

All Members

Contact: **Sarah Lees**

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Date 26th August 2022

Dear Member

Council 31st August 2022

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.

Agenda.No. Item 9

To add to your agenda for the meeting on **31st August 2022**

9 **Reports** (*Pages 5 - 24*)

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

1. Planning Committee
 - 24th August 2022
2. Licensing Committee
 - 26th August 2022
3. Regulatory Committee
 - 26th August 2022

Available in other languages and formats on request
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

Yours sincerely

Sarah Lees
Member Services Officer

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 24 August 2022
at 2.15 pm

Present

Councillors

P J Heal (Chairman)
S J Clist, Mrs C Collis, L J Cruwys,
B Holdman, D J Knowles, F W Letch,
B G J Warren, C J Eginton and B A Moore

Apologies

Councillor(s)

E J Berry, Mrs C P Daw and R F Radford

Also Present

Officer(s):

Richard Marsh (Director of Place), Angharad Williams (Development Management Manager), Maria De Leiburne (Operations Manager for Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Jake Choules (Planning Officer), Tim Jarrett (Arboricultural Officer), Jessica Rowe (Member Services Apprentice) and Carole Oliphant (Member Services Officer)

46 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.14)

Apologies were received from Cllrs R F Radford, E J Berry and Mrs C P Daw who were substituted by Cllr B A Moore and Cllr C J Eginton

47 PUBLIC QUESTION TIME (0.03.39)

1. Hayley Keary, referring to No 1 on the Plans list asked:

I am Hayley Keary of 44 Higher Town, a heritage asset at the north east of the site.

You will recall land levels mean that the windows of our home can easily be overlooked from the site. This committee has not seen the situation from inside our home but did accept the problem last time. I ask my question first, and then explain why I think you should act on it.

My question is to the Officer and the Councillors:

If you are minded to approve this application, will you please re-instate Condition 7 that was before you on 29th June, and ensure the wording allows for land levels to be changed? Chair – Please will you ensure that my request is considered during the meeting?

Since June the applicant has removed trees from the land opposite 42-46 Higher Town which is helpful.

More is needed: In June the Officer confirmed to you that Condition 7 would allow the cycleway beside us to be lowered. To lower the path would match this email the Officer sent us in March, where he says:

‘...I have asked [the applicant] if the ground level of the path could be reduced in order to reduce any possibility of overlooking’.

The Officer clearly accepts that people at that level can overlook our windows and that this requires action. It still does.

In the plans before you, the path has now been moved away from 42-46. Although helpful, it still leaves us with at least two big problems:

Nothing has been done to confirm boundary treatments as Condition 7 required and, worst of all:

There is now a significant area of land between the fence, and the new line of the path. That land is even higher than the path was in the previous plan. Therefore we are worse off than we were before in terms of being overlooked. People can now ‘gather’ and stay there, rather than pass by. Parents may well do this whilst children play on the trim trail equipment. (Please do not allow the trim trail awful proposal).

On the 27th July, before the end of the public consultation, we explained this with diagrams and a proposed solution in our objection. But shockingly, the Committee Report says nothing about this in its summary of recent objections. This gives the impression that we are either satisfied, or, that we missed the deadline: neither of these are accurate. We heard just 48 hours ago that the Officer has sent an ‘update sheet’ to members, although of course our objection should have been available for members to read and have time to digest as from 27th July.

So, I ask the Committee to refuse permission today. I urge you, at the very least, to re-instate Condition 7, to preserve our amenity as required by Policy DM1. Please be led by Best Practice, rather than the repetitive suggestion the applicant’s agent makes about basic requirements. Thank you.

2. Stewart Smith, also referring to No 1 on the Plans list asked:

My name is Stewart Smith and I live at 13d, adjacent to the sites eastern boundary. It is the nearest property to any of the plots on the site.

In an illustrated plan at the Inquiry, the nearest proposed dwelling to my property was 45 metres away, with a wide green buffer zone between.

In a plan used for the community consultation, this had reduced to 25 metres. In the plans before you today, the boundary of this nearest new building is just 15 metres away, and the green buffer zone by our garden fence has shrunk to a laughable half metre.

I’ve sent the councillors an email and diagram showing a sections views through the applicant’s plans of 37, which proves that the residents of plot 37 would have clear line of sight into the floor to ceiling windows of my home.

Worse still, the new dwelling on plot 36 is even higher up the slope. A full two metres higher than my property, you may wish to have a look yourselves. In 2017, my bungalow was built. The planning inspector then ruled various major changes had to be made to the heights and proposed plans to ensure that the development would not harm the privacy of gardens numbers 42 and numbers 44 Higher Town. So, why on earth are the proposed buildings being allowed to look over me? Not just our garden, but the actual living room windows into my home.

If plots 36 and 37 cannot be removed from the plan, then we want the application refused. Alternatively, we want those plots to be lowered by at least half a metre. Incidentally, when I queried the sites slope and height, the applicant's representative told me that altering the height of the site is costly. Really? Your policy, DM1, is supposed to ensure that new dwellings do not have an adverse effect on the privacy and amenity of neighbouring properties. This plan does not comply.

My final point is that the application's boundary layout plan shows the fencing on the eastern boundary promises that details are all to be agreed with adjacent home owners. That has not been complete, and has not happened.

My question:

'Councillors, if you're minded to approve this awful, flawed application, will you please add a condition to lower plots 36 and 37, and another to require boundary details to be agreed with all adjacent neighbours before building commences?'

Chair, please will you ensure the conditions to this effect are formally considered by the committee before any vote to approve the application is taken.

3. Greta Tucker, again referring to No 1 on the Plans list asked:

My name is Greta Tucker, I'm a resident of Sampford Peverell. My question concerns access to the village for pedestrians. Since June, the 30 steps at the South East have been removed and a new path has been added to the south of the allotments. We are told these changes should address your concerns over disabled access. So, if I live at the South of the village development and I want to catch a bus, or make my way to the village shop with my wheelchair using friend, here is what we must do. Make our way along the South until we are almost at the South East access. We can see it clearly, it is just ten metres away. But, over three metres below us. We cannot follow our desired line. So, we turn North away from the access and head up the steep road. It has no footpath beside it, it is a shared surface. I watch and listen carefully for cars, as my friend struggles to get her wheelchair up the 8% gradient, just where we approach the allotments. We turn onto the path. It is made of gravel and clay, and the wheelchair wheels do not cope easily, especially if it has been raining and the surfaces become muddy. At the end, it joins the shared cycleway. We look carefully to the left. There is a bend just 13 metres away. Cyclists speeding down the 7% slope and around the bend cannot see us behind the hedges of the allotments. Now we make our way south down the cycleway but we can't go side by side. We must leave room for those cyclists, and it is only 2.5 metres wide even though we know the guidance says it should be wider. After another 60 metres we've finally reached the south east access itself, but this is where we really have to be careful as the slope of the path here, on a tight, blind bend, is steeper than anywhere on the whole site. We don't want the wheelchair to run out of control to Turnpike where most traffic has been recorded as moving at 44mph. There is no 30mph limit

here. Now we can cross the road and move on to the bus stop or to the village shop. I have two questions:

1 – To the officer – which part of the steep, awkward and dangerous detour to reach the south east access most closely matches your policy DM1, for high quality design? This is a serious question, please don't evade it. Please refer to specific design features when you respond.

2 – To the councillors – The local highway authority accepts that part of the pedestrian routes within the site may not meet national guidance, and has said that. You will wish to take these matters into account in the overall planning balance. The plans do not provide safe and suitable access for all. They do not encourage sustainable travel. They do not improve access to the village for pedestrians. Councillors, will you please reject the plans as they stand?

4. Gerald Dinnage, referring to No 1 on the Plans list asked:

I am Gerald Dinnage of Sampford Peverell.

On page 45 of the Report Pack, the officer says that '... drainage and flood risk have been fully considered'.

This is not true.

New drainage plans appeared in May and July – but the Devon Flood Team has not sent an official response since April.

Condition 18 says that the drainage design must be informed by percolation tests. These measure how well water drains into the ground.

But the Committee Report never even mentions Condition 18.

New data about Condition 18 was published on the outline application page just days ago, on 9th August. It confirms that expert engineers Hydrock ran percolation tests at the site in 2017.

Hydrock reported that none of the test pits managed to drain the required three times. In line with national guidance, Hydrock warned that this means that the test results '... should not be used for design purposes'. Hydrock made no exceptions and left no ambiguity. This is new information.

In 2021, Hydrock worked with South West Geotechnical. They ran a second set of infiltration tests.

These also failed for the same reason.

In July 2022, the applicant submitted a design for a filter drain beside the cycleway. The text beside the drawing says that its design is based on the second set of failed test results.

Lastly, the applicant promised that footpaths (plural) will have filter drains. Only one drain appears in July's new plans.

My questions to the officer are:

Has the cycleway filter drain been designed using data from incomplete tests, against the clear warning from Hydrock that such data should not be used for design purposes?

In your report published online for this Committee Meeting:-

- a) Do you inform Members that Condition 18 has not been discharged?
- b) Do you inform Members that the Flood Team has not responded on any plans submitted since April?
- c) Do you tell Members that the plans include only one pathway drain?
- d) Residents raised drainage concerns during the July consultation. Does your Report's summary of July objections even mention drainage?

So, will you please amend the statement you make on page 45 of the Report so that it reads - 'Drainage and flood risk have NOT been fully considered'

5. Paul Elstone, referring to item 10 on the agenda had the following read out by the Chairman and asked:

- a) Planning Enforcement Table 2.2 Shows 2 separate line entries for Breach of Condition 171. Was it intended that one line refers to Section 171 A breaches i.e. related to carrying out development without the required planning permission or failing to comply with any condition. That was it intended that the second line refers to Section s 171 B i.e. breach of planning control such as change in use of a building without planning permission etc.
- b) "The following table shows stats for enforcement cases over the past few months" What specifically is the period covered. Which calendar months and for which year.
- c) The text of the Planning Report Section 2 Enforcement says the following: "Cases outstanding include 334 of which 174 are pre-2022, these are being worked on. Many may not be high priority and can be cleared". Can the MDDC Development Manager please fully explain what "High Priority" means in MDDC planning enforcement terms?
- d) Can it be explained why lower priority enforcement cases can apparently be so easily cleared?
- e) Of the 41 Enforcement Cases shown as closed out in Table 2 how many of these were classed as "high priority"?
- f) Did any of the 41 enforcement cases that have been closed out relate to Anaerobic Digesters or associated Silage or Digestate Clamps?

- g) How many of the 334 cases outstanding relate to Anaerobic Digesters, or associated Silage or Digestate storage clamps and are deemed “high priority”?
- h) How many of the 334 cases outstanding are considered as “high priority”?
- i) How many of the 334 cases outstanding are within 12 months of the expiry date permitting enforcement action to be taken?
- j) How many retrospective planning applications have been received over the last year and how many of these have so far been refused?

6. Stephen Hirst, referring to No 1 on the Plans list sent in a question which was read out by the Chairman and asked:

I am Stephen Hirst. I live at 42 Higher Town the listed building at the north-east of the site.

Page 38 of the Public Report Pack tells you that ‘the formal LEAP has been moved and altered to less formal play equipment integrated into the landscape alongside the cycleway proposed’.

The fence has gone but there are still six items of play apparatus at the north-east. That is exactly the same as it was in the June plans.

The equipment is fixed on the Green Infrastructure that was added to limit impact on the setting of the Grade 2 listed building where I live. Unlike the path, it does not have to be there. It adds to the harmful impact. Anyone can see that.

It is ridiculous to say that this is ‘less formal play equipment’. It is play equipment and it is permanently fixed. The nearest is only half a metre further away from my garden than it was in the previous plans.

Noise will still be a problem – taking away a fence does nothing about that.

We still do not have designs for what equipment will go where and how high it will be. You are supposed to check these things before giving approval.

And what about the risks of having this play equipment either side of a cycleway? It invites children to run across from one side to another.

The equipment is within 12 metres of a window in the new bungalow near us. Last time the officer said it all had be 20 metres away.

My question is -

Councillors – Please will you refuse this application or at the very least remove all play equipment from the green infrastructure?

The Chairman advised that questions would be answered during the presentations apart from Mr Elstone who would receive a written reply.

48 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.27.12)**

Cllrs P J Heal, S J Clist, Mrs C Collis, L J Cruwys, C J Eginton, B Holdman, F W Letch, B A Moore and B G J Warren all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters for application 22/00040/MARM as they had received correspondence from objectors

Cllrs B Holdman and F W Letch made personal declarations for 22/000408/MARM as they knew residents living next to the site

Cllr S J Clist made a personal declaration for application 21/01420/FULL as he knew the applicant

Cllr B A Moore made a personal declaration for application 21/01420/FULL as he was the Ward Member

Cllrs F W Letch and B G J Warren made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters for application 21/01420/FULL as they had received correspondence from objectors

Cllrs P J Heal and F W Letch made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters for application 22/000687/HOUSE as they had received correspondence from objectors

Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters for TPO 22/0003/TPO as he was Chairman of Willand Parish Council and had attended a meeting where the application was discussed

49 **MINUTES OF THE PREVIOUS MEETING (0.28.05)**

The minutes of the meeting held on 10th August 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

50 **CHAIRMAN'S ANNOUNCEMENTS (0.31.36)**

The Chairman had no announcements to make

51 **WITHDRAWALS FROM THE AGENDA (0.32.05)**

There were no items withdrawn from the agenda

52 **THE PLANS LIST (0.32.12)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

- a) ***Application 22/00040/MARM - Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with access reserved) following outline approval***

17/01359/MOUT at Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell.

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial view, site layout, affordable housing layout, street scenes, housing types, green infrastructure, play space design, cross sections, road hierarchy, cycleway details and photographs of the site.

The officer explained that the application before Members was Reserved Matters following outline approval 17/01359/MOUT granted by the Planning Inspectorate on 7th April 2021. He explained that a decision had been deferred by Committee so that further information set out in the minutes of the meeting on 29th June could be provided. As a result the applicant had submitted information which addressed the 13 specific concerns of Members.

In response to public questions and to the additional questions received (as detailed in the update sheet) the officer detailed the responses from the applicant which directly dealt with the concerns of objectors. He also provided detailed responses to specific questions raised regarding:

- Drainage
- Design Review Panel
- Removal of Permitted Development Rights
- Allotments
- Infrastructure pressures
- Documents available on the planning portal
- Further reduction of land levels
- Additional planting
- Trim trail
- Gradients
- Open Space specification and Management companies
- Site capacity for electrical consumption
- Solar Panels
- Archaeological mitigation

Consideration was given to:

- That a desire by some Members to remove permitted development rights to the new properties was not felt to be reasonable by officers
- That the Council would enforce the Management Plan if this became necessary in the future
- The number of electric vehicle charging points provided was above the required level detailed in the adopted policy
- Plots 57 and 58 where over 40 meters away from the nearest property and would not need to be lowered to prevent overlooking
- The views of the DCC Highways Officer who stated that the site was hilly and that they had worked with the developer to achieve the best possible solution to the cycleway
- That there was no adopted policy which could force the developer to make the site electricity only and that information from the electricity distribution

company was that they current supply to the site would not facilitate this as there was not enough capacity

- The views of the objector who stated that there was dodgy data used for the drainage and there was significant overlooking of existing properties. That the insulation proposed had not been independently checked, there were concerns with the separate site construction access and the location of the self-build plots. That the application should be refused due to poor layout and the cycle way gradients.
- The views of the applicant who stated that they had responded to all of the concerns raised by Members. There was no maximum gradient allowed for cycle ways and that the LEAP had been redesigned. Plots 47 and 48 had been lowered as requested. That the lighting plan was part of the discharge conditions and that the residents would take over the management plan after 10 years. That the electricity distribution company had confirmed that there was not the capacity to make all of the homes electricity only so they had used a fabric first approach to make the homes more energy efficient
- The view of the Parish Council who were concerned about road speeds and that gas boilers were to be installed
- The views of the Ward Members who felt that residents' concerns should be listened to and addressed. That the green infrastructure should be protected and that no play equipment should be sited on it. That there was no need for a trim trail

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager.

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

Reason for the decision: As set out in the report

- Cllrs Mrs C Collis, S J Clist and B G J Warren requested that their votes against the decision be recorded
- Cllrs C J Eginton, F W Letch and B Holdman requested that their abstention from voting be recorded
- Jamie Byrom spoke as the objector
- Tim Smale of Edenstone Homes spoke as the applicant
- Cllr David Cutts spoke on behalf of Sampford Peverell Parish Council
- Cllrs J Norton and Mrs C Collis provided statements as Ward Members
- Brian Hensley spoke on behalf of DCC Highways Authority
- Cllr C J Eginton left the meeting at 16.38pm
- The following late information had been received:

Consultee Responses:

Sampford Peverell Parish Council – 15th August 2022

The documents concerning this Reserved Matters application which have been added since June have been studied by all Members of Sampford Peverell Parish Council. We appreciate the continuing efforts that have been made to improve and clarify the application and feel that the overall plans are much better now. The plans for refuse collection are clearer, with public waste bins marked, and the open space

specification is better, for instance specifying minimal use of herbicides and hedge-cutting. However we still have a few concerns:

Road speed around the area. We appreciate that changes to speed limits are controlled by DCC, but we suggest improved signage or gateway markers at the corners of the site could make it much clearer to drivers that they are entering the village. We would be happy to talk to Edenstone about our ideas.

We are very concerned about the effect of climate change, as evidenced by the recent heatwave, and like the district and county we want to reduce carbon emissions in the area. The changes in building regulations that took effect in June urge developers to install electric heating systems combined with renewable energy sources such as photovoltaics. The email from the developers' agent states "Unfortunately, the power company have advised that there is not sufficient power available to service the site as an 'electricity-only' development and they have no programme at the moment to upgrade the system. It is not, therefore, possible to propose an alternative system to that currently put forward". We contacted Western Distribution who could not tell us exactly what was said in this case, but they assured us that Sampford Peverell has no limit on the amount of electricity that can be used here, and there is also no limit on the number of houses that can have solar panels installed. Could the developers please explain the statement in their email? At the very least they could install solar panels, which are common in the village, and which are now well designed to fit in almost invisibly into new roofs. As the attached photograph shows, it is perfectly possible to build new houses (to the right) in the style of much older houses (to the left) with the most modern installations included (solar panels built into the roof structure). We expect a convincing explanation why this cannot be done for this development at a time when carbon footprint is of foremost concern.

We are happy that the LEAP for young children is now in the heart of the housing, with trim trail equipment provided to the north for teenagers and adults, we would, however like to see details of the equipment to be provided in both areas, and assurance that the trim trail equipment will not allow the overlooking of nearby houses.

The road hierarchy document does make it clear which roads are to be at an adoptable standard, but it was previously stated that they would not actually be adopted. We would like to be clear who will maintain these roads, collect rubbish from them, install and maintain the lighting along them, and what it means for, say, visitor parking.

We would still like to see a lighting plan. Item 20 in the list of planning conditions from the Appeal Inspector said that "no street and/or external lighting of public areas shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority". We have not yet seen such a plan. The email from the agent says "This will be dealt with through the discharge of the outline condition (Condition 20 of planning permission 17/01359/MOUT) and this further detail remains within the MDDC's control". This missing plan is a requirement, as lighting is part of 'Appearance' in Reserved Matters.

We know parishioners who live near the site have other concerns regarding privacy, or the type and size of landscaping or planting near their homes. They are making their own objections and we hope their concerns will be dealt with.

Lead Local Flood Authority (D.C.C) – 18th August 2022 (response to concerns over drainage raised by Mr Byrom on 15th August 2022).

‘I responded to Jamie (response contained on page 7 of Jamie’s letter). I responded to Jamie’s further email this week stating the following:

The northern and southern connections of the eastern footpath are considered negligible and we consider that the highway drainage should be able to manage this (I am not aware that my Highways colleagues have raised concerns with these areas).

The south western footpath connection has been left to drain onto the highway (this is not uncommon). The flows would either drain west or south and I have not been made aware of any concerns with the drainage systems in these roads (only the systems draining eastwards down Higher Town and Turnpike).

We are content with the proposals.’

Local Highway Authority – 26th July 2022 (response to concerns raised by objectors to gradients)

‘The gradients within the site for the footway have indeed already been agreed with the Highway Authority at 8% so the further reduction to 7% will of course help.

I should point out that the guidance for gradients are a guidance and if these cannot be met, it would down the Highway Authority to agree on whether steeper gradients would be acceptable. And this is the case for many developments throughout Devon as a whole due to the topography of the County. The Developer has spoken to the Devon County Council Agreements Officer and gone through the proposal of what can be achieved regards the footway and proposed landing points, which has been agreed.

As you know this development is not being put forward for adoption and therefore the County Highway Authority would be asking for the development to be built to an acceptable standard, under the APC (Advanced Payment Code) of The Highway Act 1980. And the gradients proposed would be an acceptable standard.’

Objections received further to the revised information submitted.

Further to the writing of the officer report which is prepared just over two weeks in advance of the planning committee, 7 additional letters of objection have been received to the earlier 4 letters referred to. In summary the additional grounds of objection are:

- Failings of the drainage design for the development
- Concerns of the Design Review Panel and how they assessed the proposal
- Requirement of a condition to remove permitted development rights
- Concerns to the position of the allotment shed

- Note that residents object to the proposed oak tree which could be relocated opposite the cemetery
- The erection of 60 dwelling will add to infrastructure pressures
- The Council is withholding documents with comments referred to in the committee report from Highways and Natural England which are not viewable on file
- Land levels need to be reduced further to protect amenity to residents of 42-46 Higher Town
- Additional planting is required to screen harmful effects of the development
- The Trim Trail along the cycleway should not be allowed
- Objection to the proposed gradients which are not in accordance with guidelines
- Concerns over a Member briefing and that residents should be included
- Concerns in respect to the Open Space Specification and Management Companies
- Evidence required for site's capacity for electrical consumption needs to be made public
- The site could take a number of years to build and should include solar panels
- Evidence required of no specific archaeological mitigation in accordance with Policy
- There is no detail of drainage runoff onto Higher Town and how it will be dealt with

On the matters of objections received throughout the planning process, complaints have been received that the correct number of objections have not been referred to within the committee report. Members should be aware that there have to date been 61 letters of objection received (all viewable on file), which are from 24 individuals residing at 18 properties. In some instances individuals have written in multiple times and the public access website links these objections together in providing a total for objections.

b) Application 21/01420/FULL - Erection of an agricultural building, polytunnels and raised beds, septic tank and provision of new vehicular access at Land at NGR 289870 116865, Stoodleigh Cross, Stoodleigh.

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial image, block plan, plans and elevations, access plan and photographs of the site.

The officer explained that a decision had been deferred by the Committee for a site visit to take place which had now occurred.

Consideration was given to:

- That the removal of the existing containers could not be conditioned as they were not part of the application
- Enforcement action would have to take place if the containers were not removed
- The closest property was 500 metres away from the site

- The views of the Parish Council who stated that their objections still existed and there was anxiety and suspicion about the development. That if permission was granted, that conditions were enforced.
- The views of the Ward Member who felt that the development did not comply with policies DM20 or S14. That there were concerns over the proposed septic tank and that permission should be refused

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager subject to an amendment to condition 1 to read:

1. The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission

(Proposed by B A Moore and seconded by B G J Warren)

Reason for the decision: As set out in the report

Notes:

- Cllr S J Clist requested that his abstention from voting be recorded
- John Widdowson spoke on behalf of Stoodleigh Parish Council
- Cllr R J Stanley provided a statement which was read out by the Chairman

53 **APPLICATION- 22/00687/HOUSE - RETENTION OF BUILDING FOR USE AS ADDITIONAL LIVING ACCOMMODATION AT OLD PARSONAGE, HIGH STREET, HEMYOCK, CULLOMPTON (3.02.57)**

At the Planning Committee meeting on 27th July 2022, Members advised that they were minded to refuse the application and invited an *implications report for further consideration.

The Planning Officer reminded Committee of the application by way of a presentation which highlighted the block plan, floor plan, elevations and photographs of the living accommodation.

He explained that the neighbours' concerns about excess noise could be dealt with through public health legislation.

Consideration was given to:

- The definition of ancillary accommodation
- 3 objections had been received
- Members views that an objection on parking issues could not be defended

Members were provided with case studies for previous applications that had been allowed at appeal but felt that the application before them was not similar and should be refused.

It was therefore **RESOLVED** that planning permission be refused contrary to the recommendation of the Development Management Manager for the following reason:

1. The proposed annexe, by virtue of its position, setting, scale and design would result in significant adverse impacts upon the amenity of residents of nearby properties contrary to policies S1, DM1 and DM11 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

(Proposed by Cllr S J Clist and seconded by B G J Warren)

Reason for the decision: As set out in the report

Notes:

- *report previously circulated and attached to the minutes
- Cllrs B A Moore, D J Knowles, Mrs C Collis and P J Heal requested that their votes against the decision be recorded
- Cllrs S J Clist, F W Letch and B G J Warren would defend an appeal if required
- Cllrs Mrs C Collis and F W Letch left the meeting at 17.50pm

54 **TREE PRESERVATION ORDER - 22/0003/TPO LAND AT NGR 303250 110816 (9-19 TAMARIND, 26 OAK CRESCENT) MEADOW PARK WILLAND (3.34.56)**

The Committee had before it a *report of the Development Management Manager with regard to an application for a Tree Preservation Order LAND AT NGR 303250 110816 (9-19 TAMARIND, 26 OAK CRESCENT) MEADOW PARK WILLAND

The Arboricultural Officer outlined the contents of the report by way of a presentation which highlighted the site location plan and photographs of the site and the trees.

He explained that an objection had been received from a resident but that their concerns did not outweigh the amenity value of the trees.

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr B G J Warren and seconded by B A Moore)

Reason for the decision: As set out in the report.

Note:

- *report previously circulated and attached to the minutes

55 **Q4 PLANNING PERFORMANCE REPORT (3.43.04)**

The Committee had before it, and **NOTED**, a *report from the Development Management Manager providing the Q4 Planning Performance Report.

The officer outlined the contents of the report and highlighted that the results demonstrated what the team were achieving.

She explained that non major applications determined within 8 weeks was at 96% and was a massive achievement. Major applications determined within 13 weeks had dropped slightly due to them taking a long time to consult with applicants.

She explained that there were current difficulties with recruitment but this was industry wide but the teams' results were holding up well.

Members asked if the following information could be provided:

- The amount of planning fees returned
- How many appeals allowed for non-determination
- How many decision were overturned at appeal

The Chairman and Committee thanked the Planning Service for their continued hard work.

Note: *report previously circulated and attached to the minutes

(The meeting ended at 6.15 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 26 August 2022 at 10.00 am

Present

Councillors

J Cairney (Chairman)
J Bartlett, D R Coren, J M Downes,
Miss J Norton and Mrs E J Slade

Apologies

Councillor(s)

R J Chesterton, Mrs F J Colthorpe, D J Knowles and
L D Taylor

Also Present

Councillor(s)

A Wilce and R J Dolley

Also Present

Officer(s):

Tanya Wenham (Operations Manager for Public Health and Housing Options), Deborah Sharpley (Solicitor), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

1 ELECTION OF CHAIRMAN (VICE CHAIRMAN OF THE COUNCIL IN THE CHAIR)

Cllr J Cairney was duly elected Chairman of the Licensing Committee for the municipal year 2022-2023

2 ELECTION OF VICE CHAIRMAN (0.04.35)

Cllr Mrs E J Slade was duly elected Vice Chairman of the Licensing Committee for the municipal year 2022-2023

3 APOLOGIES AND SUBSTITUTE MEMBERS (05.35)

Apologies were received from Cllrs Mrs F J Colthorpe, R J Chesterton, D J Knowles and L D Taylor.

Cllr A Wilce attended via ZOOM.

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.06.14)

Members were reminded of the need to make declarations where appropriate

5 PUBLIC QUESTION TIME (0.06.33)

There were no members of the public present

6 MINUTES (0.07.15)

The minutes of the meeting held on 3rd December 2021 were agreed as a true record and duly **SIGNED** by the Chairman.

7 **ENFORCEMENT UPDATE (0.07.59)**

The Operations Manager for Public Health & Housing Options gave an overview of the service and noted that:

- Due to unforeseen circumstances that staffing levels and lack of expertise, inspections had been limited
- There had been no direct enforcement of Licensing Premises due to the staffing issues
- 2 subcommittee licensing hearings had been held, both of which were granted
- There had been regular liaison with the Police and Environmental Health on Temporary Event Notices
- With a new team and specialist support now in place, a program of training and increased enforcement and pro-active inspections is now planned
- Premises applications had increased from 69 in 2020-2021 to 276 to date in 2022-2023 and were back to pre covid levels
- A qualified Animal Welfare Inspector had been employed to complete premises inspections and provide in depth reports
- There were 3 new applications for dog breeders pending and 2 renewals

Members were saddened to hear the loss of qualified staff and questioned how the team's enforcement obligations could be met.

The Operations Manager for Public Health & Housing Options responded by stating that looking after the health and safety of the public was a priority. Where public health had been assessed as at risk enforcement was undertaken and/or a hearing arranged. They were building competency across the team. The team had a clear development plan and agency staff had been employed to provide training to new staff members. The Operations Manager indicated that she monitored the team's key performance indicators on a monthly basis

Members requested that a report on results against the teams current key performance indicators be presented to the next meeting of the Committee.

(The meeting ended at 10.25 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 26 August 2022 at 10.30 am (on the rising of the Licensing Committee)

Present

Councillors

J Cairney (Chairman)
J Bartlett, D R Coren, J M Downes,
Miss J Norton and Mrs E J Slade

Apologies

Councillor(s)

Mrs F J Colthorpe, R J Chesterton, D J Knowles and
L D Taylor

Also Present

Councillor(s)

A Wilce and R J Dolley

Also Present

Officer(s):

Tanya Wenham (Operations Manager for Public Health and Housing Options), Deborah Sharpley (Solicitor), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

1 ELECTION OF CHAIRMAN (VICE CHAIRMAN OF COUNCIL IN THE CHAIR)

Cllr J Cairney was duly elected Chairman of the Licensing Committee for the municipal year 2022-2023

2 ELECTION OF VICE CHAIRMAN (0.04.00)

Cllr Mrs E J Slade was duly elected Vice Chairman of the Licensing Committee for the municipal year 2022-2023

3 APOLOGIES AND SUBSTITUTE MEMBERS (0.04.57)

Apologies were received from Cllrs Mrs F J Colthorpe, R J Chesterton, D J Knowles and L D Taylor.

Cllr A Wilce attended via ZOOM.

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.05.22)

Members were reminded of the need to make declarations where appropriate

5 PUBLIC QUESTION TIME (0.05.31)

There were no members of the public present

6 MINUTES (0.06.13)

The minutes of the meeting held on 3rd December 2021 were agreed as a true record and duly **SIGNED** by the Chairman.

7 **ENFORCEMENT UPDATE (0.06.28)**

The Operations Manager for Public Health & Housing Options gave an overview of the service and noted that:

- There were 2 enforcement issues with both having driver licences suspended. There were Police investigations on both. The first driver had chosen to retire and the second had subsequently proved to be innocent and was reapplying for his licence
- New driver applications appeared to be on the increase in Mid Devon District Council
- The Taxi Licensing Policy was under review and was due to be updated

(The meeting ended at 10.40 am)

CHAIRMAN