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20 August 2021

Dear Member

Council – 25 August 2021

I am now able to enclose, for consideration at the next meeting of the **Council**, the following reports that were unavailable when the agenda was printed.

- *The minutes of the Scrutiny Committee held on Monday 16 August.*
- *The minutes of the Planning Committee held on Wednesday 18 August.*

Yours sincerely

Sally Gabriel
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 16 August 2021 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
G Barnell, Mrs F J Colthorpe, L J Cruwys,
P J Heal, R F Radford, R L Stanley,
Ms E J Wainwright and A Wilce

Apologies

Councillor(s)

E J Berry, Mrs S Griggs and F W Letch

Also Present

Councillor(s)

S Pugh and R Evans

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Maria De Leiburne (Operations Manager Legal and Monitoring), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Jason Ball (Climate and Sustainability Specialist), Arron Beecham (Forward Planning Officer), Claire Fry (Housing Services Operations Manager), Tanya Wenham (Lead Officer Private Sector Housing), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

32 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.44)**

Apologies were received from Cllrs Mrs S Griggs, F W Letch and Cllr E J Berry who was substituted by Cllr R L Stanley

33 **HYBRID MEETINGS PROTOCOL (0.04.26)**

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes

34 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.55)**

Cllr R L Stanley declared a personal interest as a Director of 3 Rivers Developments Ltd.

Cllr Mrs F J Colthorpe declared a personal interest as she was a private landlord.

35 **PUBLIC QUESTION TIME (0.05.33)**

There were no members of the public present.

36 **MINUTES OF THE PREVIOUS MEETING (0.05.44)**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

37 **DECISIONS OF THE CABINET (0.07.03)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 3rd August 2021 had been called in.

38 **CHAIRMANS ANNOUNCEMENTS (0.07.16)**

The Chairman expressed his disappointment that only 3 Members had attended the recent Work Programming Session but he hoped that Members would continue to engage in the Work Programming process.

39 **HOUSING STRATEGY CONSULTATION DRAFT (0.09.03)**

The Committee had before it the *Housing Strategy Consultation Draft presented by Corporate Manager for Public Health, Regulation and Housing who gave an overview of the Strategy.

The Officer explained that the Consultation Draft had previously been presented to the Homes PDG where it had been well received.

He explained that homes were a basic necessity and a fundamental requirement for everybody and the Strategy would enable the facilitation of new housing within the district. The project team were taking a multi disciplinary approach to include a wide range of internal stakeholders and contributors.

The Strategy set out the 5 year vision to meet the housing needs and aspirations by offering new homes and adapting existing stock.

He explained the 4 key priorities of the Strategy which contained 40 specific objectives and specific targets and a delivery group would be formed to test progress against delivery.

Consideration was given to:

- Consultation would be tailored to the consultees but would include current tenants, DCC, CHAT and existing partners
- The views of some Members that the housing targets were not ambitious enough
- The views of some Members that there was a lack of clarity on the housing mix and sight of costed plans

- That the housing needs would be continually reassessed as more data became available such as the 2021 Census
- The Strategy was realistic on the numbers of units which could be delivered and was the baseline and not the final numbers
- The Authority was required to pay market value for properties which it previously owned and had been sold to tenants at a discounted price under the Governments Right to Buy scheme
- Members views that the strategy should make reference to the Devon Carbon Plan
- The correct term was Net Zero Carbon and the Strategy should reflect this
- The Standard for Decent Homes had not changed

It was therefore **RECOMMENDED** to the Cabinet that: the strategy be approved subject to:

- Net Zero Carbon terminology be consistent throughout the strategy
- The Project Board to only reference job titles and not named individuals

(Proposed by the Chairman)

Reason for the decision: To ensure the Council can progress to the next key consultation stage leading to the adoption of the Strategy

Note: *Housing Strategy Consultation Draft previously circulated and attached to the minutes

40 **MENOPAUSE WORKING GROUP UPDATE (0.52.48)**

The Committee had before it, and **NOTED**, a *report of the Corporate Manager for People, Governance and Waste providing an update on the recommendations of the Menopause Working Group.

He explained that a staff survey was due to be implemented in the autumn to gauge success in the education programmes which had been introduced.

The Menopause would be included within the Wellbeing and Reasonable adjustments policy.

Note: *Report previously circulated and attached to the minutes

41 **ESTABLISHMENT 6 MONTH UPDATE (0.54.38)**

The Committee had before it, and **NOTED**, a *report of the Corporate Manager for People, Governance and Waste providing an update on the Establishment.

The Officer explained that sickness absence had dropped in 2020 and that there were many factors behind this, however there was expected to be an increase in the autumn.

Turnover did reduce in 2020 but had dramatically increased in the first quarter of 2021 due to lack of specialist staff. Agency spend had increased as a result of this but there was a lack of supply of essential workers such as HGV drivers.

The Covid 19 infection rates amongst the workforce had remained low with only two outbreaks. The Authority had been more affected by the pandemic when 25% of the workforce had been required to self-isolate.

He continued by explaining that the Authority was looking at the longer term with regard to hybrid working and that would include decisions on redundant offices. He explained that there was a need to look at each service individually and ensure that public facing services were still offering a face to face service required by customers.

Note: *report previously circulated and attached to the minutes

42 **FORWARD PLAN (1.07.09)**

The Committee had before it and **NOTED** the *Forward Plan.

Note: *Plan previously circulated, copy attached to minutes.

43 **SCRUTINY OFFICER UPDATE (1.10.00)**

To Scrutiny Officer informed Members that at the Work Programming session on 5th August Members had received an update on the items which were to be added to the work program. She informed Members that they could continue to identify items and that subjects to be added to the work program and this would be achieved via scrutiny proposal forms which she would assist Members to complete.

44 **WORK PLAN (1.13.12)**

The Committee had before it, and **NOTED**, the *Scrutiny Committee Work Plan for 2021-2022.

No additional items were brought forward for consideration for inclusion on the Work Plan.

Note: *Work Plan previously circulated and attached to the minutes

(The meeting ended at 3.31 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 18 August 2021
at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, S J Clist, Mrs C Collis,
L J Cruwys, R J Dolley, J M Downes,
C J Eginton, P J Heal, B A Moore and
B G J Warren

Apologies

Councillor(s)

E J Berry, Mrs C P Daw and F W Letch

Also Present

Councillor(s)

R M Deed and R F Radford

Also Present

Officer(s):

Nick Hill (Interim Planning Solicitor), Myles Joyce (Interim Development Management Manager), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Helen Govier (Principal Planning Officer), Adrian Devereaux (Area Team Leader), Angharad Williams (Area Team Leader), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

69 **CHAIRMAN'S STATEMENT (0.03.26)**

The Chairman read the following statement:

Item 9 has been deferred as the agreed minutes are now under dispute by Members of this committee. For openness and transparency, the Minutes of 14th July 2021 will, therefore, be brought back to Committee in September and once agreed will be re-signed. Once the minutes of the meeting on 14th July have been agreed, the implications report will be brought before Committee for determination.

Members of the public present should be aware that questions asked of this application cannot now be answered at this meeting. You will be able to ask questions when the implications report is brought back to Committee.

70 **APOLOGIES AND SUBSTITUTE MEMBERS (0.04.49)**

Apologies were received from Cllrs E J Berry, Mrs C P Daw and F W Letch and were substituted by Cllrs A Moore, Mrs C Collis and J Downes

71 **HYBRID MEETING PROTOCOL (0.05.25)**

The Committee had before it, and **NOTED**, the *Hybrid Meeting Protocol.

Note: *Protocol previously circulated and attached to the minutes

72 **PUBLIC QUESTION TIME (0.05.47)**

Linnea Mills referring to item 1 on the plan list stated:

In respect of the Pleasant Streams application (20/02128/FULL), has the totality of evidence submitted and considered on the applicant's circumstances and need for this accommodation been published on the application website or in the Committee Report – or is there additional information that has been considered but not made public?"

The Chairman stated that the answer would be provided when the application was discussed.

73 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.12.25)**

Members were reminded of the need to declare interests as appropriate.

74 **MINUTES OF THE PREVIOUS MEETING (0.12.40)**

The Minutes of the meeting held on 11th August 2021 were agreed as a true record and **SIGNED** by the Chairman.

75 **CHAIRMAN'S ANNOUNCEMENTS (0.13.42)**

The Chairman had no announcements to make.

76 **DEFERRALS FROM THE PLANS LIST (0.13.46)**

There were no deferrals from the Plans List

77 **THE PLANS LIST (0.14.01)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

a) Application 20/02128/FULL – Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, the proposed site layout, aerial images, photographs of the site and views from neighbouring properties.

She explained that the site had previously benefited from a personal condition for 3 mobile homes and that Devon County Council Highways Authority had no objections to the application. The application included a provision of a sewage treatment plant.

In response to a public question she confirmed that officers were satisfied that sufficient information had been received in relation to the applicant's status as a gypsy and traveller and that consideration had been given to information that had not

been made publically available due to the personal nature of the information. She confirmed that Devon County Council Gypsy and Traveller Liaison Officer had confirmed in their consultation response that they are satisfied that the applicant met with the definition of gypsy and travellers as set out in the Government's planning policy for traveller sites.

In response to Member questions she explained that the application was partly retrospective and that the applicant was already occupying some of the site. The application did not seek to obtain authorisation for the unauthorised development which had taken place outside the red line area.

Consideration was given to:

- The views of the objector who stated that although the application should not be permitted, neighbouring residents had put forward alternative proposals which were a compromise of the current application but would be acceptable to them. There were concerns about the increased foul water and drainage and there were too many unknowns about the current and future occupants
- The views of the agent who stated that the site had been a Gypsy and Traveller site since 1988 and that the application met the Gypsy and Traveller Design Guidance. The status of the applicant had been confirmed by DCC and that the family wanted to stay and work in the community. That the applicant should not have their application dictated by neighbours
- The views of Halberton Parish Council who stated that the Planning Inspectorate had previously refused an application on the site and it should be down to the Inspectorate to determine this application
- The views of the Ward Member who stated that a previous condition had required the site to be returned to agricultural use after the previous occupants had left the site and this had not appended. A previous application for 4 caravans had been refused under appeal and therefore Members should not be considering a larger site of 6 caravans. He requested that the application be deferred so that Planning Officers could renegotiate with the applicants and that the committee consider visiting the site.
- The views of a neighbouring Ward Member who stated that the site had a history of being granted permission with a personal condition that had been ignored. That there was a lack of enforcement action against breaches of conditions and that the site was in open countryside and contrary to Policies DM1 and DM14
- The views of a Committee Member who was also an neighbouring Ward Member who referenced emails between the Planning Officer and Forward Planning Team which were available on the public website. That an application for a Gypsy and Traveller site in the Willand ward had been allowed on appeal, but this was under a previous policy and that there was nothing within current policy which would allow this site
- The views of Members that there was a lot of unauthorised development already on the site and that enforcement action should be taken
- The views of Members that they would need to view the site and understand the application boundaries and what had already been built

It was therefore **RESOLVED** that the application be deferred to enable a full Planning Committee site visit to take place to enable Members to view the site and development which had already taken place and to view the highways arrangements.

Members requested that the Planning Officer ask the DCC Highways Officer to be in attendance at the site visit if possible.

(Proposed by Cllr P Heal and seconded by Cllr G Barnell)

Reason for the decision: No decision was made

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, B A Moore, S J Clist, L J Cruwys, Mrs C Collis, R J Dolley, C J Eginton, P J Heal, J Downes and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Cllr R J Dolley declared a personal interest as he knew people in the area
- iii.) Mr Mills spoke as the objector
- iv.) Glen Crocker spoke as the agent
- v.) Cllr Furmedge spoke on behalf of Halberton Parish Council
- vi.) Cllr R F Radford spoke as Ward Member
- vii.) Cllr B Evans provided a written statement as neighbouring Ward Member, which was read out by the Chairman
- viii.) Cllr B G J Warren spoke as neighbouring Ward Member
- ix.) The following late information was provided:

20/02128/FULL - Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works - Pleasant Streams Uffculme Cullompton.

17/08/21

1. At page 3 under the proposed development section, the area of the site that has previously been used for the siting of three mobile homes is approximately 0.13 hectares rather than 1.3 hectares as stated.
2. Since the officer report was drafted further representations have been received from a member of the public and CPRE Devon, the additional points that have been raised and were not previously listed within representations are summarised below;
 - Clarity is sought on the up to date supply and need for gypsy and traveller sites to justify a permanent gypsy and traveller site for 6 units in this countryside location
 - Why has the GTAA not been updated in 7 years?
 - The size of existing allocated sites?
 - Does the scale of development provide a well-balanced site where amenity, security and management are achievable?
 - How does the appraisal relate to national standards applied to housing and the specific requirements of gypsy and travellers
 - As a permanent site for 6 units how does this compare to the terms of pitch and size of pitch?

- There is no measurable biodiversity net gain attributed to this proposal to align with national planning policy and the emerging Environment Bill
- Where is the Landscape and Visual Impact Appraisal to justify mitigation methods being conditioned?
- Clarity is needed in relation to the poultry unit and regularisation of this situation.

Policy position: The Inspector responsible for examining the Local Plan did raise some issues in relation to the provision for Gypsies, Travellers and Travelling Showpeople and noted that it does not provide in full, in specific terms at least, for the need identified in the Plan for 35 pitches for Gypsies and Travellers and 11 plots for Travelling Showpeople. This was considered in detail throughout the examination process. However, as the Council has a demonstrable record of windfall sites for Gypsies and Travellers coming forward and provided that relevant policies make proper provision for these windfall sites to come forward (which was subject to Main Modifications), the Inspector was content that the Plan can still function in a positive and effective way. The GTAA is due to be updated later this year/early next year. Officers are currently preparing a project brief and have started discussions with the Exeter Housing Market authorities to progress this in partnership.

Housing standards/layout/ amenity: The allocated gypsy and traveller sites are for between 5- 10 pitches, these form part of the larger site allocation, the allocations do not specifically identify a site area for the pitches. The technical housing standards- nationally described space standard would not be applicable to a development of this nature. The submitted block plan demonstrates pitches are large enough to accommodate a mobile home, touring caravan, parking and amenity space.

Ecology: Section 7 of the officer report sets out the biodiversity enhancements that the ecologist recommends are incorporated in the scheme (bird and bat nesting boxes), this is in addition to the 110m of new native hedgerow that is proposed to be provided which would secure a net gain in the hedgerow habitat on the site. The percentage net gain has not been calculated using the Natural England biodiversity metric tool, however as the Environment Bill has not yet been passed this is not a statutory requirement and officers are satisfied, based on the ecologist's advice and mitigation and enhancement measures that can be secured by condition (see conditions 3, 11, 14 and 16) that appropriate biodiversity enhancements can be secured in accordance with policies S1 and S14 of the Mid Devon Local Plan.

LVIA: In this case it was not considered necessary to require a Landscape and Visual Impact Appraisal, the case officer has visited the site and the assessment of landscape and visual impacts are set out at section 3 of the officer report. Poultry unit: it is reiterated that the unauthorised development outside of the site area does not form part of this application. It is likely that a Public Health Officer will be in attendance at committee to advise on their involvement in relation to the environmental concerns that have arisen on site.

3. As indicated at section 6 of the officer report a condition is proposed to secure an appropriate method of surface water drainage;

19. Within 3 months of the date of this decision there shall be submitted to, and approved in writing by, the Local Planning Authority full details of the means of surface water drainage from the site which is to be implemented in accordance with the phasing plan outlined in condition 3 above. The submitted details shall include results of infiltration testing in accordance with BRE Digest 365.

For the avoidance of doubt, the approved drainage infrastructure shall be implemented in accordance with the phasing plan required by condition 3 which will set out the timeframe for completion of the approved works.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013- 2033.

- 78 **APPLICATION 19/01679/MFUL - CONSTRUCTION OF GROUND MOUNTED SOLAR PV PANELS TO GENERATE UP TO 49.9MW (SITE AREA 60.78HA) AND BATTERY STORAGE FACILITY TOGETHER WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE - LAND AT NGR 303437 103555 EAST OF LANGFORD MILL AND TYE FARM, LANGFORD**

The item was deferred.

(The meeting ended at 3.31 pm)

CHAIRMAN