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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 13 January 2021 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
G Barnell, S J Clist, Mrs C P Daw,  
J M Downes, C J Eginton, D J Knowles,  
F W Letch, B A Moore, R F Radford and  
B G J Warren

### **Apologies**

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

E J Berry and L J Cruwys

### **Also Present**

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

Mrs E M Andrews, R J Chesterton,  
R J Dolley, D F Pugsley, Mrs M E Squires,  
A Wilce and Mrs N Woollatt

### **Present**

#### **Officers:**

Jenny Clifford (Head of Planning, Economy and Regeneration), Eileen Paterson (Development Management Manager), Maria De Leiburne (Legal Services Team Leader), Alison Fish (Area Team Leader), Angharad Williams (Area Team Leader), John Millar (Principal Planning Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

## 112 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.13)**

Apologies were received from Cllr E J Berry and Cllr L J Cruwys who were substituted by Cllr B A Moore and Cllr J M Downes respectively

## 113 **REMOTE MEETINGS PROTOCOL (0.03.39)**

The Committee had before it, and **NOTED**, the \*Remote Meetings Protocol

Note: \*Remote Meetings Protocol previously circulated and attached to the minutes

## 114 **PUBLIC QUESTION TIME (0.04.15)**

There were no questions from members of the public present

## 115 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.28)**

Members were reminded of the need to declare any interested when appropriate

## 116 MINUTES OF THE PREVIOUS MEETING (0.04.45)

The minutes of the meeting held on 2<sup>nd</sup> December 2020 were agreed as a true record

## 117 CHAIRMAN'S ANNOUNCEMENTS (0.05.53)

The Chairman made the following announcements:

- She informed Members that Alison Fish, Area Team Leader, was leaving the Council to work for the Planning Inspectorate and wished her well in her new role
- She welcomed Angharad Williams as the new Area Team Leader for the Central Team

## 118 DEFERRALS FROM THE PLANS LIST (0.08.06)

The meeting was informed that Item 1 on the agenda – application 20/01537/HOUSE (19 Lower Millhayes, Hemyock, Cullompton) had been deferred to allow for further investigations to be completed due to information received from representations

## 119 THE PLANS LIST (0.08.27)

The Committee considered the applications in the \*Plans List.

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

- a) **20/01452/MOUT - Hybrid application for a new cricket facility consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket grounds at Land at NGR 305210 108255, Horn Road, Kentisbeare.**

The Principal Planning Officer explained that the purpose of the hybrid application was to allow for an application to be divided into two parts allowing for an outline application for the cricket club pavilion and additional facilities and a full application for the creation of the two cricket pitches. He explained that the proposed Cullompton Relief Road route would go through the current Cullompton Cricket Club site and that there was a Local Plan policy requirement for the Cullompton Cricket facilities to be replaced elsewhere. The Principal Planning officer also advised that the application should be determined on its merits.

The officer then outlined the contents of the report by way of a presentation highlighting the site plan, location plan, illustrative landscape master plan, illustrative master plan, illustrative clubhouse and access point and photographs of the site.

In response to Members questions he explained that although Sport England were not overly supportive of the site they had not raised an in principle objection subject to ensuring the cricket pitches would be ready before the Cullompton Cricket Club left their current site. He further explained that Sport England would only require 1 pitch

and a standard clubhouse but that the Cricket Clubs aspirations went beyond this and that the application was for 2 pitches and a larger 2 storey club house.

With regard to Members concerns with mud on the road during the construction of the pitches the officer explained that any issues with this would be addressed in the construction management plan.

Members then discussed the possibility of alternative locations for the facility and the officer explained that the Cricket Club and the Town Council had been actively looking for a suitable site for a number of years. Issues with identified alternative sites included topography, availability and location. Members requested information as to what a Grampian condition was. In addition concern was raised about the proximity of the site to the Kentisbeare Cricket Club location.

The officer confirmed that S106 contributions were not being sought for the application and the Highways Authority had not requested any improvements to the road network in the location of the site.

In response to Members questions, the officer explained that the site was not within the Culm Garden Village exploration area and was outside of the master planning requirements for the East Cullompton allocation (Local Plan Policy CU7).

Consideration was given to:

- The views of the objectors who stated that the development would have a detrimental effect on Kentisbeare Cricket Club which was an integral part of the village and that it was not sustainable to have two clubs within such close proximity
- The views of the applicant who stated that the club had to relocate due to the relief road and that enhanced facilities were required due to the continued growth of the Cullompton Cricket Club. That they had actively been looking for a suitable site for 8 years
- The views of Cullompton Town Council who fully supported the application who stated it was the best site they had found in 8 years of looking
- The views of Kentisbeare Parish Council who stated that the Cricket Club had dismissed alternative sites for questionable reasons and that the application was being pushed through due to the relief road
- The views of the Ward Member who questioned the need for 2 pitches and that the application did nothing for Kentisbeare
- Concerns of Members that two local councils appeared to be at loggerheads with regard to the application
- Concerns with regard to the increased carbon footprint for people having to drive to the new site
- Competition between the two cricket clubs was not a material consideration
- The application would bring improved sporting facilities to Mid Devon

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B A Moore and seconded by Cllr D J Knowles)

**Reason for the Decision** – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, J M Downes, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, B A Moore, R F Radford 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 letters and submissions from objectors
  - ii.) Mr S Chappell (objector) spoke on behalf of Kentisbeare Cricket Club
  - iii.) Mr R Stevenson (applicant) spoke
  - iv.) Cllr G Guest spoke on behalf of Cullompton Town Council
  - v.) Cllr N Allen spoke on behalf of Kentisbeare Parish Council
  - vi.) Cllr D F Pugsley spoke as Ward Member
  - vii.) Cllrs S J Clist and Mrs C P Daw requested that their abstention on voting be recorded
  - viii.) Cllr B G J Warren requested that his vote against the decision be recorded
  - ix.) The following late information was reported:

Further correspondence was forwarded directly to Members from Kentisbeare Parish Council following publication of the Planning Committee Report, raising further concerns about the suitability of the site and compliance with Local Plan policies.
- b) **20/00876/MFUL - Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works at Land at NGR 302456 107324, Cullompton, Devon.**

The Principal Planning Officer outlined the contents of the report by way of a presentation highlighting the site location plans, proposed key junctions, environmental master plans, construction compound and haulage route, land compensation scheme and photographs of the site.

In response to questions from Members with regard to the priority of the road network at Meadow Lane and Exeter Road the officer explained that the Highways Authority saw no need to change the priority and that traffic could be redirected to the relief road via signage.

Members discussed the representations received from current landowners and the Development Management Manager explained that Members would need to decide if the representations received were related to planning issues. She advised Members that they would need to decide what weight to give them when deciding the application but that representations about land ownership were not material considerations.

The Principal Planning officer explained to Members that the Bowling Club would relocate to part of the current Cricket Club site after the Cricket Club had moved to it's new location and that land had been allocated within the development for a replacement site for the Bowling Club.

The Development Management Manager explained that any compulsory purchase orders would be dealt with by Devon County Council and that the relief road would be an asset of the County Council Highways Authority.

Consideration was given to:

- The views of the objector who stated that Tesco had wanted an adequate roundabout at the junction with the existing store but felt the junction proposed was inadequate
- The views of the agent who explained that it was a very complex scheme which had been designed with input from many stakeholders. That they would continue to consult with neighbours, including Tesco to resolve issues going forward
- The views of Cullompton Town Council who were fully in support of the scheme but had concerns with some of the junctions and felt that the CCA fields should be fenced off from the road
- The views of the Ward Member who had concerns with the Meadow Lane junction and requested a suitable surface for the footpaths within the CCA fields
- The views of the Ward Member who stated that the CCA fields were a massive asset for Cullompton and that the District Council were not providing any additional parks within Cullompton
- The views of the adjoining Ward Member who felt that the proposed junction at Meadow Lane was dangerous for children and that there would be a bad accident if this was not addressed
- Members concerns with regard to the safety and priority at the Exeter Road/Meadow Lane Junction and no provision provided for pedestrian crossings which they felt should be mitigated by a condition
- Members concerns with regard to the responsibility of the ongoing maintenance of the proposed footpaths
- Members concerns with regard to the access to and availability of compulsory open spaces and that a schedule of replacement land was required
- Members views that the applicant was willing to listen to concerns of local residents and make adjustments where required

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration and subject to:

1. Amendment to condition 1 to read:

The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.

2. Amendment to condition 14 to read:

Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:

- (a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;

- (b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;
- (c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

3. Amendment to condition 21 to read:

No construction activities impacting on the existing Cullompton Cricket Club site and facilities shall take place until as a minimum a single replacement cricket pitch (consisting of 9 fine turf wickets and 1 non turf artificial wicket) and associated facilities as approved under planning permission 20/01452/MOUT dated 19/01/2021, have been implemented and made available for use.

**Reason:** To ensure delivery of a replacement cricket pitch and facilities of an adequate standard.

4. Introduction of condition 22 to read:

Prior to the commencement of the development, a scheme for

- a) The configuration, prioritisation, signing and marking of the junction between Meadow Lane and Exeter Road
- b) pedestrian crossing arrangements on Meadow Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained.

**Reason:** In the interests of highway safety, traffic management and pedestrian safety

It was resolved that the application to discharge this condition should be brought before the Planning Committee for determination

5. Introduction of condition 23 to read:

No construction activities impacting on existing open space, including CCA Land, sports pitches and facilities shall take place until a schedule of replacement land provision including open space provision, sports pitches and facilities, with access to that provision, phasing and a timetable for delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed schedule and timetable.

**Reason:** To ensure delivery of replacement open space and sports provision.

It was resolved to seek the agreement of the Chairman and the Vice Chairman of the Planning Committee as to the acceptability of this condition.

(Proposed by Cllr B A Moore and seconded by Cllr G Barnell)

**Reason for the Decision – as set out in the report**

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, J Downes, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, B A Moore, R F Radford 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 letters and submissions from objectors
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she was also a Devon County Councillor
- iii.) Cllr R F Radford declared a personal as he was also a Devon County Councillor and owned industrial units adjacent to the site
- iv.) Cllrs S J Clist and J M Downes declared personal interests as they had family living in proximity of the site
- v.) Cllr Mrs N Woollatt declared a personal interest as she lived inside the relief road route
- vi.) Cllr A Wilce declared a personal interest as he used the CCA fields
- vii.) Cllr Mrs E M Andrews declared a personal interest as the Chairman of the CCA
- viii.) Mr J Berry (objector) spoke on behalf of Tesco
- ix.) Ms D Fitzsimmons (agent) spoke on behalf of the applicant
- x.) Cllr G Guest spoke on behalf of Cullompton Town Council
- xi.) Cllr Mrs N Woollatt and Cllr A Wilce spoke as Ward Members
- xii.) Cllr Mrs E M Andrews spoke as adjoining Ward Member
- xiii.) The following late information was reported:

Following review of the proposed conditions, revised wording is suggested to condition 1 and 14, should planning permission be granted. The amended conditions are as follows, with the revised wording underlined:

- a. Condition 1: The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.
- b. Condition 14: Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:
  - (a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;
  - (b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the



measures and details of future management, maintenance and monitoring;

(c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

- c. Further correspondence has also been received and forwarded to Members from an objector, Mr Veysey, who owns land that is proposed to be used as part of the CCA Fields compensation package. Mr Veysey has highlighted the impact that the loss of this land would have on his sheep rearing enterprise.

## 120 **PLANNING PERFORMANCE 20/21 - QUARTER 3 (3.31.30)**

The Committee had before it, and **NOTED**, a \*report of the Head of Planning, Economy and Regeneration providing Planning and Building Control performance for quarter 3.

The Development Management Manager outlined the contents of the report and explained that the Government monitored planning performance in terms of speed and quality of decision making.

She explained that the first speed measure was the percentage of major applications determined within 13 weeks as measured over a 2 year period and the second was the percentage of non-major applications determined within 8 weeks as measured over a 2 year period.

The quality measures were the percentage of all major applications and non-major applications determined over a 2 year period that had been overturned at appeal.

The officer explained that the service had met its performance targets and exceeded the targets but the performance was not as high as the performance of other Councils. The new procedures had been introduced to resolve Extension of Time issues.

The officer explained that new planning applications had dropped off at the beginning of 2020 due to the pandemic but this was improving. She also explained that enforcement action had reduced during the pandemic and that there were currently 212 outstanding cases. The new Area Planning Team Leader was tasked with revisiting old cases and getting these resolved so that they could be closed.

The officer informed Members that Building Control had met all its targets.



In response to a question asked she confirmed the Area Team Leaders as:

- Angharad Williams (Central)
- Alison Fish (Eastern)
- Adrian Deveraux (Western)

Note: \*Report previously circulated and attached to the minutes

#### 121 **APPEAL DECISIONS (3.45.44)**

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.

(The meeting ended at 6.15 pm)

**CHAIRMAN**

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## PLANNING COMMITTEE AGENDA - 13th January 2021

### Applications of a non-delegated nature

### UPDATES

THE PLANS LIST	
1.	<p>20/01537/HOUSE - Installation of water supply and drainage for cabin used for ancillary accommodation and retention of decking - 19 Lower Millhayes Hemyock Cullompton.</p> <p>13/1/21 - The representations forwarded to Members relating to this application cast some doubt over when this particular building was constructed and whether it benefits from permitted development or is immune from enforcement action under the 4 year rule.</p> <p>We need to do some further investigation into whether permission is required for the building, not just the drainage and decking.</p> <p>For this reason, Cllr Colthorpe has agreed that the application be DEFERRED from today's meeting</p>
2.	<p>20/01452/MOUT - Hybrid application for a new cricket facility consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket grounds - Land at NGR 305210 108255 Horn Road Kentisbeare.</p> <p>Further correspondence was forwarded directly to Members from Kentisbeare Parish Council following publication of the Planning Committee Report, raising further concerns about the suitability of the site and compliance with Local Plan policies.</p>
3.	<p>20/00876/MFUL - Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works - Land at NGR 302456 107324 Cullompton Devon.</p> <p><i>Following review of the proposed conditions, revised wording is suggested to condition 1 and 14, should planning permission be granted. The amended conditions are as follows, with the revised wording underlined:</i></p> <p><i>Condition 1: The development hereby permitted shall be begun before the expiration of <u>ten</u> years from the date of this permission.</i></p> <p><i>Condition 14: <u>Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:</u></i></p> <p><i>(a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;</i></p> <p><i>(b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;</i></p> <p><i>(c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and</i></p>

	<p><i>monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.</i></p> <p><i>The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.</i></p> <p>Further correspondence has also been received and forwarded to Members from an objector, Mr Veysey, who owns land that is proposed to be used as part of the CCA Fields compensation package. Mr Veysey has highlighted the impact that the loss of this land would have on his sheep rearing enterprise.</p>
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