (vii) Cllr R F Radford requested that his abstention from voting be recorded;
- (viii) The following late information was reported: 9.8.2017 - Revised plans have been received to include the required visibility splay. Condition 3 is to be amended accordingly, to the following:

3. Prior to the first use of the building hereby approved, the visibility splays shown on Drawing 5.3 Revised Visibility Splay to Entrance, shall be provided with no obstruction greater than 600mm above the road surface, the visibility splays shall be retained and maintained as such thereafter.

Condition 4 amended to read as follows: The building hereby approved shall only be used for agricultural storage purposes and the housing of livestock (subject to condition 5) and no part of the building shall be used for the storage of any of the following materials at any time:

Any recycled manure solids  
Any anaerobically digested material  
Any composted bedding materials

Reason:

In order to safeguard the residential amenity of the occupants of the neighbouring properties in accordance with policy DM22.

- (ix) Cllr P J Heal left the meeting following discussion on this item;
- (x) \*Report previously circulated copy attached to minutes.



46 **17/00353/FULL - ERECTION OF 6 AFFORDABLE DWELLINGS - LAND AT NGR 307578 116857 (SE OF OAKFIELD) BURLESCOMBE (1-09-37)**

The Committee had before it an \* implications report of the Head of Planning and Regeneration regarding the above application which had been deferred from a previous meeting as Members had been minded to refuse the application.

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the site and the proposal for 6 affordable dwellings, the central access, proposed parking, design and elevation plans as discussed at a previous meeting. She also explained the proposed reasons for refusal as outlined in the report.

Referring to the questions posed in public question time, the officer supplied the following answers:

- Referring to the recent planning application to extract an additional 600,000 tonnes from the quarry, she had looked at the application; the number of movements would remain the same as the removal would just be for another 9 months at the current level with the same level of output, there would be no additional movements from the quarry.
- The fact that a Governor of the school had been appointed to lead on investigating the situation relating to the impact on school children from diesel emissions was noted.
- Members had been given clear advice within the report from Environmental Health on the air quality issues.
- New Government policy on diesel emissions on town and villages, the Environmental Health Department had been unable to confirm any specific policy.
- With regard to the stone spillage, this was a safe site for affordable housing; the site was set up above the level of the road.
- With regard to a sustainable location, this had been explained within the report.

Consideration was given to:

- The views of the local Ward Members with regard to number of lorries continually climbing the hill out of Burlescombe and the lack of facilities in the village.
- The housing needs survey for the village and the need for affordable housing
- The fact that the Highways Authority had no objection to the proposal subject to conditions
- School places available at the village school
- The suitability of the location for development

**RESOLVED** that having considered the implications report and having further considered issues of sustainability regarding exception sites in the open countryside, planning permission be granted subject to the receipt of amended plans/information and prior to the signing of a S106 agreement to ensure that the site was only developed as an affordable housing exception site and with conditions as recommended by the Head of Planning and Regeneration



(Proposed by Cllr C J Eginton and seconded by Cllr F W Letch)

Notes:

- (i) Cllr R J Dolley declared a personal interest as he knew some of the objectors and had played skittles in the village;
- (ii) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, C J Eginton, D J Knowles, F W Letch, B A Moore and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors Dealing in Planning Matters as they had all received correspondence regarding this application;
- (iii) The initial proposal to support the officer's recommendation of approval was not supported with Cllrs R J Dolley and F W Letch requesting that their abstention from voting be recorded. A further proposal to refuse the application on the grounds of sustainability was also not supported. Further consideration was then given to the implications report and the issues of sustainability regarding exception sites in the open countryside and the final resolution (above) was achieved, with Cllrs Mrs H Bainbridge and Mrs C A Collis requesting that their vote against the decision be recorded;
- (iv) \*Report previously circulated copy attached to signed minutes.

(The meeting ended at 4.10 pm)

**CHAIRMAN**