

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 6 September 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, J D Squire and C J Eginton

Apologies

Councillor(s)

R F Radford and R L Stanley

Also Present

Councillor(s)

Mrs A R Berry, R Evans and Mrs J Roach

Present

Officers:

Jenny Clifford (Head of Planning, Economy and Regeneration), Simon Trafford (Area Team Leader), Joanna Williams (Enforcement Officer) and Sally Gabriel (Member Services Manager)

47 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R F Radford who was substituted by Cllr C J Eginton.

Cllr R L Stanley sent his apologies for the meeting.

48 PUBLIC QUESTION TIME

Mr Barry Warren, Chairman of Willand Parish Council, asked a series of questions in relation to item 7 on the agenda – outline for the erection of 30 dwellings on the Uffculme Straight.

More than two years ago when it was apparent that the submission of the Local plan Review 2013 – 2033 was to be delayed Willand Parish Council questioned the potential effects of such a delay and particular emphasis was placed on the 5 year land supply. Councillor Chesterton assured us that officers were confident that there was a sufficient land supply and in any case there were some contingency sites available to increase the supply if needed. How did that information get to be so wrong?

An Inspector found that there was not a deliverable 5 year land supply in Mid Devon when considering an appeal for one site next to the current applied for site. Could the Inspector have taken a different view if the original application were for the full 90 houses – it is the same field and he did condition the development to a maximum of 60 houses? We now have a number of applications in the immediate area where

developers are relying on this finding and officers appear to be recommending to committee that they should approve the application in most cases because a five year land supply cannot be delivered. Could this deficit be caused by developers not building sufficiently quickly on the sites they have already – thus causing a shortfall? Could it be that houses are being built slowly to maintain demand and keep prices inflated?

The Copplestone appeal finding showed that applications can be defended on appeal and each set of circumstances are different.

Under current policy COR18 this site is in the open countryside. Under the emerging plan policy S14 it is still open countryside and subject to limitations on development. The emerging plan has been registered; an Inspector has been appointed and has set dates for preliminary hearings. NPF1 allows a loophole in paragraph 14 if it is found that a development plan is absent, silent or relevant policies are out of date. MDDC have a continuation of policy between the two plans. It does offer some protection if adverse impacts of doing so would significantly and demonstrably outweigh the benefits. What are the benefits of approving this application – more houses, new homes bonus – some affordable homes – profit for the landowner and developer?

Is it not reasonable to look at the adverse cumulative impact on the wider area rather than restrict them to the site alone? Is this not a matter for our elected Members to decide using their local knowledge and common sense?

Mr David Morgans speaking in relation to item 10 on the agenda, Stubnail Post, Oakford, stated that he lived in the parish of Knowstone and was a near neighbour to the application site. When this was first considered he was a Parish Councillor for Knowstone Parish and although he was no longer a Councillor he had retained an interest in this application. As Mid Devon District Council had failed in their obligations to provide any of the required number of gypsy/travellers pitches in their area for the last ten years, is it now the policy of the Council to allow permanent pitches just anywhere?

Mr Jeremy Filmer-Bennett, also speaking in relation to Stubnail Post, Oakford, stated that he was a current Councillor for Knowstone Parish and had been asked by the Parish to consider objecting to this application. He asked whether the councillors had had the opportunity to visit the site and have a good look at it because the current occupation had already exceeded the existing agreement by the people who are there and any future agreement, were it to be confirmed, would continue to have this effect?

Mr Roger Cashmore spoke in relation to item 2 on the Plans List, land south of Broadlands, Thorverton. He stated that he was resident of Thorverton village and while I find the planning officers extremely patient, professional and courteous, I however feel that the current planning processes here in Mid Devon fall short of best practice.

1. You are all aware of a planning appeal in Uffculme and this authorities inability to demonstrate a viable 5 year land supply of deliverable housing and that it's local plan is also yet to be approved. *Does this committee not agree with me that it is unfair that issues regarding the authority's inability to manage it's own Forward*

Planning Process override the legitimate concerns of our community? The valid issues of over 20 local objectors appear to have been overruled by the NPPF and we are now forced to make up the shortfall in the Authorities' strategic numbers for the inspector. This situation is well understood the applicant, who as a consequence has submitted a pretty cynical application.

2. Section 5 of your Planning Application form concerns Pre application advice. While I respect commercial confidentiality, if an applicant has benefited from pre - application discussions with the authority, *Does this committee not agree with me that the public should also be able to benefit from this advice, at some point in the planning process?*
3. The application I am currently interested in has an incredible number of inaccuracies. *Does this committee not agree with me that the planning process could benefit considerably from a code of conduct allowing applicants to be penalised for unnecessary, errors and omissions?* As well actively promoting planning best practice, it discourages time wasting and may even become a new source of income for our cash strapped authority!
4. To the layman, continuous, often contradictory references to National, Regional and Local Planning Policies is incredibly confusing!. *Does this committee not agree with me that the authority's planning process could benefit immensely by the simple expedient of publishing % age weightings alongside each applicable policy used to support a particular decision.?* This is no different than current Local Government tendering processes where the provision of decision criteria weightings has been standard practice for many years.

Where does the lay person go for planning advice in Mid Devon? I understand that there has been an active recruiting campaign, but there were no enforcement officers at all for over 6 months of this year, and, more importantly the availability of a morning duty planning officer has also been cut back to only Tuesday and Thursday mornings. *Does this committee agree with me that not having the correct number of qualified officers is a false economy that risks increasing workloads for the planning officers?*

Mr John Spivey, also speaking in relation to item 2 on the Plans List, land south of Broadlands, Thorverton, stated that although he was a councillor on Thorverton Parish Council he was present at the meeting as a member of the public who lived in the village. He was here specifically to point out a few things regarding the development at the top end of the village which allows new traffic to service the houses and passes through very narrow streets in the village, one of which was a blind corner and very narrow indeed. The applicant for this development owns virtually all the land round the village. If the National Planning Policy Framework is overriding local considerations then why don't they reapply for a sensible larger site on the eastern end of the village where there is very easy access to the A396 to Tiverton and Exeter without negotiating the narrow streets of the village? This site is adjacent to the Court Barton Close site which is still under construction and producing 20 new houses for the village, 50% of them at affordable rates which was of great benefit to the village. The application for the new Broadlands site makes no mention of affordable housing whatsoever.

Ruth Hickman, speaking in relation to item 10 on the agenda, Stubnail Post, Oakford, stated that she lived in the neighbouring property to this development at Highfield Gate. She knew this site well and would like the committee to consider two

questions. Firstly, I am concerned that should this application be allowed, further expansion of this site will occur. The Planning Inspectorate appeal stated as a condition of temporary occupancy that the traveller's site should remain within the boundary of the hardstanding already in place. In fact the site is already expanded without permission to both the south and east of the hard standing. The expansion to the south is into grassland and is used as an amenity area. The total increase in the area of the site is approximately half an acre producing greatly increased capacity for the siting of additional caravans on this site. My first question to you is that as the site plan does not show the expanded areas, can we assume that these areas will be restored to their previous state in order to comply with the Planning Officers imposed conditions?

My second question also concerns conditions imposed by the Planning Inspector at appeal. The conditions limited the number of caravans on the site to two. There have regularly been 4 caravans on site, additional visiting caravans can be added to that number and many of the caravans are occupied from time to time. A further requirement was the formation of a reed bed soakaway system for sanitation. It would now appear from the site plans that a septic tank has been installed apparently without permission. The whole ethos of this site was supposed to be green living. We have raised our concerns with the Planning Department so my question to you is why have these key concerns not been given to you to consider so that you can reach a more informed decision? Further, in view of the applicants complete disregard for the conditions imposed by the Planning Inspector, what measures could be taken to ensure that any further conditions imposed will be complied with?

Mr Tim Hugill spoke in relation to item 3 on the Plans List, the erection of 30 dwellings in Uffculme. He stated that he was a member of Halberton Parish Council. Whilst this application was ongoing there was already an application (17/300), refused by yourselves, that was currently at appeal. The site for this development near Uffculme lies within Halberton parish and is right adjacent to Uffculme village. At recent Parish Council Planning meetings in Halberton during July and August, given the possibility that the development of the 30 dwellings might still go ahead, our councillors have discussed options for the development of amenities both onsite and linking from the site into the village of Uffculme. Planning Officer Fish initiated some correspondence on 21 August on the S106 topic about amenities being funded for that development and her correspondence started by assuming that although the possible development lies within Halberton parish, that Halberton need not be involved in those S106 agreement discussions. Halberton Parish Council was not copied into that correspondence at the time. In Halberton we take exception to this and would like to know why Halberton Parish Council has not been consulted yet on this S106 matter and when will we be consulted so that we can discuss options for this potential development?

The Chairman indicated that the questions raised would be answered when the particular items were reached on the agenda.

49 MINUTES OF THE PREVIOUS MEETING (00-18-45)

The minutes of the meeting held on 9 August 2017 were approved as a correct record and signed by the Chairman.

50 CHAIRMAN'S ANNOUNCEMENTS (00-19-35)

The Chairman had the following announcements to make:

- She welcomed the return of the Head of Planning, Economy and Regeneration following her back surgery.
- She introduced new members of staff, Adrian Deveraux, Principal Planning Officer and Luke Thorpe, Planning Student to the meeting.

51 ENFORCEMENT LIST (00-20-53)

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/17/00180/COU – Change of use of part of a building to a single dwellinghouse in breach of condition 7 to planning permission 07/00257/FULL – Annexe, Pitt Barn, Washfield***).

The Enforcement Officer outlined the contents of the report explaining that planning permission had been approved for 3 live/work units on the site, since 2013 these units had been used as 6 independent dwellings, the agent had been requested to regularise the issue but no application had been submitted and therefore the breach of planning control still existed. Owing to the amount of time since the breach was confirmed in 2013 without any formal action being taken to secure the cessation of the unlawful use of the work units as dwellings, one of the dwellings had now been occupied as an independent dwelling for more than 4 years and was therefore immune from any formal enforcement action, however the other dwellings were not and therefore agreement for formal enforcement was being sought.

Consideration was given to those dwellings still in breach of the planning application and the compliance period.

RESOLVED that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the cessation of the unauthorised change of use, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

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

- b) No. 2 in the Enforcement List (***Enforcement Case ENF/17/00181/COU – Change of use of part of a building to a single dwellinghouse in breach of condition 7 to planning permission 07/00257/FULL – Annexe, Pitt Barn, Washfield***).

The Enforcement Officer outlined the contents of the report explaining that planning permission had been approved for 3 live/work units on the site, since 2013 these units had been used as 6 independent dwellings, the agent had been requested to regularise the issue but no application had been submitted and therefore the breach

of planning control still existed. Owing to the amount of time since the breach was confirmed in 2013 without any formal action being taken to secure the cessation of the unlawful use of the work units as dwellings, one of the dwellings had now been occupied as an independent dwelling for more than 4 years and was therefore immune from any formal enforcement action, however the other dwellings were not and therefore agreement for formal enforcement was being sought.

Consideration was given to those dwellings still in breach of the planning application and the compliance period.

RESOLVED that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the cessation of the unauthorised change of use, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed by the Chairman)

52 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

53 THE PLANS LIST (00-33-48)

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 5 on the Plans List (***17/01251/FULL – Installation of new shop front – 10 Market Walk, Bampton Street, Tiverton***) be approved subject to the receipt of no representations raising new issues by 12 September 2017, the Head of Planning, Economy and Regeneration be given delegated authority to grant permission subject to conditions

(Proposed by the Chairman)

(b) No 1 on the Plans List (***17/00001/MOUT – Outline application for the erection of 7 dwellings, improvements to access and change of use of agricultural land to community facility - land and buildings at NGR 294119 106891 (Adjacent to Highfield) Bickleigh***)

The Head of Planning, Economy and Regeneration outlined the contents of the report highlighting by way of presentation the issues being addressed within the outline application, that of improvements to the access and the change of use of agricultural land to a community facility. Members viewed a site location plan which

identified the area of the conservation area and the listed buildings close to the proximity of the site, the distance from the school, an indicative layout of the proposed dwellings, plans for scale purposes and photographs from various aspects of the site.

Having identified the area for the play area she explained that she had spoken with the school and the County Council Education Department to see if there was an appetite for the school to make use of the open space as a sports field by agreement. She reported views received that the area would be surplus to requirements and that the area would be of no benefit to the school.

Consideration was given to:

- The grade of the agricultural land
- The setting in the midst of the Conservation Area and the impact on the listed buildings including Bickleigh Castle
- Possible screening of the site
- The impact on the hedgerow and the narrowness of the access road
- Safety issues with regard to pedestrians walking to the school

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

1. The Local Planning Authority has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the Act indicates that the Local Planning Authority is to have special regard to the desirability of preserving a listed building or its setting. In addition, local and national policy attaches great weight to the conservation of heritage assets and there is a strong presumption against granting permission for development which does not preserve or enhance a Conservation Area. The sense of enclosure created by the existing hedgerow and the narrowness of the lane forms part of the character and appearance of the Conservation Area. Consequently, the creation of a vehicular access and its associated visibility splay would detract from the character and appearance of the Conservation Area and result in less than substantial harm to the designated heritage assets. The benefits of the proposal do not outweigh the proposal's adverse lasting impacts on that character and appearance and the appreciation of the setting of a group of listed buildings to the east of the site. This would be contrary to the statutory duty and policies COR2 of the Mid Devon Core Strategy (LP1), DM2 and DM27 of the Local Plan Part 3 Development Management Policies and the National Planning Policy Framework.
2. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework and policies COR1 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1).

(Proposed by Cllr B A Moore and seconded by Cllr F W Letch).

Update - immediately following the committee meeting, the agent withdrew the application.

Notes:

- (i) Cllrs R J Dolley and C J Eginton declared personal interests as the applicant was known to them;
- (ii) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, C J Eginton, P J Heal, 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 in dealing with planning matters as they had all received correspondence regarding the application;
- (iii) Mr Hay spoke as an objector;
- (iv) Mr McNeil spoke on behalf of the applicant
- (v) Cllr Harrison (Bickleigh Parish Council) spoke in objection to the application;
- (vi) The following late information was reported: Updated comments received from Local Lead Flood Authority – 4th September 2017

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in Drawing No. 70029096-DR101-A (Rev. A, dated 20/03/2017)

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Observations:

Further to our comments within our consultation response dated 17/01/2017, the applicant's consultant engineers have submitted additional information in their email dated 02/05/2017; which addresses our concerns. Drawing No. 70029096-DR101-A (Rev. A, dated 20/03/2017) and associated calculations detail an appropriate surface water strategy and therefore we remove our objections subject to the above conditions.

Update to recommended reasons for refusal:

Reason 3 to be deleted due to the withdrawn objection from the Local Lead Flood Authority. Their recommended conditions can be applied in the event planning permission is granted.

Reason 4 to be deleted: The agent has indicated that her client is willing to sign a S106 agreement to secure public open space, affordable housing (off site contribution) and requested financial contribution towards secondary school transport. In the event that planning permission is to be granted it can be made subject to a S106 to cover these aspects.

Other matters:

Playing field: The agent has advised on the proposed terms upon which the facility would be made available to the school and maintained. The scheme provides for delivery of the prepared facility to the school on an initial 10-year lease term on a peppercorn rent and maintained under a bond by the applicant. The lease would be renewable for the same term, the school taking the obligation to maintain at a cost estimated by the school at between £800-900 pa. Upon the expiration of that second term the school would have the option to acquire for £100. The applicant has indicated a willingness to commit to a Unilateral Undertaking on this matter.

Impact upon Conservation Area:

Consultants acting for the applicant do not consider the access works erode the enclosed character and refer to the ability to set back the existing hedge. The Council's Conservation Officer sustains her recommendation of refusal.

Observations:

Further to our comments within our consultation response dated 17/01/2017, the applicant's consultant engineers have submitted additional information in their email dated 02/05/2017; which addresses our concerns. Drawing No. 70029096-DR101-A (Rev. A, dated 20/03/2017) and associated calculations detail an appropriate surface water strategy and therefore we remove our objections subject to the above conditions.

(c) No 2 on the Plans List ***(17/00878/MOUT – Outline application for the erection of up to 16 dwellings with associated access, landscaping and other ancillary development – land at NGR 292294 101802 (South of Broadlands) Thorverton).***

The Head of Planning, Economy and Regeneration outlined the contents of the report highlighting by way of presentation the site location plan, the details of the access to the site and footway plan, the indicative layout of the proposed dwellings and photographs from various aspects of the site. She informed the meeting of the proposed allocation within the Local Plan Review for 12 dwellings and the issue of the 5 year land supply and highlighted the amount of affordable housing on the site.

In answer to questions posed in public question time, she provided the following answers: with regard to traffic generation from the site, she stated that there had been no objection from the Highway Authority and that a suite of conditions was in place to address those issues; with regard to there being a more appropriate site in another part of the village, there was a need for the Members to determine the application they had before them. Issues with regard to affordable housing had already been dealt with. She explained that the site was proposed to be allocated within the emerging Local Plan Review for 12 dwellings, the proposed allocation had not been tested and therefore held little weight, but it had been proposed within the plan that the site was appropriate for development.

Consideration was given to:

- The principle of development on the site
- The ratio of cars per dwelling
- The detail of the proposal within the outline application
- The footpath from the site to the village
- The amendment to the settlement limit proposed within the emerging Local Plan Review

RESOLVED that planning permission be granted subject:

i) to the signing of a S106 agreement to secure the following:

- £7994.00 public open space contribution
- £9975.00 towards transport to secondary school
- 30% affordable homes

(ii) Conditions as recommended by the Head of Planning, Economy and Regeneration with amendments to: Condition 4 - cross refer to condition 1 not CO1. Condition 11 - remove 'in consultation with Devon County Council as the Lead Local Flood Authority'. Condition 15 - remove 'in consultation with Devon County Council as the Lead Local Flood Authority'. Condition 16 - remove 'in consultation with Devon County Council as the Lead Local Flood Authority'. Add

at end of condition 'Adoption and maintenance arrangements shall be in accordance with the approved details'

Condition 17 - remove 'in consultation with Devon County Council as the Lead Local Flood Authority'. Add at end of condition 'The surface water drainage management system shall be in accordance with the approved details'

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

Notes:

- (i) Mr Cashmore spoke in objection to the application;
- (ii) Mr Jonathan Hoban (Agent) spoke;
- (iii) Cllrs R J Dolley and F W Letch requested that their vote against the decision be recorded;
- (iv) The following late information was reported: Revised recommendation: Subject to the signing of a S106 agreement to secure the following : £7994 public open space contribution; £9975 towards transport to secondary school; 30% affordable housing and conditions; permission be granted.

Amendments to conditions:

4. cross refer to condition 1 not CO1.

11. Remove 'in consultation with Devon County Council as the Lead Local Flood Authority'.

15. Remove 'in consultation with Devon County Council as the Lead Local Flood Authority'.

16. Remove 'in consultation with Devon County Council as the Lead Local Flood Authority'. Add at end of condition 'Adoption and maintenance arrangements shall be in accordance with the approved details'

17. Remove 'in consultation with Devon County Council as the Lead Local Flood Authority'. Add at end of condition 'The surface water drainage management system shall be in accordance with the approved details'

(d) No 3 on the Plans List (***17/00886/MOUT – Outline application for the erection of 30 dwellings and new vehicular and pedestrian accesses – land at NGR 305578 112053 – Uffculme Road, Uffculme***).

The Head of Planning, Economy and Regeneration outlined the contents of the report stating that although this was a stand-alone application it was a duplicate to the previous application on the site which was currently in the process of being appealed. The officers recommendation remained for the application to be approved, however the Committee had resolved to refuse the previous application at its meeting in June 2017.

She highlighted by way of presentation the site location plan and made reference to the adjacent 'Harvesters' site which had gained approval via appeal. Members viewed the proposed vehicular and pedestrian access and the proposed link to the 'Harvesters' site and photographs were shown from various aspects of the site.

Referring to the questions posed in public question time she provided the following answers: with regard to the S106 contributions on the earlier application, she would correspond with the case officer and provide a response; the former case at 'Harvesters' had identified the lack of a 5 year land supply, prior to the outcome of the appeal, the Local Planning Authority had not been challenged having adopted the existing Local Plan. Some of the larger sites had taken longer to construct and therefore there was no immediate supply, the emerging Local Plan Review would reset the 5 year land supply; in the meantime a housing contingency site had been released to bring forward a strategic site for development. With regard to the cumulative effect of development in the Uffculme area, this had been taken into consideration.

Consideration was given to:

- The cumulative effect of development in the area
- The previous application and reasons for refusal
- Why an identical application was being considered when the original was at appeal
- Highway issues

At this point, the Committee received some legal advice, informing it that they had the power (under Section 70(b) of the Town and County Planning Act 1990, as amended) to decline to determine the application as the previous application was still under the consideration of the Secretary of State and that the inspector had yet to issue a decision.

RESOLVED that the Local Planning Authority declined to determine this overlapping application under S70(b) of the Town and County Planning Act 1990 as amended.

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

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 she knew the representative from Halberton Parish Council;
- (ii) Cllr Hugill, (Halberton Parish Council) spoke as an objector;
- (iii) Cllr Warren (Willand Parish Council – adjacent Parish Council) spoke;
- (iv) Cllr R Evans spoke as an adjacent Ward Member;
- (v) The following late information was reported: Reference to refusal reasons in this report relate to the decision on the previous application 17/00300/MOUT. Officers remain as that on the previous application, that it should be granted and are not recommending refusal.

Halberton Parish Council 11th July 2017:

The Council is unclear why this application has been allowed to be submitted again as it has previously been refused twice and there appear to be no

amendments to the previous application. The Council's objection to this application remains unchanged.

Previous views of the Parish Council of 24th March 2017 on previous application 17/00300/MOUT are given in full within the appendix.

(e) No 4 on the Plans List **(17/00913/HOUSE – Erection of ancillary accommodation (revised scheme) – 3 Hayne Barton Cottages, Cullompton)**

The Area Team Leader outlined the contents of the report highlighting by way of presentation the 4 cottages situated in the open countryside, he provided a site plan which identified the proposal within the grounds of No 3 Hayne Barton Cottages, and explained the differences between the approved scheme and the current application which now included a new treatment plant within the curtilage of No 3 Hayne Barton Cottages. The proposed building would be ancillary to the dwelling house and that the conditions prevented the building being occupied independently from the main house.

Consideration was given to:

- The concerns of the owner of the neighbouring property with regard to whether the proposal would be used as ancillary to the main dwelling and foul water issues.
- The building had not been built in accordance with the original approved plans
- The proposed conditions should the application be approved
- The new treatment plant

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

(Proposed by Cllr P J Heal and seconded by the Chairman)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, C J Eginton, P J Heal, 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 in dealing with planning matters as they had all received correspondence regarding the application;
- (ii) Mrs Stuart spoke in objection to the application;
- (iii) Cllr Mrs A R Berry spoke as Ward Member;
- (iv) The following late information was reported: While the detached nature of the accommodation and fencing shown in the photographs might suggest that the accommodation might be a completely separate unit, it is confirmed that officers are recommending approval on the basis that the accommodation is ancillary to the main house. A planning condition has been recommended to ensure that the accommodation is not used, sold, let or otherwise disposed of as a separate unit. It is further noted that if the applicant wished to erect

fences in this location, they could erect fences up to 2 metres in height under permitted development. The dwelling has full permitted development rights intact. The proposed unit of accommodation accounts for a modest 20 square metres of ancillary living accommodation.

54 **MAJOR APPLICATIONS WITH NO DECISION (2-47-23)**

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

It was **AGREED** that:

Application 17/01346/MOUT - North of Tiverton Road, Cullompton

Application 17/01178/MFUL – West of Willand Road, Cullompton

Application 17/01179/MFUL – Land off Silver Street, Cullompton

be brought before committee for determination and that site visits take place.

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

55 **APPEAL DECISIONS (2-50-54)**

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

Cllr Mrs J Roach spoke with regard to the appeal outcome for 19 Exeter Road, Silverton, she outlined the history of the site, the various times it had appeared before Committee and the site visit that had taken place. The Committee had refused the application against officer recommendation and that she was very pleased with the outcome and wished it to be noted.

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

56 **APPLICATION 17/00567/FULL - VARIATION OF CONDITION 1 OF APPEAL DECISIONS A & B: APP/Y1138/C/10/2139560 AND 2139561 AND APPEAL DECISION C: APP/Y1138/A/10/2133187 GRANTING TEMPORARY PLANNING PERMISSION TO ALLOW PERMANENT RESIDENCE OF THE SITE AT LAND AND BUILDINGS AT NGR 286077 123613 (STUBNAIL POST), OAKFORD (2-52-29)**

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

The Head of Planning, Economy and Regeneration outlined the contents of the report by way of presentation highlighting the layout of the site, the existing accommodation, the barn and amenity block and providing photographs of the access to the site. She explained the temporary consent that had been granted at appeal in 2010 and a further 5 year extension approved in 2014 and the conditions for a personal permission as outlined within the report.

She added that although there were provisions within the masterplan for the urban extensions of Tiverton and Cullompton for a gypsy and travellers site, no such site was in place at the current time . She also explained the circumstances of the family which had been taken into consideration.

Referring to questions posed in public question time, with regard to gypsy/ traveller pitches being allowed anywhere in the district, the answer was no, the temporary approval had been granted at appeal, the Inspector concluded that the lack of alternative sites and circumstances of the family outweighed the sustainability concerns over the site. The committee had not visited the site, but may choose to. With regard to the expansion of the site, she would raise this with the enforcement officer.

Consideration was given to:

- The number of caravans on the site
- Any enforcement issues which would be addressed
- The lack of sites in the area
- The amount of time left on the temporary permission
- Whether specific sites would be available by the time the temporary permission period ended
- The family were integrated into village life
- The wording of the conditions with regard to the personal occupation of the site and the clearing of the site once dependents were no longer dependent

RESOLVED that planning permission be granted, and that the Head of Planning, Economy and Regeneration be given delegated authority to draft conditions to include:

- A personal permission
- The limitation on the number of caravans and the location of such
- The limitation on commercial vehicles
- The restoration of the site if it was no longer being used for this purpose.

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

Notes:

- (i) Cllr B A Moore declared a personal interest as some of the objectors were known to him;
- (ii) Mr Holton spoke in objection to the application;
- (iii) Dr Murdock spoke on behalf of the applicant;
- (iv) Cllr B A Moore spoke as Ward Member;
- (v) Cllr F W Letch left the meeting following consideration of the application.

57 APPLICATION FOR A TREE PRESERVATION ORDER LAND AT NGR 306770/113041, CLAY LANE , UFFCULME (3-28-00)

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

The Head of Planning, Economy and Regeneration outlined the contents of the report stating that the tree was of good amenity value at the edge of the Uffculme Conservation Area. Two objections had been received to the making of a Tree Preservation Order as it was felt that the tree threatened local property, the roots were damaged, the tree was dangerous, and that it was unhealthy. The Tree Officer had stated in her report that the tree continued to merit protection.

Consideration was given to:

- The views of the local Ward Member with regard to the position of the tree and concerns about the safety.
- The proximity of adjacent buildings
- The landowner had requested that he remove the tree and replace it with 3 trees in a better location
- The age of the tree
- The need for the Tree Officer to revisit the location and provide an updated report and amenity score

RESOLVED that the matter be deferred to allow the Tree Officer to further inspect the tree with regard to its current status and that further photographs identifying the proximity of the tree to adjacent buildings be made available.

(Proposed by Cllr P J Heal and seconded by Cllr B A Moore)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, C J Eginton, P J Heal, 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 in dealing with planning matters as they had all received correspondence regarding the application;
- (ii) Cllr R Evans spoke as a Ward Member.

58 APPLICATION 16/01830/FULL - SITING OF 1 MOBILE HOME, 2 MOTOR HOMES AND A COMPOST WC AT OAK MEADOW, SILVERTON (3-48-43)

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

She outlined the contents of the report stating that the site already had permission in place for 1 pitch to be occupied by a named individual and her dependents; 2 additional pitches were now proposed. She highlighted via a block plan and photographs depicting the siting of the original and proposed mobile homes, the

motorhomes, the proposed additional composting toilet and the proposed location of the borehole.

Consideration was given to:

- The dependent relatives
- Concerns that the number of people living on the land could not be controlled with further dependents arriving
- Traffic implications
- The failure to provide suitable pitches
- The facilities on site

RESOLVED that the application be deferred to allow a site visit to take place by the Planning Working Group to consider:

- The access
- The present layout of the site in relation to what was being proposed
- The location of the bore hole in relation to the siting of the composting toilets
- The provision of the bore hole and the expected flow
- Landscaping possibilities.

(Proposed by Cllr D J Knowles and seconded by Cllr C J Eginton)

Notes:

- (i) Cllrs Mrs F J Colthorpe, C J Eginton and P J Heal declared personal interests as the objectors present were known to them;
- (ii) Mr Custance-Baker, spoke in objection to the application;
- (iii) Miss N Perrot spoke on behalf of the applicant;
- (iv) Cllr Mrs J Roach spoke as Ward Member.

(The meeting ended at 6.55 pm)

CHAIRMAN