

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 June 2025 at 2.15 pm

Present

Councillors

L J Cruwys (Chair)
S J Clist, G Cochran (Vice-Chair),
F J Colthorpe, G Czapiewski, G Duchesne,
C Harrower, B Holdman, L G J Kennedy,
S Robinson and G Westcott

Apologies

Councillors

N Letch and M Jenkins

Also Present

Councillors

N Bradshaw and S Keable

Also Present

Officers:

Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), John Hammond (Development Management Manager), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Jake Choules (Planning Officer) and Angie Howell (Democratic Services Officer)

Councillor

Online

D Wulff

Officer Online

Dr Stephen Carr (Corporate Performance and Improvement Manager)

1 ELECTION OF CHAIR (00:04:00)

The Chair of the Council invited nominations for the election of a Chair for the municipal year 2025/2026.

RESOLVED that Cllr L Cruwys be elected Chair of the Planning Committee for the municipal year 2025/2026.

(Proposed by Cllr S Clist and seconded by Cllr G DuChesne).

2 ELECTION OF VICE-CHAIR (00:05:53)

The Chair of the Planning Committee invited nominations for the election of a Vice-Chair for the municipal year 2025/2026.

RESOLVED that Cllr G Cochran be elected Vice-Chair of the Planning Committee for the municipal year 2025/2026.

(Proposed by Cllr S Robinson and seconded by Cllr G DuChesne)

3 START TIME OF MEETINGS (00:07:54)

The Committee **AGREED** to meet at 2.15pm for the remainder of the 2025/2026 municipal year.

(Proposed by Cllr S Clist and seconded by Cllr S Robinson)

4 APOLOGIES AND SUBSTITUTE MEMBERS (00:08:36)

Apologies were received from Cllr N Letch who was substituted by Cllr L G J Kennedy and Cllr M Jenkins who was substituted by Cllr G Westcott.

5 PUBLIC QUESTION TIME (00:09:08)

Micheal Dearden – referred to Application No. 25/00346/PIP

Question 1: If this development is approved, how are the developer and Mid Devon County Council (MDCC) going to ensure that flooding does not happen as a result of it and, if it does, will they take responsibility for putting right the damage caused?

My reasons for this question, and there are several. In response to the 47 people who objected on the grounds of probable flooding and future subsidence of their properties, the Housing Officers' comment in his "recommend approval" report was: "The site is in Flood Zone 1 which represents the lowest probability of sea or river flooding." I agree but this is referring to the river and has nothing to do with our concerns other than we are concerned about the increase of raw sewage being dumped into the river should this application go ahead. Our concerns are about the increase in the already experienced flooding and heavy run off we have today from this proposed building site, it being well above us. Covering the hilltop with tarmac and concrete, as would be the case, will hugely exacerbate the situation. The existing land drainage is inadequate. The site's underlying structure is highly impermeable triassic and permian upper marl transitioning to valley gravel and rainwash along the north boundary of the site. Following heavy rainfall, rainwater filters through upper soil layers, is trapped by the impermeable rock below, seeps to the north to issue behind existing dwellings in Silver Street, we are one of this properties, or into Smallbrook, which has seen flooded houses just the other year. The reason this low area floods is that the culvert passing under Silver Street at that point cannot cope with the volume of water coming down the brook. I hear that to correct this problem would cost in excess of £100,000. The Flood Hub of UK states: planners and developers have a responsibility to ensure future developments are sustainable and do not increase flood risk to the site or surrounding area. We have seen nothing from the developer addressing this very real threat.

Richard Jarman - referred to Application No. 25/00346/PIP

The applicant's proposal includes an assessment of whether MDDC has met its legal duty to provide plots for self and custom build. However, their figures appear to contradict Mid Devon's own data.

According to the applicant, only 21 plots have been delivered by the Council. But in response to an FOI request, MDDC confirmed that 70 plots have been approved, with 32 actually built — likely reflecting limited demand rather than under-provision. Another FOI response confirmed that the shortfall last year stood at just 26 plots. Yet Point 2.6 of the planning officer's report appears to rely on the applicant's claim of a 145-plot deficit.

Question 1 - Has the planning officer independently verified the applicant's figures?

Cllr Charles Kay - referred to Application No. 25/00346/PIP

The Planning in Principle on open countryside and outside the settlement area in Culmstock - the planning officer has recommended acceptance. This heavily relies on the basis that there is a need for self builds within the local community. DM6 Policy - the number quoted in the report on the self-build list with a Culmstock parish preference is 13. And yet, I know of at least 2 people who have been on the list for years that have now bought houses and another one has emigrated to Denmark. Our local housing needs survey did not highlight a need.

Question 1 - When was MDDC's self-build list updated and importantly for those wanting to build in Culmstock parish?

Question 2 – When were those people on the self-build list contacted to see if they wanted to still be on it?

Paul Moody - referred to Application No. 25/00346/PIP

Question 1 - Why, even before the technical details stage, has there been no apparent regard (despite South West Water's comments) to the risk of flooding caused by "water" emanating in one form or another from the proposed development, specifically the flooding risk and water damage to many dwellings in Silver Street?

Judith Fowler - referred to Application No. 25/00346/PIP

Question 1 - Could the authorities please explain how they mean to regulate the design of each individual property in this development? A blanket permission would not be acceptable. The height of each should be clearly specified and the design of each should complement and match other properties in Culmstock.

Question 2 - How do the developers intend to deal with waste from these properties? Approximately 50 years ago, the gentleman applying to build the bungalow 'Selfdon' on Silver Street was denied permission to join the main sewer system in the village, as the system then was overloaded. Any other properties might completely overwhelm the system.

Question 3 - Has the Council plans to update and increase the capacity of the system?

Nikki Padget - referred to Application No. 25/00346/PIP

Question 1 - How many Members of this Committee have visited the site?

John Sedgwick - referred to Application No. 25/00346/PIP

I am the landowner of the property immediately bordering the bend on Uffculme Road, around 50 metres east of the proposed site. We are fortunate to have a lower pedestrian access on our land, allowing us to avoid walking around that corner — a route we otherwise would not feel safe using with our children.

This proposal is likely to attract young families. Yet the only pedestrian route into the village involves walking along a narrow stretch of Uffculme Road with no pavement, around a tight bend with limited visibility — where the 30mph limit is regularly ignored — and often not enough width for two vehicles to pass safely. This route would inevitably be used frequently: not just by parents walking children to school, but for going to the shop, the pub, the church, visiting friends, catching the bus, and other daily needs.

A parent with a reception-aged child, a baby in a pushchair, and morning traffic travelling in both directions represents perhaps the worst-case scenario — but one that is entirely realistic and highlights the danger.

And even for vehicles accessing the proposed site, attempting to achieve the required visibility splays would demand significant hedgerow removal, harming biodiversity — and yet still fall short of national highway standards.

Question 1 - Given these are permanent constraints of the location, how can the site be considered suitable in principle for residential development — and have Devon County Highways actually visited the site?

Susan Dearden – referred to Application No. 25/00346/PIP - question read by the Chair

Question 1 - I would like to ask the Committee how, given the number of valid objections, including that of the Parish Council (and none in support of the application) the planning officer has managed to push our objections aside?

This seems rather undemocratic and I am especially concerned to see that the LivedIn website has not only had the site in question on their website since January but out of the 13 “in the pipeline” developments only three have actual date timelines such as this one in Culmstock. It does rather make one feel you are banging your head against the wall and that it’s a “done deal”.

The facts remain, that the field in question is an agricultural one, that it lies outside the settlement boundary, the sewage plant really is overloaded, the road access and the junction at Town Hill is extremely hazardous. We really do not have any pavements to make life safer for pedestrians, I have lived here nine years so I know what I am talking about! There is a real issue of flooding and water run-off from the field, both Silver Street and the Uffculme Road really do flood.

Question 2 - If there is pressure to build in Culmstock, despite several houses on the market as I write this, then why not on the Linhay site? At least flooding would not be an issue and it lies within the settlement boundary. There would still be issues with infrastructure however.

6 **MEETING MANAGEMENT (00:27:15)**

The Chair informed the Committee that Item 4 on the Plans List (Application - 25/00346/PIP - Permission in Principle for a phased development of between 3 and 9 Custom and Self Build dwellings at Land at NGR 310051 113426, North of Uffculme Road, Culmstock) would be considered as the first item on the Plans List.

7 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:27:25)**

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

Cllr S Clist made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application number 25/00346/PIP as he had received correspondence.

Cllr F J Colthorpe made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application number 25/00346/PIP in that she had received correspondence.

8 **MINUTES OF THE PREVIOUS MEETING (00:28:15)**

The minutes of the previous meeting held on 9 April 2025 were agreed as a true record and **SIGNED** by the Chair.

9 **CHAIR'S ANNOUNCEMENTS (00:28:51)**

The Chair made the following announcements:-

- He thanked the Committee for electing him as Chair for this municipal year.
- He reminded all Members of the need to remain seated during agenda items and that if they left the room or took themselves away to make a drink they would be asked to abstain from voting on that item.
- The order of the Plans List would change with Planning Application 25/00346/PIP being considered first.

10 **WITHDRAWALS FROM THE AGENDA (00:30:22)**

There were no withdrawals from the Agenda.

11 **THE PLANS LIST (00:30:28)**

The Committee considered the applications in the *Plans List.

1. 25/00346/PIP - Permission in Principle for a phased development of between 3 and 9 Custom and Self Build dwellings at Land at NGR 310051 113426, North of Uffculme Road, Culmstock.

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The Application had been called in by Cllr N Bradshaw.
- Permission in Principle was an alternative way of seeking planning permission which separated matters of principle from technical details. The scope of the application was restricted to location, land use and amount of development. If approved, any other matters would be assessed at the next stage as part of a Technical Details Consent Application.
- Paragraph 11 of the National Planning Policy Framework (NPPF) related to the presumption in favour of sustainable development and stated that where the Development Plan was out of date, Local Planning Authorities (LPA) should grant permission unless the adverse impacts of doing so outweighed the benefits when assessed against the NPPF as a whole.
- The LPA could no longer demonstrate a 5 year housing land supply and therefore Paragraph 11 was enacted.
- There was a significant shortfall in custom self-build housing in Mid Devon. Thirteen of the households on the Council's self-build register had addresses in Culmstock specifically.
- An amount between 3-9 self-build dwellings were proposed, however the applicant had provided a draft legal agreement which committed to 7 dwellings, 2 of which would be affordable homes.
- Concerns had been raised in relation to highway safety, biodiversity, local services and flood risk. In terms of Highways, the Highway Authority had raised no in-principle objections although they would expect additional details to be submitted at the technical details stage. Officers had visited the site and vehicle speeds had appeared to be low. The number of units proposed would not have a significant impact on vehicle movements in the area and whilst footpaths were limited, this was consistent with that part of the village.

In response to public questions the Principal Planning Officer answered as follows:-

Micheal Dearden

Question 1 - If this development is approved, how are the developer and Mid Devon County Council (MDCC) going to ensure that flooding does not happen as a result of it and, if it does, will they take responsibility for putting right the damage caused?

Answer 1 – It was understood that there may be some localised surface water issues in the area but the proposal would not increase the amount of water entering the site and the Council did not know yet where areas of hardstanding would be located. This would need to be addressed in any final designs at the technical details stage through a Drainage Strategy and appropriate design which may include drainage solutions such as attenuation basins. Given that this was feasibly achievable, the site was not considered to be unacceptable for development as a matter of principle.

Richard Jarman

Question 1 - Has the planning officer independently verified the applicant's figures?

Answer 1 – The Council's Principal Housing Enabling Officer was consulted on the application and stated that they concurred with the applicant's Planning Statement and that there was a shortfall in granting sufficient permissions for custom self-build dwellings against the registered demand.

Cllr Charles Kay

Question 1 - When was MDDC's self-build list updated and importantly for those wanting to build in Culmstock parish?

Answer 1 – The Register remained live on the Council's website for people to add their name.

Question 2 – When were those people on the self-build list contacted to see if they wanted to still be on it?

Answer 2 - There was an option for people to withdraw their name from the Register which the Council would do within 28 days.

Paul Moody

Question 1 - Why, even before the technical details stage, has there been no apparent regard (despite South West Water's comments) to the risk of flooding caused by "water" emanating in one form or another from the proposed development, specifically the flooding risk and water damage to many dwellings in Silver Street?

Answer 1 – This was answered above.

Judith Fowler

Question 1 - Could the authorities please explain how they mean to regulate the design of each individual property in this development?

Answer 1 - In relation to self-build housing, the Council would usually approve a Design Code which set out acceptable heights, materials, massing and some more specific design features. This would be conditioned in the same way that the Council usually conditioned approved plans.

Question 2 - How do the developers intend to deal with waste from these properties?

Answer 2 - This would be a matter for South West Water, the drainage scheme would be designed and finalised at the technical details stage.

Question 3 - Has the Council plans to update and increase the capacity of the system?

Answer 3 – This would be a matter for South West Water.

Nikki Padget

Question 1 - How many Members of this Committee have visited the site?

Answer 1 – There had been no formal Committee site visit and I would advise against this as the plans and photographs shared today were sufficient for Members to make a decision, particularly bearing in mind what could be assessed as part of a Permission in Principle application.

John Sedgwick

Q1 - Given these are permanent constraints of the location, how can the site be considered suitable in principle for residential development — and have Devon County Highways actually visited the site?

A1 – Footpaths were limited, this was consistent with this part of the village. My understanding was that the Highway Authority did visit the site in order to provide comments.

Susan Dearden

Q1 - I would like to ask the Committee how, given the number of valid objections, including that of the Parish Council (and none in support of the application) the planning officer has managed to push our objections aside?

A1 – Officers had fully considered public comments as reflected in the report.

Q2 - If there is pressure to build in Culmstock, despite several houses on the market as I write this, then why not on the Linhay site?

A2 – The Council could not control where applicants chose to make applications and could only assess the scheme and site before us.

Discussion took place regarding:-

- Flooding and foul drainage concerns – it was explained that this would be addressed in the technical details stage and that South West Water would be responsible for sewage.
- The location of the development in relation to the national landscape and the road network with the lack of footpaths being unsafe and dangerous.
- Whether the self-build plots would be designed and built by the developer or by people that purchased the plots? It was explained that people would design their own house according to their own requirements and needs within a design code that the Planning Authority would approve. A builder could be commissioned to undertake the building work.

It was **RESOLVED** that planning permission be refused.

(Proposed by Cllr L J Kennedy and seconded by Cllr S Clist)

Reason for the Decision:-

- A) The proposed location and land use was considered unacceptable by reason of the narrow highway and lack of refuge for pedestrians due to the associated stone walls and hedge, resulting in unacceptable highway safety contrary to DM1 of the Mid Devon Local Plan (2013-2033) and Paragraphs 115, 116 and 117 of the National Planning Policy Framework.
- B) The raised topography and open and elevated nature of the site at the edge of the village in combination with the distant views of the site and its relationship with the Culmstock Conservation Area and Blackdown Hills National Landscape meant the site was clearly seen as a coherent part of the wider countryside setting and therefore made the location undesirable for residential development contrary to Policies S1, DM1, DM25 and DM27 of the Mid Devon Local Plan and Paragraphs 135, 189, 190 and 210 of the National Planning Policy Framework.

Notes:-

- (i) Louise Jarman spoke as the objector.
- (ii) Charlie De Bono spoke as the applicant.
- (iii) Cllr L Jones, spoke as Chair of the Culmstock Parish Council.
- (iv) Cllr N Bradshaw and Cllr S Clist spoke as Ward Members.
- (v) Cllr F J Colthorpe voted against the decision to refuse the application.

- (vi) It was agreed that if the decision were to be appealed then Cllr G Cochran, Cllr L J Kennedy and Cllr S Clist would sit in on the appeal with Cllr G Westcott as a reserve.
 - (vii) Cllr L J Kennedy and Cllr G Westcott left the meeting following the decision.
2. 25/00382/FULL - Change of use from highway to car park at Land at NGR 283208 100428, Car Park, Market Street, Crediton.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The site was located within the settlement limits of Crediton being within the town centre boundary and adjacent to the conservation area.
- The Council had been operating a car park on the land for more than 20 years.
- Having installed EV chargers it had been found that the land was highway maintainable at public expense and this had caused problems with the lease, wayleaves and cabling.
- There was a need for the highway to be stopped up and this decision was for the Department of Transport.
- The main issues raised were policy, procedure and principle of development.

Discussion took place regarding:-

- Whether the car park would be for public use? It was explained yes that would be the case.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr S Clist)

Note:-

- (i) Cllr G Cochran spoke as the Ward Member.
3. 25/00366/MFUL - Demolition of existing dwellings to provide 14 affordable dwellings with associated parking, landscaping and associated works at 30-44 Beech Road, Tiverton, Devon.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- There were currently 8 existing flats with the proposal to demolish those and replace with 14 new units contained within 2 blocks which would be used as social rented accommodation as part of the Council's housing stock.
- The main issues raised included: principle of development; design and impact on the character and appearance of the surrounding area; flooding and drainage; residential amenity; highways, parking and access; climate change; ecology and biodiversity net gain.
- The zed pods would have a metal clad roof with solar panels. Each property would have a balcony or terrace which overlooked the allotments to the rear.
- There would be individual bin and recycle storage facilities with one car parking space per property.
- The proposed landscape included new grasslands, hedge planting and tree planting that provided well in excess of the 10% biodiversity net gain required.
- Condition 8 rewording which required details of the off-site works and improvements.
- When reviewing the application there did not seem evidence of site notices being erected however this had now been rectified but the notices had not yet expired. Members were asked to consider granting permission on the proviso that no additional comments were received before the expiry of the site notice. If comments were to be received then the application may need to come before the Planning Committee again.

Discussion took place regarding:-

- Whether Highways recommendations were included as part of the proposal. It was explained that due to collision data for a slight recorded collision near to the site, concerns had been raised by the Highway Authority. However having discussed the matter further it was felt that it would not be appropriate to recommend refusal. Also due to tactile pavements on the corner that were not up to standards, a drop down kerb should be placed on the road. The applicant was happy to do that.
- Whether the bin and recycle storage facilities were large enough. It was explained that they were of an adequate size.

It was **RESOLVED** that planning permission be granted subject to conditions plus additional conditions:-

:-

- (i) That no further comments being received before the expiry of the site notice on 2nd July 2025.

- (ii) Condition 8 revised wording to state:-
“Prior to the development hereby approved first being occupied, off-site highway works comprising vehicle crossings for the parking spaces, and improvements to the existing tactile arrangement on the adjoining footway, shall be fully provided in accordance with details (including drawings of said off-site highway works), which shall have first been submitted to and approved in writing by the Local Planning Authority”.

(Proposed by Cllr S Clist and seconded by Cllr S Robinson)

Notes:-

- (i) Cllr G Czapiewski spoke as the Ward Member.
4. 25/00386/FULL - Installation of external heat pump systems and enclosures at Culm Valley Sports Centre, Meadow Lane, Cullompton.

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The pumps would be screened by fencing and would provide some acoustic screening.
- There would be no adverse visual or neighbourhood amenity impacts and no impacts on biodiversity or agricultural land.

There being no discussion it was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Robinson and seconded by Cllr C Harrower)

Note:-

- (i) Cllr S Robinson spoke as the Ward Member.

*List and report previously circulated.

12 MAJOR APPLICATIONS WITH NO DECISION (02:54:09)

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

The Committee agreed the following:-

1. 25/00660/MFUL – to remain delegated as per the report.
2. 25/00674/MFUL – to remain delegated as per the report.
3. 25/00304/MOUT – to come to Planning Committee with a site visit to be arranged
4. 25/00470/MOUT – to remain delegated as per the report.

Note: *List previously circulated, copy attached to the minutes.

13 APPEAL DECISIONS (02:58:20)

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

With regard to Planning Application 24/00285/FULL - Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial buildings – the Chair asked for clarification on what the inspector had and had not allowed with regard to the conditions.

It was explained that two conditions had been appealed. The first condition related to the method of foul sewerage and the second condition related to limiting the use of the café. The Planning Authority had won on the grounds of the drainage condition as the developer did not demonstrate why the costs had made the scheme unviable. The Planning Authority had lost on the condition relating to the café as the inspector was less convinced that there would be any harm if it were available to the wider public.

Note: *List previously circulated, copy attached to the minutes.

14 PERFORMANCE DASHBOARD QUARTER 4 (03:00:11)

The Committee were presented with the *Performance Dashboard for Quarter 4 2024/25. The following was highlighted within the report:-

- The overall performance was presented in a pie chart and combined a RAG (Red, Amber, Green) rating to indicate if the performance was on track or not.
- Major planning applications determined within 26 weeks was shown as amber in the RAG rating and minor planning applications determined within 16 weeks was also shown as amber both of which were set against an in-house target of 100% rather than national targets of 60% and 80% retrospectively therefore the Council were performing better than that.
- Statutory and discretionary income fees were showing as red due to the lower planning income in the financial year due to the depressed housing market.

Discussion took place regarding:-

- Habitat banks and whether they earned revenue. It was explained that this was questionable but it meant that the Council had done all that was possible to minimise costs.
- Whether there was a difference in cost between PIP (Planning in Principle) Applications and Full Planning Applications? It was explained that the fees were similar.
- Planning Income and how would this be improved moving forward? It was explained that with the upcoming changes to the 5 year housing supply there would be an issue in that more planning applications would be received that the Council may not have received previously. However this may lead to defending appeals.
- The cost of planning appeals to the Council. The Committee were informed that it depended on the type of appeal. However broadly speaking for a 5 or 6 day Public Inquiry a benchmark figure would be £60,000. If the Council were seen to be unreasonable, the costs from the appellants would also be a factor.

Note: * Performance Dashboard previously circulated.

(The meeting ended at 5.28 pm)

CHAIR