

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 5 June 2019 at 2.15 pm

### **Present Councillors**

E J Berry, S J Clist, Mrs C Collis,  
Mrs F J Colthorpe, L J Cruwys,  
Mrs C P Daw, R J Dolley, D J Knowles,  
F W Letch, R F Radford and B G J Warren

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

E G Luxton

### **Also Present Councillor(s)**

D R Coren and S J Penny

### **Also Present Officer(s):**

David Green (Group Manager for Development), Philip Langdon (Solicitor), Alison Fish (Area Team Leader), Daniel Rance (Principal Planning Officer) and Carole Oliphant (Member Services Officer)

## **1 ELECTION OF CHAIRMAN (00.01.00)**

**RESOLVED** that Cllr F J Colthorpe be elected Chairman of the Committee for the municipal year 2019/20.

(Proposed by Cllr F W Letch and seconded by Cllr D J Knowles).

## **2 ELECTION OF VICE CHAIRMAN (00.03.56)**

**RESOLVED** that Cllr D J Knowles be elected Vice Chairman of the Committee for the municipal year 2019/20.

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

## **3 APOLOGIES AND SUBSTITUTE MEMBERS (00.06.59)**

Apologies were received from Cllr E G Luxton who was substituted by Cllr R J Dolley.

## **4 PUBLIC QUESTION TIME (00.10.58)**

Martin Fishleigh –The Chairman advised Mr Fishleigh to raise his objections when the application was heard.

Tony Price, referring to item 3 on the plans list (AD plant at Lords Meadow, Crediton) asked the planning officer to explain if they were going to allow an on farm Anaerobic Digester to be sited on Lords Meadow Industrial Site next to a thriving blue chip

company manufacturing printed circuits when this should be on a farm? Could the planning officer make clear if they have employed any specialist consultant to advise of any effects of pollution to houses and factories close to this site? Should this plant be allowed what contingency plans do MDDC have to employ to ensure the plant is correctly monitored for the air pollution?

Cllr Lloyd Knight, Cullompton Town Council, referring to item 2 on the plans list (Siskin Chase, Cullompton) stated with the mistakes that had been made with the King Fisher Reach development Cullompton Town Council were very nervous about this development. We think that there is a major issue with the access at the development which is to use Siskin Chase as access to these 105 houses which does not have much room with parked cars either side of the cul de sac with a chicane as well which is a bit of a pinch point. We believe that Colebrooke Lane west of Swallow Way is going to be used for the construction vehicles. We are wondering if this could be a permanent access for the 105 houses as well as Siskin Chase. There is going to be a footpath anyway and it will be a standard of road for emergency vehicles so wouldn't it make sense just to have it as a permanent access? We think that this would help with the idea of the rugby club who maybe moving and that being turned to housing developments and the suggested access west of Swallow Way/Colebrooke Lane would help with the traffic alleviation.

Peter Heal who runs a business on Lords Meadow Industrial estate referring to item 3 on the plans list (AD Plant at Lords Meadow, Crediton) had six questions for the planning officers. As I understand it, the feed stock is going to be 32,500 tonnes and that equates to 89 tonnes a day or 560 tonnes per week. I downloaded some information from BIOGas Info.co.uk, the official information portal on Anaerobic Digestion, and one of the statements about digestate is that 90-95% of what goes into the digester comes out a digestate.

1. How much digestate will there be per week?
2. How much is liquid and how much is solid?
3. The application transport statement says the export trips are 4 per week. Is this for dry matter digestate only?
4. Why is there no application for a holding tank for the liquid digestate at Downs Home Farm seeing as there is where it is going to go. How large will it be and will it be a sealed tank? I know it's not part of this application but I assume they are going to need somewhere to store it?
5. The transport statement says at point 4.10 that grass import would not involve trips on a highway as it will be directly accessed off the Downs Home Farm site but at point 4.17 it says that this route is weather dependant so how will the grass get there if the previous off road site not available for use?
6. Why does that transport statement say that grass silage will be at Downs Home Farm yet the odour management plan which was submitted on 5th April says that the grass silage will be stored on the AD plant site?

Jamie Byrom referring to item 2 on the plans list (Siskin Chase, Cullompton) and in particular to page 35 of the public report pack where there is a statement made in the officers report about the 5 year housing land Supply. The statements made there are that the Council is satisfied that it can currently demonstrate a 5 year housing land supply but unfortunately because there was an appeal in 2016 in Uffculme and policies which relate to housing delivery are still subject to the tilted balance that can kick in where the supply is not sufficient. Because it wasn't sufficient in 2016 is that

still being applied now even though your officers say they are satisfied that there is sufficient 5 year land supply. Clearly a difficult situation for everyone. I wanted to make members aware that in November of last year officers postponed decision making on several applications that they believed would be affected by this ambiguity over the 5 year housing land supply and they were waiting for information from the Government due in November, which then came out in February. When that data came out my understanding is, that this is grounds of the confidence that there is sufficient 5 year housing land supply that no 20% extra was needed to be added in the case of Mid Devon. If I am right about those facts then I am confused because by announcing that delay in November the officers explanation said that for some applications the absence of a demonstrable 5 year housing land supply is a material consideration with significant implications, it's therefore prudent to wait for the publication, expected before the end of November and that appeared in February, and then test our review against those results for accuracy. I am puzzled by the officer report which is still applying a tilted balance and hasn't postponed this one as it has done for others. In February officers produced for the inspection examination calculations which assured the inspector that housing land supply was secure was 4 months ago so the delay in finding this calculation properly and officially leaves residents in Cullompton and elsewhere at the mercy of a 2016 calculation that prejudices the case in favour of would be developers through so called tilted balance. I want it noted that it was in July 2018 that the last figures on 5 year housing land supply were put before this committee just before their decisions were made on that day so almost a full year has gone by.

1. Will officers confirm what the necessary official calculations on housing land supply will have been made by the committee when it meets in July 2019?
2. If you can't give that confirmation please explain why that is?
3. Will the Councillors please consider this matter when you are discussing whether you are minded to refuse the Cullompton decision today I would hold that it cannot be unreasonable to do so in the knowledge that other sites have been postponed precisely because the 5 year land supply data had not made public?

Roger Harris again referring item 2 on the plans list (Siskin Chase, Cullompton) asked if the committee were aware that the road in Siskin Chase is at one stage only 3.55 meters wide? This is between the junctions of Starlings Roost and Linnet Dean which is not wide enough for two vehicles to pass. Permission to allow any higher flow of traffic who already uses this road will cause severe problems for road users and residents and I am mystified how the Highways department can justify putting 200 more extra vehicles a day now and maybe more in the future should there be future development through Siskin Chase and state that this is an acceptable means of access. Could someone please explain how this makes any sense in respect of road safety? I'm not sure what S106 agreements are but it appears to be document from items 1-10 of the proposal where money is allocated from this development to various departments and various people including £7500 per dwelling towards the town centre relief road. None of this appears to be of any financial benefit for Siskin Chase and I can't see why if this development is built, and the development above at the rugby club, the money cannot be used put a road from Knowle Lane down through to Colebrook Lane. That money could easily be used to improve that road which could be developed and used by the whole of the estate on this development and a future one and it would be not need to put the residents of Siskin Chase through all this turmoil.

5 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00.26.38)**

Members were reminded of the need to declare any interests when appropriate.

6 **MINUTES OF THE PREVIOUS MEETING (00.26.51)**

The Minutes of the meeting held on 23 April 2019 were approved as a correct record and **SIGNED** by the Chairman.

7 **CHAIRMAN'S ANNOUNCEMENTS (00.29.30)**

The Chairman had no announcements to make.

8 **DEFERRALS FROM THE PLANS LIST (00.29.46)**

There were no deferrals from the Plans List.

9 **THE PLANS LIST (00.30.05)**

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 application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No1 on the Plans List (***19/00435/FULL – Siting of a storage building – Mid Devon District Council – Unit 3, Carlu Close, Hitchcocks Business Park, Willand***) be granted planning permission as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(b) No 2 on the Plans List (***19/00118/MOUT – Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane – land at NGR 301216 106714 (West of Siskin Chase) Colebrooke Lane, Cullompton***).

The Area Team Leader outlined the contents of the report by way of presentation highlighting that all matters except the access arrangements would be matters for future applications. The officer gave an overview of the site by way of a presentation and photographs of the site and surrounding road access and explained that the plans were indicative at this point and that access was the only matter for consideration.

She explained that the access point through Siskin Chase was a policy decision and that a road safety audit had been completed and Devon County Council Highways Authority had no objections to the route.

She addressed specific questions raised by members of the public:

- She would confirm when the necessary official calculations on housing land supply would be completed
- The land at Colebrooke Lane was not under the control of DCC Highways or the developer and therefore permanent access at this point into the site was not viable
- Siskin Chase had been identified as the access point into the site and formed part of agreed policy and the road safety audit and DCC did not have any objections or concerns re increased traffic flow

Consideration was given to:

- The 5 year land supply and the housing test delivery results
- The views of the objector who felt that the development was not sustainable and that the access point through Siskin Chase was not wide enough to support additional traffic flow
- The views of the agent who had sited the access point in Siskin Chase in accordance with the Planning Authority's accepted policy
- The views of the Town Council who were not opposed to the development but felt that the access into the site from Siskin Chase was unsuitable because of the volume of traffic which would be generated by the development. An access point into the development from Colebrooke Lane was recommended
- The views of the ward member who felt that the photographs provided by the Planning officer were misleading and that the Colebrooke Lane entrance would be wider than the Siskin Chase entrance and would be more suitable
- The views of the Highways Officer who stated that the land along Colebrooke Lane was outside of the control of both DCC and the developer and therefore could not be widened to accommodate a permanent access point and a viable road junction
- Concerns from members who felt that the agreed local policy siting the access point through Siskin Chase was flawed as the road was too narrow
- The confirmation from DCC Highways that the Siskin Chase access was acceptable in terms of traffic volumes and flow and that they had no objections to the proposals
- The concerns of members who felt that if the Colebrooke Lane access flooded whilst the site was being developed that construction traffic would go into the site via Siskin Chase

It was therefore:

**RESOLVED** that the application be deferred for further discussions between Officers and the Agent to consider the possibility of a permanent vehicular access route from Colebrook Lane into the site.

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

Notes:

- i) Cllr R Dolley declared a personal interest as he was a sponsor of the Rugby Club which was situation next to the proposed development;
- ii) Cllr R Radford declared a personal as he was a sponsor of the Rugby Club which was situation next to the proposed development;
- iii) Mr Harris spoke on behalf of the objectors;
- iv) Mr Brown (Agent) spoke;
- v) Cllr E J Berry spoke as Ward Member (Cullompton South);
- vi) A proposal to support the application was not supported
- vii) Cllrs R Dolley and R Radford requested that their abstentions to the original proposal be recorded
- viii) Cllrs B G J Warren, S J Clist and E J Berry made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they had received correspondence about the application

(b) No 3 on the Plans *List (18/01800/MFUL – Construction of an on-farm anaerobic digestion plan and associated infrastructure – land at NGR 285024 100245 (East of Lords Meadow Industrial Estate, Crediton))*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location and the proximity to Lords Meadow Industrial Estate.

He addressed specific questions raised by members of the public:

- Condition 9 stated that there shall be no storage of any feedstock other than silage within the application site except within the sealed digestate storage tanks
- The new access would be raised above the flood level and there were no objections from the Environment Agency
- Removed digestate would generally go over fields but local transport firms would be utilised to take it over the road network where required
- There was the potential to have liquid digestate pumped but it did not form part of this application
- Environmental Health did not have any issues with the proposal in terms of air pollution

Consideration was given to:

- The views of the objector who was concerned about dust and debris emitting from the proposed site and the effect this could have on a blue chip company

- The views of Crediton Hamlets Parish Council who were opposed to the application on the grounds of odour and airborne dust
- The views of the ward members who were concerned about the effect on the carbon footprint with material being brought in from different locations
- The concerns of members with regards to contracts with companies listed on the supplier list which could be amended or changed by the applicant
- The landscaping arrangements and how to ensure the plant was screened from view
- The views of a member with experience of an AD plant in the district which had been objected to but was now up and running well and that a liaison group had been implemented with local residents to ensure the plant operators kept local people informed

It was therefore:

**RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with a further condition with regard to additional landscaping to be incorporated as part of the proposal and an informative note to encourage a voluntary liaison group to be created so that local residents and the operator could keep an open dialogue on the running of the plant.

(Proposed by the Chairman)

Notes:

- i) Cllrs F W Letch, B G J Warren, L J Cruwys, S J Clist, D J Knowles, R F Radford, Mrs C Collis, Mrs F J Colthorpe, D R Coren and S J Penny made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they had received correspondence about the application
- ii) Mr Fishleigh spoke on behalf of the objectors;
- iii) Mr Kerlake (Agent) spoke;
- iv) Cllr Mortimer spoke on behalf of Crediton Hamlets Parish Council
- v) Cllr D R Coren and Cllr S J Penny spoke as Ward Members (Yeo)

## 10 MAJOR APPLICATIONS WITH NO DECISION (02.56.43)

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

It was **AGREED** that:

Application 19/00718/MOUT Land at NGR 270904 112818 (The Barton) Belle Vue, Chawleigh, Devon be delegated to Planning Officers

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

11 **APPEAL DECISIONS (02.59.44)**

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

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

12 **START TIMES OF MEETINGS (03.00.53)**

The Committee **AGREED** start times for meeting should remain at 2.15pm for the remainder of the 2019/20 municipal year.

(The meeting ended at 5.45 pm)

**CHAIRMAN**