

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 13 July 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
Mrs C Collis, L J Cruwys, Mrs C P Daw,
J M Downes, B Holdman, B A Moore and
B G J Warren

Apologies

Councillor(s)

E J Berry, S J Clist, Mrs F J Colthorpe and
F W Letch

Also Present

Councillor(s)

D J Knowles and R L Stanley

Present

Officers:

Angharad Williams (Development Management Manager), Maria De Leburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), Christie McCombe (Area Planning Officer), John Millar (Area Team Leader), Carole Oliphant (Member Services Officer) and Jessica Watts (Member Services Apprentice)

21 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.58)**

Apologies were received from Cllrs Mrs F J Colthorpe and Cllr F W Letch. Apologies were also received from Cllrs S J Clist and E J Berry who were substituted by Cllrs J M Downes and B A Moore.

Cllr D J Knowles attended via ZOOM.

22 **PUBLIC QUESTION TIME (0.03.39)**

Paul Elstone, referring to item 1 on the plans list provided the following questions which were read out by the chairman:

QUESTION 1

Are the Committee Members aware that Redrow's in their application are proposing only to provide 2-meter-wide pavements either side of the spur road? No separate provisions for cyclist or on street parking. This despite the Tiverton EUE Design Guide requiring very different.

QUESTION 2

Why are Redrow Homes plus MDDC Officers not giving full consideration to the safety of the pedestrians and in particularly primary school children who will access the 420-place primary school?

While the school may not be built for several years all associated roads, pavements and cycleways should be future proofed.

QUESTION 3

The Planning Meeting Briefing Paper Paragraph 4.5 states that MDDC Officers consider that the Redrow Application is in compliance with the Adopted Tiverton EUE Masterplan and Tiverton EUE Design Guide.

The MDDC Adopted TEUE Design Guide actually says and shows something completely different to what Redrow's are proposing. The Design Guide expects segregated cycle and pedestrian pavements on either side of the road plus on street parking provision and again on either side of the road?

QUESTION 4

Have all Planning Committee Members seen the Redrow Phase 2 Urban Design and Architectural Principles drawing for Phase 2 of the Spine Road?

This drawing shows on road parking and 2- and 3-meters pavements segregated from the road including one for shared pedestrian and cycle use and tree planting. As a minimum why are Redrow's not in compliance?

QUESTION 5

Are Committee Members aware that the UDAP drawing formed the basis of the Design Review Panel consultation and even then, the Design Review Panel have been repeatedly critical of the Redrow proposals?

QUESTION 6

Are ALL Committee Members aware that Redrow Homes stated at the recent UDAP Workshop that they did not need to submit this application to get the 2nd Phase of the Spine Road built? This as it was required to access a storage yard, office compound and workforce car parking for Phase 1 which had already received approval as part of the Redrow Construction and Management Plan. Something reinforced in a Redrow email only 2 days ago.

QUESTION 7

Are Committee Members minded to ONLY approve the 6.5-meter-wide roadway and for Redrow's to use as a haul way to their Phase 1 storage area, offices and car park? This to allow Redrow's to build the approved Phase 1 development.

QUESTION 8.

Are Committee Members minded to require that Redrow's submit their plans for the on-street parking, segregated pavements and cycle ways as part of the Planning Application for the Phase 2 housing development? An application that is imminent. That to do otherwise would seriously compromise the Phase 2 Development Design and the overall Tiverton EUE Development.

Terence Payne, referring to item 3 on the plans list stated:

I am sure that Members will be aware that this is a very contentious issue in Halberton with a record number of objections from the people who have indicated their objections or support on the portal. That totals more than 96% and we've never had that many people before objecting to anything. You would get a higher percentage if you counted the people rather than the letters. The main objections were as you would have seen in the documentation about the over development of the site and particularly the need therefore for houses and dwellings too near the banks of the pond. The Halberton Action Group that I represent feels strongly that developing the site is a good thing, we are not against the development but we are particularly against this proposal because of endangering the wildlife, the ecology and water pollution. There are other issues as well. My question is, before the application is considered by the Planning Committee wouldn't it be a good idea for Members to hold a site visit, including viewing the pond from the High Street side or the garden of the Priory, so that they can see what impact the proposal and particularly the siting of dwellings 7, 8 & 9 too close to Halberton Pond would have on the ecology of this most environmentally sensitive part of Halberton's Conservation area which includes the hub of the wildlife habitat there.

Heather Corden also referring to item 3 on the plans list stated:

I am one of the Church Wardens at St Andrews Church and the development will go to the side of the church yard. At the moment the buildings in Halberton Court are becoming derelict and run down and the view from the church yard into the village has this dereliction in front of it. Way before this came to consultation level the plans for this and the proposal came through Diocese and the PCC and we approved it from the outset as it was going to improve the outlook from the village and improve the vicinity of the church yard. Nothing in the church yard was going to be touched, it was just going to improve things for us. At the time we were hoping to get a car park the other side of the farm wall but that has subsequently gone. We would just like to say that the Diocese and Halberton PCC are totally behind this plan.

23 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.012.08)

Cllrs B Holdman, P J Heal, Mrs C P Daw, Mrs C Collis, L J Cruwys and B G J Warren made all made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 22/00675/MARM as they had received correspondence from objectors.

Cllr B Holdman declared a personal interest for application 22/00675/MARM as he knew individuals who lived adjacent to the site.

Cllr Mrs C P Daw declared a personal interest for application 20/00273/MFUL as she was a member of the Grand Western Canal Joint Advisory Committee.

Cllr B A Moore made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 21/01420/FULL as he had attended a Parish Council meeting where the application was discussed.

Cllr L J Cruwys made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters for application 20/00273/MFUL as he had received correspondence from objectors.

24 **MINUTES OF THE PREVIOUS MEETING (0.13.24)**

The minutes of the meeting held on 29th June 2022 were agreed as a true record and duly signed by the Chairman subject to an amendment to a bullet point in minute 7 to read:

‘Concern that the Construction Management Plan provided showed the compound, storage and site parking to be prominent on the Green Infrastructure land and accessed via an unapproved access which used land outside of the application site boundary.’

25 **CHAIRMAN'S ANNOUNCEMENTS (0.16.40)**

The Chairman reminded the Committee of the special Planning Committee on 27th July 2022.

26 **WITHDRAWALS FROM THE AGENDA (0.17.03)**

There were no items withdrawn from the agenda.

27 **THE PLANS LIST (0.17.13)**

The Committee considered the applications in the *Plans list.

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

- a) Application 22/00675/MARM - Reserved matters in respect of (access, appearance, landscaping, layout, scale and drainage) for spine road connecting Phase 1 to Phase 2, following Outline approval 14/00881/MOUT at Land at NGR 298065 112985 (South of Blundells Road), West Manley Lane, Tiverton.***

The Area Planning Officer outlined the application by way of a presentation which highlighted the site location plan, Tiverton EUE illustrative framework plan, aerial view with the location of spine road extension, general arrangement plan, photographs of spine road and the proposed location for breach of the hedge.

In response to public questions the officer stated that the questions would be addressed as part of her presentation.

The officer explained that the application before Members did not pre determine any future applications and that the applicant had acknowledged that the road could be sacrificed if future applications required amendments. The footpath and cycle ways would be reviewed in the next phase of development. She explained that the extension to the spine road was to allow access to construction and welfare compounds, a contractor car park and material store, the location of which had been approved through the discharge of Condition 14 of application 14/00881/MOUT.

Consideration was given to:

- Confirmation the spine road extension could be sacrificed if the next stage of development required it to be relocated
- That the Tiverton Neighbourhood Plan, once adopted, would be considered by the developers in future applications
- The views of the applicant who stated that the road extension required full planning permission so that a licence could be obtained to break through the hedge. The phase 2 residential application included all cycle links but the road extension was required to allow access to the site compound and offices.

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

(Proposed by Cllr B A Moore and seconded by Cllr J M Downes)

Reason for the decision: As set out in the report

Notes:

- i. Cllrs B Holdman and B G J Warren requested that their abstention from voting be recorded
- ii. Mr Cattermole spoke as the applicant

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 there had been some unauthorised development of the site which included the creation of a new access point. This unauthorised access point, alongside the original lawful access to the sites have been conditioned to be removed following provision of the single access point proposed as part of this application, should planning permission be granted.

Consideration was given to:

- The Highways Authority had provided comments on 28/4/22
- The proposed agricultural building would be used for storing and washing crops and that Condition 9 stated it could only be used for agricultural use
- The applicant had provided further details of surface water run off and a septic tank
- Condition 6 provided for the existing accesses, including the unauthorised access to be closed and the applicant had indicated that the roadside bank would be replaced
- The scale of the application did not warrant a police consultation

- The views of the objector who stated that local residents were very unhappy with the site and that the applicant kept changing the application to get it approved
- The views of the Parish Council that 41 objections had been received and local residents were confused as to what was being applied for. Local residents had objected to the unauthorised removal of an ancient Devon bank and that there was no power or water on site
- The views of the Ward Member who stated there had been ad hoc changes to the application and he felt that the washroom building was too large for the operation proposed there. The site was a terrible mess and he urged Members to visit the site before making a decision
- Concerns of Members that the applicants had a history of non-compliance
- Concerns of Members that the development was not in compliance with Policy DM20 and would have an unacceptable adverse impact on the environment
- Members concerns that the operation was not viable and would cause harm to the environment

It was therefore **RESOLVED** that the decision be deferred for a full committee site visit to determine compliance to Policies S14 & DM20 specifically:

- If the application preserved and enhanced the character, appearance and biodiversity whilst promoting sustainable diversification of the rural economy
- If the application was sensitively located to limit any adverse effects on the living conditions of local residents, was well designed and respected the character and appearance of the area

(Proposed by L J Cruwys and seconded by Cllr B G J Warren)

Notes:

- i. Cllr B A Moore did not speak as Ward Member as he was sitting on the Committee and assured the Committee he would act impartially
- ii. John Widdowson spoke as the objector
- iii. Cllr William Knowles spoke on behalf of Stoodleigh Parish Council
- iv. Cllr R Stanley spoke as the Ward Member

c) Application 20/00273/MFUL - Erection of 9 dwellings, conversion of barns to 5 dwellings, with associated works including access improvements and landscaping (Revised Scheme) at Halberton Court Farm, High Street, Halberton

The Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, aerial view, block plan, S38 layout, conceptual renders, sections, plot designs and photographs of the site.

The officer explained that the site was in a conservation area with a number of listed building adjacent but that the Conservation Officer had stated that there was a slight change to the visually important space but that the change was minimal.

Consideration was given to:

- The concerns of the Parish Council had been addressed
- The housing standards stated by the Public Health team would be addressed by Building Control and did not form part of the application
- Concerns by some Members that only 30 car parking spaces were not enough for the larger houses although they were in excess of the minimum standards required
- The views of the objector who stated that over 150 people were objecting. That there should be no development near the pond and there were concerns about water run off into the pond. That the development did not do enough to mitigate climate change
- The views of the agent who stated that the closet property was over 7 meters from the pond. That there had been lengthy pre application discussions and the application was sympathetic to the restoration of the agricultural barns. The application was Policy compliant and provided affordable housing
- A statement from the Parish Council who supported the application, contained reference to conditions which protected the path and the pond. That the public layby should be retained and any relocation of the bus shelter should be in consultation with the Parish Council
- The views of the Ward Member who was in support of the development and did not want to see a delay in the decision

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement as recommended by the Development Management Manager.

(Proposed by B A Moore and seconded by J M Downes

Reason for the decision: As set out in the report

Notes:

- i. A proposal to defer the decision for a site visit was not supported
- ii. Cllr L J Cruwys requested that his abstention from voting be recorded
- iii. Terence Payne spoke as the objector
- iv. The Parish Council provided a statement which was read out by the Chairman
- v. Cllr R Radford provided a statement as Ward member which was read out by the Chairman
- vi. Cllr Mrs C Collis left the meeting at 17.15pm and did not participate in the vote

28 **MAJOR APPLICATIONS WITH NO DECISION (3.19.22)**

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

The Committee agreed that:

22/01255/MFUL Erection of 70 affordable dwellings including associated roads, footpaths, landscaping and amenity area 26/09/2022 Land at NGR 298768 -113600 Uplowman Road, Tiverton Devon due be determined by Committee – No site visit required

22/01182/MARM Reserved Matters for appearance, scale, layout and landscaping for the erection of 41 dwellings and formation of vehicular access following Outline permission 16/01707/MOUT 21/09/2022 Land at NGR 295494 113719 (South Of Lea Road) Tiverton Devon be brought to Committee – No site visit required

Note: *list previously circulated and attached to the minutes

29 **APPEAL DECISIONS (3.21.39)**

The Committee had before it, and **NOTED**, a *list of appeal decisions.

Note: *list previously circulated and attached to the minutes

(The meeting ended at 5.48 pm)

CHAIRMAN