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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 21 March 2018 at 2.15 pm

Present Councillors	Mrs F J Colthorpe (Chairman) Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, R J Dolley, P J Heal, F W Letch, B A Moore and J D Squire
Apologies Councillor(s)	R F Radford and R L Stanley
Also Present Councillor(s)	Mrs J B Binks, D R Coren, C J Eginton and Mrs J Roach
Present Officers:	Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Simon Trafford (Area Team Leader), Lucy Hodgson (Area Team Leader), Daniel Rance (Principal Planning Officer), Ian Sorenson, Helen Govier (Planning Officer) and Sally Gabriel (Member Services Manager)

128 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs: R F Radford and R L Stanley.

129 PUBLIC QUESTION TIME

Mr Fry referring to Item 1 on the plans List (Chapel Down Farm) asked the following question: what amount of Section 106 and other funding from the development will go to Crediton Town Council for residents as the development is outside the town boundary?

Mr Tucker again referring to Item 1 on the Plans List (Chapel Down Farm) asked the following question: with Government seeking to introduce a 25 year environmental plan how will this development merit net environmental gain?

The Chairman indicated that the questions would be answered when the item was debated.

130 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Members were reminded of the requirement to declare any interests at the appropriate time.

131 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 February 2018 were approved as a correct record and signed by the Chairman.

132 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

133 ENFORCEMENT LIST (00-06-49)

Consideration was given to the cases in the Enforcement List *.

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

Arising thereon:

- a) No. 1 in the Enforcement List (**Enforcement Case ENF/17/00070/RURAL – Unauthorised building operations concerning the extension of a former tractor storage shed and the unauthorised change of use of the land from woodland to a mixed use of woodland and recreational use – Culm Wood, (Gaddon Down Plantation), Ashill).**

The Area Team Leader outlined the contents of the report highlighting the breach of planning control and explaining by way of presentation the site in question, the vehicle access and photographs from various aspects of the site, which included the original tractor shed and the new works that had taken place.

Consideration was given to the trees that had been removed on the site.

RESOLVED that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the demolition and removal of the unauthorised operational development, the cessation of the unauthorised use and the removal of the items of domestic paraphernalia on the land, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

Note: the following late information was reported: The following statement had been provided on behalf of the owner of the land to seek to justify why the scope of works has been undertaken.

Before my son took over Culm Wood the storm in January 2017 had blown many trees down, breaking down part of a wall on the right hand side of the building and also hitting the roof. This broke holes in it and pushed one of the A frames over which in turn pushed the left-hand wall off its footings and tilted it towards the track

which is used by Buckland Wood Ridden Wood and Ashill Wood. A lot of dog walkers, which I know from when I was a landlord of the Ostler in Uffculme, use these woods and I have a duty of care for them. Therefore, my son started repairing. As we all know there is often a lot more damaged than his realised. Due to these repairs he was reported to the council and consequently told planning but when I enquired about planning permission he was told he would not be given planning permission so he stopped the repair work after making it safe.

Officer Comment: The validity of the information is uncertain in your officer's view, and there is no change to the recommendation as set out in the report as drafted and circulated to members in the report pack.

- b) No. 2 in the Enforcement List (***Enforcement Case ENF/17/00160/COU – Change of use of land from agriculture to mixed use agriculture and the siting and use of a caravan for human habitation together with domestic paraphernalia ancillary to such use and the storage of two non-agricultural motor vehicles – land lying to the north of Petton Cross, Shillingford***).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the land in question and providing an aerial photograph which identified the remoteness of the site; photographs were provided from various aspects of the site which showed the caravan in situ and the 2 vehicles.

Consideration was given to:

- The views of the applicant's representative who explained that they had been informed that they could keep the caravan on site until they had erected the shed for the livestock and that the caravan had only been used for storage and not human habitation.
- The requirement for the caravan even if used for storage to have planning permission.
- Whether any planning consent had been applied for.
- The fact that it was felt that the Enforcement Officer had been reasonable in any discussion he had had with the landowner.

RESOLVED that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the cessation of the unauthorised change of use by the removal of the caravan and associated domestic paraphernalia along with the two non-agricultural motor vehicles from the site. This could include the issue of an enforcement notice followed by prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr B A Moore and seconded by Cllr Mrs H Bainbridge)

Note: Mr Groves spoke on behalf of the landowner.

- c) No. 3 in the Enforcement List (***Enforcement Case ENF/17/00266/RURAL – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and the slaughtering, process, packing, freezing, storage and distribution of meat, together with ancillary operational development comprising the erection of two structures and a concrete base – land and buildings at NGR 307589 114376 (Land at Escotts Farm, Uffculme)***).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the rural location of the site in question and the alleged breach of planning control. He provided photographs from various aspects of the site which highlighted the area of hardstanding, the number of buildings on the site, the refrigeration vehicles and a generator. He explained that the Enforcement Officer had been in dialogue with the landowner with regard to the submission of a planning application; a planning application had been received but to date remained unregistered.

RESOLVED that the Group Manager – Legal Services (Legal Services Manager) be given delegated authority to take all such steps and action necessary to secure the cessation of the unauthorised use and the demolition and removal of the unauthorised ancillary operational development, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr Mrs G Doe)

134 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

135 THE PLANS LIST (00-40-00)

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) No 4 on the Plans List (**18/00100/HOUSE – Conversion of garage to a self-contained annexe and erection of a porch – Station House, Culmstock**) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an additional condition (4) which stated that “The ancillary accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Station House as a single family dwellinghouse and shall not at any time be used, either by way of being let, given or sold, as a separate unit of accommodation or for commercial purposes”.

Reason: The site is located outside defined settlement limits in the open countryside where national and local planning policy prohibits the creation of new dwellings unless in special circumstances in accordance with Policy COR18 of Mid Devon Core Strategy 2007 and the NPPF.

(Proposed by the Chairman)

Note: The following late information was provided: the additional condition (4) and a representation from Culmstock Parish Council – No objections.

(b) No 1 on the Plans List (**17/001511/MOUT – Outline application for the erection of up to 120 dwellings, public open space, vehicular access and associated infrastructure – land at NGR 282065 100892 (Chapel Downs Farm, North of Queen Elizabeth Drive, Crediton).**

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the site North East of Queen Elizabeth Drive, the proposed vehicular and pedestrian access, an aerial view of the site which highlighted the relationship between the site and the town of Crediton, the site location plan and indicative layout of the site, the 5 parcels of space which were proposed for development, the area of public open space proposed to the top of the site, the separation distance between the boundary and various parts of the site outlined for development, the drainage strategy, indicative site sections and the additional planting which sought to mitigate the visual impact and changes in levels.

He continued by explaining that the agricultural land was rated as Grade 2 at the top of the site and Grade 3 on the slopes. Photographs were provided from various aspects of the site and viewpoints from various locations identifying the site.

He provided answers to questions posed in public question time: the S106 package: rules and regulations applied to how S106 funding was applied and the scope of planning obligations within the report related to public open space, education and air quality. With regard to the question relating to environmental issues, he was unable to answer this as the officer recommendation had been one of refusal.

Consideration was given to:

- The number of houses proposed and the number of children who would require school places
- The 'early years' calculation
- The scale of the cross sections
- The volume of traffic in the area of Higher Road
- The views of the Highway Authority with regard to the application
- The views of the objectors with regard to the site not being allocated within the Local Plan, the lack of infrastructure for such a development, the current traffic movements in the area, the capacity of the local schools and doctors practices, pedestrian safety and the visual impact of the proposal on the landscape.
- The views of the applicant who wished the application to be deferred to allow for further discussions to take place, the lack of a 5 year land supply, the concern that the proposals had not been fully considered by the officers, the impact on Queen Elizabeth Drive had been exaggerated and the S106 contributions.
- The concerns of the Parish Council with regard to increased traffic and the impact of this on pinch points within the town, general infrastructure requirements and pedestrian safety.

- The view of the Ward Member in that the application did not meet Policy COR 18, the visual impact with regard to the view from the south.
- General views regarding the impact of the development on the town.
- Developing on Grade 2 agricultural land.
- The need to consider sites established within the Local Plan.

RESOLVED that planning permission be refused as recommended by the Head of Planning, Economy and Regeneration for the following reasons:

1. The application site is outside the current settlement limit boundaries of Crediton and is in the open countryside and is not currently allocated for development. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 -2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority considers that the adverse impacts of the proposed development, as set out in reasons 2, 3 and 4 below, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
2. The Local Planning Authority considers that by virtue of the elevated and sloping nature of the site the development (of an agricultural field) to include a new section of highway and associated pavement will have a harmful impact to the visual amenity of the area at the western entrance to the town and along Higher Road. By virtue of the topography the development will appear as an incongruous extension adjacent to the existing built development which is set down within the valley cutting. The site is widely visible from the south and development will significantly alter the unspoilt and open qualities of the site and result in the loss of grade two agricultural land forming an important part of the rural setting at this edge of Crediton. Despite the shortfall in housing supply the harm arising to the character and visual appearance of the area is considered to significantly and demonstrably outweigh the benefits derived from the scheme and on this basis the application scheme is considered to be contrary to policies COR2 and COR18 (Local Plan 1) and policy DM2 Local Plan part 3 (Development Management Policies) which seek to protect the character and appearance of the countryside.
3. In the opinion of the Local Planning Authority the development would result in harm to the setting of the Grade II listed Chapel Downs Farmhouse. The agricultural field is considered to form part of the setting of the listed building, and the proposed scheme will alter the character and appearance of the setting of the listed building given the intrusion of built development at a raised level within the setting of the heritage asset. Although the harm is considered

to be less than substantial in National Planning Policy Framework terms, in addition to the other identified harmful impacts of the scheme it is not considered that the public benefit arising from the scheme would outweigh the identified harm to the designated heritage asset and therefore the proposal is considered to be in conflict with the aims of policies DM27 Local Plan part 3 (Development Management Policies) and part 12 of the National Planning Policy Framework which seek to conserve and enhance the historic environment.

4. In the opinion of the Local Planning Authority it has not been demonstrated that development can be accommodated on the site without resulting in unacceptable harm to the amenity of occupiers of neighbouring properties. By virtue of the difference in levels the proposal is likely to result in a form, scale and mass of development that is overbearing to occupiers of residential properties located in Queen Elizabeth Drive and would be detrimental to the amenity they currently enjoy contrary to policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr F W Letch and seconded by Cllr P J Heal)

Notes:

- i) Cllrs: Mrs H Bainbridge, Mrs F J Colthorpe, Mrs C A Collis, Mrs G Doe, R J Dolley, P J Heal, F W Letch, B A Moore and J D Squire made declarations on accordance with the Protocol of Good practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application;
- ii) Cllr P J Heal and D R Coren declared personal interests as they knew the landowner;
- iii) Mr Fry spoke on behalf of the objectors;
- iv) Mr Cattamole spoke on behalf of the developer;
- v) Cllr Stephens spoke on behalf of Crediton Hamlets Parish Council;
- vi) Cllr D R Coren and P J Heal spoke as Ward Members;
- vii) Mr Sorenson spoke on behalf of Devon County Council, Highway Authority;
- viii) Cllr Mrs H Bainbridge requested that her vote against the decision be recorded.

(c) No 2 on the Plans List (**17/001090/MOUT – Outline for the erection of up to 40 dwellings with associated access, parking, open space, landscaping and supporting infrastructure – land and buildings at NGR 281938 100425 (Adjacent to Brookdale, Threshers, Hollacombe, Crediton).**)

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the application site, the context of the application with regard to the main roads in the area, the proposed illustrative masterplan for the site, the access, the provision of additional parking to support parking for the primary

school and flood risk mitigation proposals on site. He outlined the parking restrictions outside Lanscore Primary School and the thoughts of the school with regard to the proposals. Photographs were provided from various aspects of the site.

Consideration was given to:

- The S106 contributions
- The concerns of the objectors with regard to road safety issues, the shortage of road space in the area, flood issues in the area and the fact that houses in the area had been previously been affected by flooding, capacity at the local primary school and traffic issues at school pick up time.
- The views of the agent with regard to the site being adjacent to the settlement limit, the close proximity of facilities, the fact that the application would deliver benefits with regard to the flooding issues, surface water drainage, the lack of highway issues and that the school was under capacity.
- The views of the Parish Council with regard to the provision of open space and that the S106 agreement should refer to open space at Threshers rather than Queen Elizabeth Drive.
- The view of the Ward Member with regard to issues of flooding and parking which had been mitigated by the proposals and the proposed widening of the area at the bottom of Pitt Hill. The development could be seen as an extension to Westernlea.
- The fact that the Area Planning Officer suggested that the open space project could be accommodated at Threshers.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with revised wording for Condition 15 to state: Prior to commencement of the development a Low Emissions Strategy, including an implementation timescale, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- a. A Detailed site travel plan including support for/access to public transport.
- b. Provision for electric vehicle infrastructure at a rate of 1 charging point per house (with a driveway or garage).

The terms of agreed strategy shall be implemented and maintained in accordance with the approved details.

and the signing of a S106 agreement to secure the following:

1. Affordable Housing: 35% affordable housing on site (13 units)
2. Education: a contribution of £10,000.00 towards early years provision
3. Air Quality: a contribution of £119,718.00 to contribute towards the community car share schemes and clubs for Crediton- phase two, for the provision of bike storage facilities at Crediton railway station and to contribute towards the subsidised bus scheme for Crediton Town Centre.
4. Public Open Space: a financial contribution of £32,535.00 towards improvements to the open space and play area adjoining Threshers Crediton Hamlets.
5. Safeguarding of the land and a scheme of works to deliver the car park as shown on drawing number CAM XX GF GA I SK004 Rev P3

(Proposed by Cllr P J Heal and seconded by Cllr Mrs G Doe)

Notes:

- i) Cllrs D R Coren and P J Heal made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had attended Parish Council meetings where the application had been discussed;
- ii) Mr Holes spoke in objection to the application;
- iii) Mr Scoot spoke as agent;
- iv) Cllr Stephens spoke on behalf of Crediton Hamlets Parish Council;
- v) Cllrs D R Coren and P J Heal spoke as Ward Members;
- vi) Cllr F W Letch requested that his vote against the decision be recorded;
- vii) The following late information was provided: Page 27: Recommendation Section.

Delete item 6: Monitoring and legal costs

Page 48: Revise the wording of condition 15 as follows:

15. Prior to commencement of the development a Low Emissions Strategy, including an implementation timescale, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- a. A Detailed site travel plan including support for/access to public transport.
- b. Provision for electric vehicle infrastructure at a rate of 1 charging point per house (with a driveway or garage).

The terms of agreed strategy shall be implemented and maintained in accordance with the approved details.

(d) No 3 on the Plans List (**17/002014/FULL – Retention of log cabin for storage, shelter and education – Castleland House, Bampton**).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of Castleland House and the access point from the highway and into the woodland, the aerial view identified the cabin and the site location.

Members viewed the floor plan and elevations, the proposed drainage plan, the block plan and parking arrangements. Photographs were also shown from various aspects of the site.

Consideration was given to:

- The positioning of the proposed septic tank to the North East of the site
- The establishment of a wet room and the reasons why the cabin would require one

- The views of the objector in that cabin was not in the curtilage of the house, it was a retrospective application, it would set a precedent, it sat within designated agricultural land and the local residents were not happy with the impact that the development would have on the local area
- The views of the applicant's representative in that it would not set a precedent, and had a safe and secure access, did not have any overlooking issues or visual impact. She also outlined the various projects that would take place on the land.
- The views of the Ward Member outlining the concerns of the local residents, the small business that was proposed, the retrospective application and possible cumulative impact
- The fact that small businesses required encouragement
- Right of access to the site

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R J Dolley)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as she had had involvement with the applicant's representative with regard to Bampton Library and chose to leave the meeting during the discussion thereon; the Vice Chairman took the Chair;
 - ii) Cllr B A Moore made a declaration in accordance with the Protocol of Good practice for Councillors dealing in Planning Matters as he had had discussions with the applicant and objectors;
 - iii) Mr Goodwin spoke on behalf of the objectors;
 - iv) Ms Crabtree spoke on behalf of the applicant;
 - v) Cllr B A Moore spoke as Ward Member;
 - vi) Cllr B A Moore requested that his abstention from voting be recorded.
 - vii) The following late information was provided
- (e) No 5 on the Plans List (**18/0083/FULL – Permanent retention of log cabin for use by full time worker – land at NGR 295174 103122, The Orchard, Great Pitt, Silverton**).

The Area Team Leader outlined the contents of the application highlighting the history of the site, the reasons why the applicant had to live on the site, the business accounts that had been submitted showing financial viability. Members viewed the site location plan and aerial photograph, details of the buildings on site, the existing stables and schooling area, a block plan, existing access and foul drainage system,

elevations and floor plans of the log cabin and photographs from various aspects of the site.

Consideration was given to:

- The views of the applicant's representative who stated that he was in full support of the charity. As a Chartered Accountant who provided the accounts for the charity, the accounts complied with the financial test and the business seemed financially stable.
- The views of the Ward Member who reminded Members that the temporary application had one year to run. She voiced concern with regard to the proposed conditions and requested that further detail be provided with regard to the business plan. She felt that she needed to challenge the financial material supplied and questioned whether (i) the charity had a contract with the applicant (ii) whether the applicant was paid and (iii) why the vets fees were so low.
- The need for the site to have someone in residence
- Little objection to the application
- The personal condition (3) within the report.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

Notes:

- (i) Mr Frank spoke on behalf of the applicant
- (ii) Cllr Mrs Roach spoke as Ward Member
- (iii) The following late information was provided: 21st March 2018

Additional comments received from the applicant:

- Foal foster care for Dartmoor Heritage Pony trust and for Friends of Dartmoor Hill Ponies Society. Foals have additional needs associated with their very early days or being orphaned. Foals are vulnerable and require specialist care;
- Foals arrive on a rolling basis at least 2 at a time so they are not alone, potentially every two months. NLHC can take between 4-6 foals again in April. Conservative estimate of 8 foals a year. The foals are repurposed and do not go into the meat trade, the Dartmoor pony is an endangered equine species;
- NLHC also takes rehab horses (approx. 11/12 over last 3 years) as well as vulnerable horses from markets, and from the RSPCA. Currently have 2 Blue Cross ponies on site, one NLHC charity pony with COPD and behavioural issues, one rehab horse with severe medical needs for whom the applicant is the caretaker. Vulnerable foals should not be left unattended and unsupervised and neither should horse with severe medical conditions such as breathing problems, cellulitis and lymphangitis. The foster care program would not be allowed if there weren't 24 hour supervision. If applicant needs to go out for any length of time, cover is organised;

- NLHC emphasis is the foal foster care program and their training if required;
- Young people, and parents and young carers receive therapeutic horse help/lessons;
- Well established charity that is well known due to social media which attracts business;
- Experienced fund raiser;
- The applicant has stated that she works up to 10 hours per day throughout the year, including a check on the animals on site at midnight;
- The applicants working day is stated to include: looking after and training horses, supervising foals in a pen, fund raising, paperwork, charity promotion, supervising volunteers, therapeutic lessons between horse and young person/young carers;
- There is a pen for foals on the west side of the log cabin to allow close supervision as a transition space so they can become used to living outside.

Additional letters received

- Letter from equine vet that provides veterinary care for horses and ponies at NLHC. The letter confirms there are multiple horses at the premises that included/have included young horses, older horses with on going physical conditions and ponies requiring intensive handling training. He states that he regularly visits the premises to attend to the horses including call outs on multiple occasions out of normal working hours. He states that to provide adequate care to the horses it is ideal that someone is available on site 24 hours to allow checks on the horses to be made as necessary.
- Letter from operator of the Registered Pony Keeper Scheme with the Dartmoor Pony Heritage Trust:
- I am writing in support of the planning application for Jackie Tye of the Orchard, Great Pitt, Silverton, EX5 4JQ

We are long established commoners and breeders of Dartmoor ponies, who operate as part of the Registered Pony Keeper Scheme with the Dartmoor Pony Heritage Trust (DPHT). We train the offspring of wild Dartmoor ponies to eventually be sold as children's ponies and to supply a conservation grazing need for the grazing of valuable habitats all over the UK. In doing so we are passionate about preserving the indigenous Dartmoor pony and are committed to keeping native wild herds living out on the Dartmoor commons where they belong.

An essential part of this process is to find suitable homes where young foals can be fostered out after weaning each year, to teach them about being handled and to prepare them for a future with humans having been born wild. New Life Horse Care Sanctuary has provided precisely this foal fostering service to us for many years and have been an invaluable partner due to the exceptional care they can provide. We approached New Life Horse Care Sanctuary (NLHCS) as they can provide the 24 hour supervision needed for young and frightened foals as they live on site and can also ensure that there is always someone on hand 24 hours a day for emergency veterinary situations out of hours. They have offered this service to us for many years and this has proved invaluable as these are vulnerable young stock, in a high stress situation, where emergency situations can and do occur.

The service provided by NLHCS is not about helping to produce ponies for sale for profit, it is about supporting organisations such as DPHT and their recognised breeders, who are committed to preserving the true Dartmoor pony, which is a breed in serious decline with a dwindling gene pool and an uncertain future. NLHCS fostered on average 12 foals each year from us, sending them two at a time for intensive care and handling - giving those young foals a chance in life and enabling them to go on to a useful future as ambassadors for the Dartmoor pony breed.

The situation for the Dartmoor pony is serious, NLHCS endeavours to make a difference and the positive contribution they make to this situation is invaluable. It would be a great loss if their tireless work was unable to continue.

If you would like any further information on services provided for the Dartmoor pony by NLHCS I would be happy to help.

136 MAJOR APPLICATIONS WITH NO DECISION (3-14-32)

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

It was **AGREED** that

Application 18/00091/MFUL - St Lawrence Homes, Crediton, be brought before the Committee for determination and that a site visit take place.

Application 18/00214/MFUL – Hunters Hill, Culmstock, be brought before the Committee for determination.

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

137 APPEAL DECISIONS (3-19-16)

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 signed Minutes.

138 CONSIDERATION OF PLANNING APPLICATIONS FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC SCHEMES. (3-19-30)

*The Committee had before it a * report of the Head of Planning, Economy and Regeneration requesting consideration as to whether there is a wish to continue to determine all solar photovoltaic (PV) panel schemes that are ground mounted and recommended for approval, irrespective of the scale of the proposal.*

The Chairman informed the meeting that it had previously been decided that all ground mounted solar Photovoltaic schemes be brought before Committee, even though some of the schemes had been very small in size. Over the past few months several small schemes had been put before committee and

approved without discussion, it was therefore recommended that small scale proposals be dealt with under delegated powers.

The process of call in would still be available to Members if they felt that a particular application required Committee approval

RESOLVED that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended by Officers for approval be brought before the Committee for determination.

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

Note: *Report previously circulated copy attached to minutes.

139 RECOMMENDATION FROM THE STANDARDS COMMITTEE (3-24-02)

Consideration was given to a recommendation from the Standards Committee with regard to procedures. The Chairman of the Standards Committee presented Minute 70 of the Standards Committee meeting on 14 March 2018 which considered Motion 541 (Councillor Mrs J Roach – 30 November 2017):

This Council reconsiders the time and times that it allows ward members to speak at the planning committee. The present system gives many opportunities to speak but allows the local member only one opportunity. At the very least Council should give elected Councillors the opportunity to correct incorrect statements, something that exists within standing orders but not allowed at the planning committee. At the last planning committee the situation that exists at the moment prevented me as the elected Councillor for Silverton for pointing out that the Highways advice was inconsistent with previous advice given on the same site.

At that meeting a *report of the Monitoring Officer had been received and consideration had been given to that part of the Protocol of Good Practice for Councillors Dealing in Planning Matters (“the Planning Protocol”) which addressed public speaking at the Planning Committee. It had been agreed that clarity was required and further consideration was given to the presentation of questions or statements at public question time, the number of people who could speak and in what order and whether it was appropriate to include a form of “point of order” for Ward Members to correct a statement or an error of fact that had been made during the course of the debate on an application.

Members of the Planning Committee considered the following:

- Whether statements should be allowed within Public Question Time or should questions just be asked?
- Whether the ability to correct an error was reasonable
- The views of Councillor Mrs Roach with regard to her motion and the reasoning behind it in that she felt that there was a need to “come back” when clarification or correction was required.
- The need for those interested in a planning application or other matter on the agenda to feel that they had received a fair opportunity to make their point.

With regard to the recommendation on paragraph 9.1 of the Planning Protocol, Members of the Planning Committee considered that the focus should remain on questions, although it should be made clear that those speaking could briefly

introduce or explain the background to their questions(s). Members were reminded that those speaking at Public Question Time were limited to 3 minutes in any event.

Accordingly, it was therefore **RECOMMENDED** to Council that: the Planning Protocol be amended to the following:

- a) **9.1** Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications.
- b) **9.2** For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), parish council (3 minutes) and ward member(s) (5 minutes each). For the avoidance of doubt, the Chairman has the discretion to vary the number and order of speakers, including the amount of time for which they may speak. In some circumstances, it may also be appropriate to hear from the County Councillor.
- c) **9.3** Through the Chairman, members of the Planning Committee may ask questions of any person who has spoken under paragraph 9.2 of this Protocol. Further, a ward member who has spoken under 9.2 may raise through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

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

Notes:

- i) * Report previously circulated and attached to Minutes.
- ii) Cllr Mrs F J Colthorpe declared a personal interest as a Member of the Standards Committee.

140 PLANNING PERFORMANCE AGAINST TARGETS QUARTER 3 OCTOBER - DECEMBER 17/18 (3-52-08)

*The Committee had before it and NOTED a * report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for quarter 3 17/18.*

The Group Manager for Development outlined the contents of the report highlighting the quarter 3 statistics which were all above target, identifying the speed and quality of the processing of applications within Development Management, the enforcement data which showed the number of new enforcement cases received and those that had been closed. He informed the meeting that the post of Conservation Officer had been filled and that the new officer would take up his post at the end of May.

Note: *Report previously circulated copy attached to signed minutes.

Update Sheet

(The meeting ended at 18.25)

CHAIRMAN

Minute Annex

PLANNING COMMITTEE AGENDA - 21st March 2018

Applications of a non-delegated nature

UPDATES

ENFORCEMENT LIST	
1.	<p>17/00070/RURAL - Gaddon Down Plantation Ashill Devon</p> <p>21st March 2018</p> <p>The following statement has been provided on behalf of the owner of the land to seek to justify why the scope of works has been undertaken.</p> <p>Before my son took over Culm Wood the storm in January 2017 had blown many trees down, breaking down part of a wall on the right hand side of the building and also hitting the roof. This broke holes in it and pushed one of the A frames over which in turn pushed the left-hand wall off its footings and tilted it towards the track which is used by Buckland Wood Ridden Wood and Ashill Wood. A lot of dog walkers, which I know from when I was a landlord of the Ostler in Uffculme, use these woods and I have a duty of care for them. Therefore, my son started repairing. As we all know there is often a lot more damaged than his realised. Due to these repairs he was reported to the council and consequently told planning but when I enquired about planning permission he was told he would not be given planning permission so he stopped the repair work after making it safe.</p> <p>Officer Comment: The validity of the information is uncertain in your officer's view, and there is no change to the recommendation as set out in the report as drafted and circulated to members in the report pack.</p>
2.	17/00160/COU - NGR 300441 125017 Land Lying to The North of Petton Cross Shillingford Tiverton
3.	17/00266/RURAL – Land and Buildings at NGR 307589 114376 (Land On Escotts Farm) Uffculme Devon

THE PLANS LIST	
1.	17/01511/MOUT - Outline application for the erection of up to 120 dwellings, public open space, vehicular access and associated infrastructure - Land at NGR 282065 100892 (Chapel Downs Farm) North of Queen Elizabeth Drive Barnstaple Cross.
2.	17/01090/MOUT - Outline for the erection of up to 40 dwellings with associated access, parking, open space, landscaping and supporting infrastructure - Land and Buildings at NGR 281938 100425 (Adjacent Brookdale, Threshers) Hollacombe. 20th March 2018 Page 27: Recommendation Section. Delete item 6: Monitoring and legal costs

	<p>Page 48: Revise the wording of condition 15 as follows:</p> <p>15. Prior to commencement of the development a Low Emissions Strategy, including an implementation timescale, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:</p> <ul style="list-style-type: none"> a. A Detailed site travel plan including support for/access to public transport. b. Provision for electric vehicle infrastructure at a rate of 1 charging point per house (with a driveway or garage). <p>The terms of agreed strategy shall be implemented and maintained in accordance with the approved details.</p>
3.	17/02014/FULL - Retention of log cabin for storage, shelter and education - Castleland House Bampton Tiverton.
4.	<p>18/00100/HOUSE - Conversion of garage to a self contained annexe and erection of a porch - Station House Culmstock Cullompton.</p> <p>20th March 2018</p> <p>Additional condition to be added as an update to this planning committee</p> <p>1. The ancillary accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Station House as a single family dwellinghouse and shall not at any time be used, either by way of being let, given or sold, as a separate unit of accommodation or for commercial purposes.</p> <p>Reason: The site is located outside defined settlement limits in the open countryside where national and local planning policy prohibits the creation of new dwellings unless in special circumstances in accordance with Policy COR18 of Mid Devon Core Strategy 2007 and the NPPF</p> <p>20th March 2018 – Culmstock Parish Council – No objections.</p>
5.	<p>18/00023/FULL - Permanent retention of log cabin for use by full time worker - Land at NGR 295174 103122 The Orchard Great Pitt.</p> <p>21st March 2018</p> <p>Additional comments received from the applicant:</p> <ul style="list-style-type: none"> • Foal foster care for Dartmoor Heritage Pony trust and for Friends of Dartmoor Hill Ponies Society. Foals have additional needs associated with their very early days or being orphaned. Foals are vulnerable and require specialist care; • Foals arrive on a rolling basis at least 2 at a time so they are not alone, potentially every two months. NLHC can take between 4-6 foals again in April. Conservative estimate of 8 foals a year. The foals are repurposed and do not go

	<p>into the meat trade, the Dartmoor pony is an endangered equine species;</p> <ul style="list-style-type: none"> • NLHC also takes rehab horses (approx. 11/12 over last 3 years) as well as vulnerable horses from markets, and from the RSPCA. Currently have 2 Blue Cross ponies on site, one NLHC charity pony with COPD and behavioural issues, one rehab horse with severe medical needs for whom the applicant is the caretaker. Vulnerable foals should not be left unattended and unsupervised and neither should horse with severe medical conditions such as breathing problems, cellulitis and lymphangitis. The foster care program would not be allowed if there weren't 24 hour supervision. If applicant needs to go out for any length of time, cover is organised; • NLHC emphasis is the foal foster care program and their training if required; • Young people, and parents and young carers receive therapeutic horse help/lessons; • Well established charity that is well known due to social media which attracts business; • Experienced fund raiser; • The applicant has stated that she works up to 10 hours per day throughout the year, including a check on the animals on site at midnight; • The applicants working day is stated to include: looking after and training horses, supervising foals in a pen, fund raising, paperwork, charity promotion, supervising volunteers, therapeutic lessons between horse and young person/young carers; • There is a pen for foals on the west side of the log cabin to allow close supervision as a transition space so they can become used to living outside. <p>Additional letters received</p> <ul style="list-style-type: none"> • Letter from equine vet that provides veterinary care for horses and ponies at NLHC. The letter confirms there are multiple horses at the premises that included/have included young horses, older horses with on going physical conditions and ponies requiring intensive handling training. He states that he regularly visits the premises to attend to the horses including call outs on multiple occasions out of normal working hours. He states that to provide adequate care to the horses it is ideal that someone is available on site 24 hours to allow checks on the horses to be made as necessary. • Letter from operator of the Registered Pony Keeper Scheme with the Dartmoor Pony Heritage Trust: • I am writing in support of the planning application for Jackie Tye of the Orchard, Great Pitt, Silverton, EX5 4JQ <p><i>We are long established commoners and breeders of Dartmoor ponies, who operate as part of the Registered Pony Keeper Scheme with the Dartmoor Pony</i></p>
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	<p><i>Heritage Trust (DPHT). We train the offspring of wild Dartmoor ponies to eventually be sold as children's ponies and to supply a conservation grazing need for the grazing of valuable habitats all over the UK. In doing so we are passionate about preserving the indigenous Dartmoor pony and are committed to keeping native wild herds living out on the Dartmoor commons where they belong.</i></p> <p><i>An essential part of this process is to find suitable homes where young foals can be fostered out after weaning each year, to teach them about being handled and to prepare them for a future with humans having been born wild. New Life Horse Care Sanctuary has provided precisely this foal fostering service to us for many years and have been an invaluable partner due to the exceptional care they can provide. We approached New Life Horse Care Sanctuary (NLHCS) as they can provide the 24 hour supervision needed for young and frightened foals as they live on site and can also ensure that there is always someone on hand 24 hours a day for emergency veterinary situations out of hours. They have offered this service to us for many years and this has proved invaluable as these are vulnerable young stock, in a high stress situation, where emergency situations can and do occur.</i></p> <p><i>The service provided by NLHCS is not about helping to produce ponies for sale for profit, it is about supporting organisations such as DPHT and their recognised breeders, who are committed to preserving the true Dartmoor pony, which is a breed in serious decline with a dwindling gene pool and an uncertain future. NLHCS fostered on average 12 foals each year from us, sending them two at a time for intensive care and handling - giving those young foals a chance in life and enabling them to go on to a useful future as ambassadors for the Dartmoor pony breed.</i></p> <p><i>The situation for the Dartmoor pony is serious, NLHCS endeavours to make a difference and the positive contribution they make to this situation is invaluable. It would be a great loss if their tireless work was unable to continue.</i></p> <p><i>If you would like any further information on services provided for the Dartmoor pony by NLHCS I would be happy to help.</i></p>
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