

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 July 2018 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal,
D J Knowles, F W Letch, B A Moore, R F Radford,
J D Squire and R L Stanley

Also Present

Councillors

R M Deed, C J Eginton and C R Slade

Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Tristan Peat (Forward Planning Team Leader), Christie McCombe (Area Planning Officer), Adrian Devereaux (Principal Planning Officer), Daniel Rance (Principal Planning Officer), Sara Jenkins (Enforcement Officer) and Sarah Lees (Member Services Officer)

25 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

26 PUBLIC QUESTION TIME (00:06:25)

Mr Drew, referring to item 1 Sampford Peverell, stated having taken specialist highways advice from Mark Baker Consulting Limited as a chartered member of the RTPI I recommend that the application be refused for 8 reasons as set out in my letter which I believe has been circulated in substance to Members. In brief the reasons are:

1. The application site is in the open countryside where core strategy policy clause 18 seeks to strictly control development. I was going to say that no parties produced an up to date land supply calculation but I come here this afternoon and find that one has been produced now. It might have been helpful if that had been produced and put out in the report. Even if the Council cannot show a five year housing land supply the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
2. The proposal would result in harm to the setting of designated heritage assets in the vicinity of the site, including a Grade II listed building and two Conservation Areas. The Applicant has failed to identify any public benefits to

outweigh the identified harm and conflict with Development Plan Policies and the NPPF.

3. As a form of major development on a prominent open hillside the development would significantly harm the unspoilt and open quality of the site and result in the loss of Grade II agricultural land, which forms an important part of the rural setting of the village.
4. The application site is not a sustainable location for this scale of housing due to the poor pedestrian access to village facilities, most of which are located beyond a reasonable walking distance of the site, and the absence of employment in the village, which would result in an unsustainable pattern of car-based commuting.
5. The application is premature because the site is identified for housing in the emerging Local Plan but only in association with the J27 development, which is a substantial scheme that is a central component of the emerging Local Plan and SP2 is the subject of an examination Hearing in September and so it is difficult to envisage a more advanced stage. As such the proposal is contrary to Planning Practice Guidance.
6. The substandard crossing and footway along Turnpike, together with the substandard junction to the north-east of the site onto Higher Town and the absence of verification that the visibility splays serving the vehicular access would be appropriate, would not provide a safe solution for highway users, including pedestrians.
7. The Ecological Appraisal has identified a badger set in Higher Town and an area to the west as being suitable for reptiles. In respect of the former it has not been shown that there would be no disturbance and in respect of the latter no detailed survey has been provided. Still. As such the proposal is contrary to advice in Circular 06/2005.
8. By virtue of the alignment of the footway and cycleway onto Higher Town and/or the potential for development and/or planting in this area the living conditions of the occupiers of Nos 42-46 Higher Town would be harmed by reason of loss of privacy and/or overbearing impact and/or loss of daylight and sunlight.

You therefore have professional planning and highways advice that would enable you to fully justify departing from your Officer's views should you chose to do so without fear of any adverse implications, such as an award of costs.

Mrs Quick, referring to item 2, Uplowman Road, stated I just want to raise two aspects of the development. One about drip, drip development the other about the demographic alteration. In case you hadn't realised what is proposed on this site is in fact an experiment in social engineering. On the one side you are allowing nearly 300 modern houses which are small and fairly densely packed. On the other side there is an established collection of much fewer decent sized houses of individual styles set in generous plots with gardens. The people choosing to buy the new properties are likely to similar to those who are already living in the established area, an area which is unique in Tiverton. By altering the demography you will undoubtedly be storing up ramifications that could prove troublesome in the future. And I use troublesome as a euphemistic word. Has this aspect of the proposed development been thoroughly thought through?

Have the views of social scientists been sought? The drip, drip building programme will mean the periods of construction disruption will continue for several years. A very

daunting prospect. A drip, drip increase in Tiverton's population will be so subtle that preparations to cope with it would not have been recognised let alone preparations made to cope with it. In recent years after much house building in the town and in the environment we are finding ourselves short of community services already. Schools, Surgeries etc etc are now under strain. Any further increase in our population will outweigh community development to match is a serious mistake. It has to be avoided; it can be avoided to preserve our existing way of life. Maybe you the Committee could ensure that in future for each domestic brick laid, one is laid at the same time for Community projects.

Mr Dyson, referring to item 3, Thorverton, stated Councillors I have been asked to address you by my longstanding farmer client who is the applicant for the improved field access onto School Lane, Thorverton, that you are minded to refuse. He feels quite rightly that the application has not been dealt with fairly. I think everybody knows there are no genuine planning reasons for a refusal yet a decision seems to be made more or less as a head count of objectors versus supporters and now you are having to revisit that decision after the event to try and find a reason that might just persuade a planning inspector to agree. I am sure that you are aware that decisions should be made once reasons have emerged not the other way round and this is clearly a case of predetermination and against the advice of Officers of the Council. My client only requires to use his field access as it was originally used instead of farm traffic having to take long detours down narrow lanes with few passing places to be safe which causes him and other road users increased inconvenience. Since the closure of Hulk Lane this traffic will end up travelling north through the village anyway so confirmation of this refusal will make no difference to trips in this direction. Councillors, at your last meeting five of your number out of eleven voting agreed with the firm advice of your Officers. I see from the implications report that the advice has not changed and if anything is rather more forceful. We therefore ask you would it not be fair and correct to rely on the Council's own sound professional judgement and change your overall voting to approve this application?

Mrs Tucker, referring to item 1 Sampford Peverell, stated my question is regarding ecology. The Government Advisors Council states that is essential that presence of protected species and the extent that they may be affected by the proposed development is established before planning, permission is granted. It continues by saying that by determining the application development that is covered by up to date standing advice a planning authority must take into account that standing advice. The word must is mandatory. Natural England's consultation responses are quoted on pages 44-46 of the report and repeatedly draw attention to its published standing advice. Page 45 records that Natural England says 'it is the responsibility of the local planning authority to ensure protected species issues are fully considered and that ecological surveys have been carried out'. The standing advice is quoted verbatim from pages 62-65 for badgers and from pages 67- 68 for reptiles. In respect of reptiles the standing advice explicitly says 'survey for reptiles in April, May and September are void July to August'. Page 69 of the report says specific reptiles' surveys being carried out on site and will finish on 2nd July. Self-evidently that date is when the standing advice from Natural England says a reptile survey should be avoided. Yet, bizarrely the next paragraph of the report says Natural England has referred to standing advice and is considered by your Officers that this proposal conforms to this advice. Plainly the Officers are wrong to assert that as it flies in the face of the quoted standing advice. Condition 27 on page 83 of the report refers to a reptile mitigation strategy report dated May 2018. That report was only published on

the Council's website in July 2018 and local residents have never had an opportunity to comment on it. This is unfair. If local residents had been given an opportunity to comment upon it they would have pointed out a fundamental problem with the reptile mitigation strategy which renders it unfit for purpose. However the Council has chosen not to consult local residents. The next opportunity to survey the reptiles during the period envisaged by the standing advice is September. This would allow for consultation with local residents in October on the results of the survey and the reptile mitigation strategy. Having put you on notice of the flawed approach currently being advocated in this respect is the Council determined to force this application through or will it now listen to local residents?

Mr Quick, referring to item 2 Uplowman Road, stated that he would like to draw the Committee's attention to the access to the site during construction. The Highways Department maintains that it is acceptable to route large vehicles carrying heavy machines and construction materials through Blundells, Post Hill and Putson Lane onto and off the site. This same department is responsible for the no longer favoured, badly constructed speed tables through Blundells when a much cheaper and environmentally friendly 20MPH properly enforced restriction could have been introduced when and only when planned additional traffic warranted it. The additional pollution from these vehicles made worse by the speed tables that will be inhaled by youngsters and staff should frighten us all. I have suggested to the developers and the Highways Department a way to reduce the pollution and traffic congestion very substantially. A slip road off the A361 link road required for a future development will shortly be completed. It would be perfectly possible to construct a temporary slip road off this to take construction traffic only into and only into the two sections of the site. The returning empty trucks would then be the only construction traffic using Post Hill, Blundells etc with a huge reduction in pollution and traffic. There are obvious benefits and long term cost savings to the building contractors by having arriving and leaving traffic separated. Because this suggestion has only come from a local resident it has been rejected without any serious consideration. If members of this Committee think this proposal is at all feasible the fact that the Highways department is satisfied with the existing arrangement should not prevent you insisting that it is seriously considered. If the Highways Department can pursue you for non-bureaucratic reasons that this or a similar solution is unworkable at least you would have carried out your duty to protect the public where possible.

Mr Parr, referring to item 3 Thorverton, stated that I am surprised that this application has caused so much upset and it certainly not been my intention. I have been persuaded at the early part of this application to change the application from double access into the field to a single one. This was done along with the County Council and local people from the village and we have taken that into account. All changes from October 2017 when this application was first brought to get forward was to improve a passing place also and was done with guidelines from the Council. As it stands at the moment all farm traffic has to exit east, away from the village for approximately half a mile turn around and come back the same single track bit of road. When we get back to the village we have never had any issues with anybody in the village at any time in the five years since we have owned this part of the land. Some while ago Cllr Deed went to a Parish Council meeting in Brampford Speke to drum up support to turn this application down. They decided they did not want to comment on it but did not see any objections to it in anyway at the time. My question to you is it really safer to go down a single track half a mile and come back or the

alternative to that is to reverse onto the highway and turn right out of the gate. Is that the preferred option of everybody? That is my case today.

Mr Dumble, referring to item 1 Sampford Peverell, stated Councillors I am reading this on behalf of myself and Bob Bond who can't be here and we are both residents of Sampford Peverell. We believe that approval today of the Higher Town application would be an undemocratic process. In the current local plan this site is outside of the development area. In the emerging local plan the site is known as SP2 and has attracted a significant amount of opposition from local residents. On page 78 of the Officers report you are told that the emerging policy SP2 carries little weight. They then say that the processes that led into the policy are of material consideration and these processes are still not finished. The emerging local plan is currently with the Inspector. He will hold hearings on the 20th & 21st September. This is part of the process that Officers says is a material consideration. SP2 is one of only three policies in the entire emerging local plan that the Inspector wishes to examine in depth. His first concern about SP2 is to question the suitability of the site as material consideration you cannot ignore this.

At the Council meeting of 21st February Councillors were asked to approve submission of the local plan to the inspector. A significant number of Councillors were uncomfortable with the inclusion of SP2 but did not wish to prevent the plan being put forward as they felt it would delay the process even further. Councillors told objectors that these hearings with the Inspector would be the time when alternative sites within Sampford Peverell and other objections would be considered. Councillors if you accept this application you will deprive objectors of the opportunity to have the suitability of this site assessed by the Inspector. More importantly you will be prejudging the response of the Inspector to development on this site. SP2 was only included in the local plan after careful consideration by all Council members and with conditions attached. SP2 can only go ahead if and when development of junction 27 takes place and after improvement have been made to the junction with the North Devon link road. No such conditions are attached to this application. The public response to this application contains an overwhelming number of objections from local residents. No comments in favour. There are numerous documented and good reasons why this application should be refused and Councillors, you should not fear the consequences of an appeal, and you will be acting reasonably by rejecting this application. So despite all of this if you are still minded to approve this application do you feel that you are representing the people who you elected to serve? Do you feel comfortable in prejudging the findings of the Inspector with respect to SP2? And do you feel comfortable putting a guillotine in on the democratic process that could consider alternative sites for development in Sampford Peverell in September?

Mr Cook, referring to item 2 Uplowman Road, referred the Committee to the Barratt application and the subject of the historic Devon Bank.

The current application provides for 13 new houses to be accessed from Uplowman Road after the closure of this road.

These include 10 within a cul-de-sac that includes varied types of show houses and a sales office with a large concrete parking area along Uplowman Road.

This plan for access to the cul-de-sac and sales area on Uplowman Road will involve the loss of approximately 62 metres of valuable old historic Devon bank.

It will also leave a mixture of property types along the road that will completely conflict with the character of the existing locality. Nothing like the density or the type of house currently exists.

Building these all behind the Devon Bank would considerably lessen the impact of the sales activities on existing residents for the 6 or more years duration of the house construction work as well as be respectful of the local character and amenity.

It would help considerably in reducing any noise and disturbance associated with the sales activity.

We believe that is important to retain as much as possible of the original and irreplaceable Devon bank and that this could be achieved if the cu-de-sac properties were behind the bank rather than some being along the roadside level. Doing this would reduce the loss of the Devon bank, existing hedgerow to approximately 7 meters rather than 62 meters currently planned.

In addition it would provide the new properties with a soft northern boundary with increased privacy and amenity for both the new and existing residents.

The question on behalf of residents, will this Committee ensure that a significant length of the historic Devon bank will be preserved by requiring that the cul-de-sac properties including the sales office and show homes are built behind the existing Devon bank?

I have a sketch of this proposal but I have not been allowed to show it. If anybody after the meeting would like to see it, its here.

Mr Cashmore, referring to item 3 Thorverton, stated I would like to ask two very simple questions regarding the application for a widened field access in School Lane in Thorverton.

Question 1 – Can anyone or this Committee please explain why this particular applicant has been permitted to submit a total of 6 sets of drawings to this planning process for something as simple as a field access?

Question 2 - Are you able to provide details of any measurements or checks either on site or on paper to ensure that any of the 6 sets of drawings that have been submitted over 9 months were in fact completely accurate, compliant with regulations or even feasible?

We the public all have the right to expect accuracy and truthfulness in the planning process and we can only respond to accurate material evidence that is communicated to us via your portal. From the very beginning real facts and wholly accurate scale drawings have been conspicuously absent from this application and as a consequence an independent electronic site survey and advice were commissioned confirming that in order to be fully compliant to regulations this application will require further substantial and quite heavy reengineering and the partial removal of a Devon bank that will as a consequence, lead to further unnecessary loss of public amenity.

By the way this site is beyond the school entrance in School Lane and may encourage vehicles to cross traffic at the bottom of a hill and right on top of a blind bend in a narrow lane.

Finally last month's democratic decision by this Committee to reject this application was completely the right one for which we are all most grateful. The resolve of the community of Thorverton to remain is as strong as ever however to resist this completely unnecessary and unachievable application. However this Committee will receive the full support of our community once it has reconfirmed its earlier decision later this afternoon.

Mr Chesney, referring to item 1 Sampford Peverell, stated I want to make a statement on what had been brought forward as public benefits with regard to the application. However it's the view of many residents of Sampford Peverell that the suggested list of public benefits put forward does not bear any real scrutiny. There has been no economic reason or justification given for 60 houses being built at Higher Town as noted on page 79 of your Officers report.

The site will yield far fewer houses than a site of similar size but with different topography. This site will yield far fewer houses than your own policy Core 1D permits. In a recent appeal judgement the Inspector concerned noted that the benefits of the proposed new housing is no more than would be expected of almost any similar sized housing development and do not provide specific justification for the proposed development in this site.

Your Officers have been sent this appeal by an objector. The 60 houses include 35% of affordable homes according to the Officers report but the applicant has only ever pledged up to 30%. Your Officers have artificially enhanced the affordable housing and with it the so called public benefits. Without the 60 houses the contributions to local schools are not needed. Your Officers report says that they are there to offset the impact of the development. Without the 60 houses the contributions to so called highways improvements are not needed. Your Officers report says that these too are there to offset the impact of the development.

The green infrastructure and public open space suggested is not needed or wanted by local people. We have an excellent children's play area, well equipped in the village. They too are only proposed in mitigation for the 60 houses. Without this development we have a fertile agricultural Grade II listed productive green field. We have no need for a green infrastructure or a public space.

National Policy Planning for 134 requires that any harm to heritage assets must be weighed against public benefits. The benefit must be shown clearly and convincingly. All the applicants' evaluations of harm are inadequate given that there is no supporting documentation accurately locating or describing the new access way at the north east corner. In these circumstances the impact of assessment must be flawed. The harm done by the development to the setting of heritage assets and to the landscaped character of the area does not justify departure from local plan policies designed to protect them. To describe offsets and mitigation as benefits is surely just poor practice.

We ask the Committee to look critically at the supposed benefits.

Mrs Bell, referring to item 2 Uplowman Road, stated with reference to the Barratts application Uplowman Road will be closed to through traffic and requires a turning point. This turning point should logically be towards the end of the cul-de-sac and not as currently positioned some distance from the last property.

The turning point shown in the plans means that large vehicles such as those used for refuse collections will have to reverse uphill from the last of the new houses back to the turning point.

This stretch of road is narrow with high Devon banks on either side; it will be very dangerous for cyclists, pedestrians and other motorists.

The subsequent noise and exhaust pollution is also a health and safety issue. Please can the turning point be moved eastwards along the road close to the last house? It would not mean any more disturbance to the Devon bank than is already planned and we understand this is not an issue in Highway terms.

Also, a planning application to provide a route through the the Post Hill hospital site to this development area has been approved.

This is significant and important as the hospital site access route is deemed to be the preferred route by both Devon County Highways and local residents as it would considerably relieve pressure on the vulnerable Putson Lane access.

It is crucially important that this safer access route to this new development is delivered quickly and certainly before the completion of all these new properties.

On behalf of residents will this committee ensure that the preferred hospital site access route will be delivered for use by residents before the completion of Braid Park? Thank you

Dr Stannard, referring to item 3 Thorverton, stated that I speak as a resident of Thorverton and my question concerns the proposal to widen field access to School Lane. The implications report conclusion recommends that reason for refusal 3 'the impact on the character of the area' be given priority. I fully support the conservation of one of the village's prettiest lanes however I respectfully question if the Planning Committee might not make road safety its first consideration as it continues to reject widened field access. The lane is winding, narrow, without pavements, has few pedestrian refuges has visibility that is readily impaired by traffic. These hazards affect parents and children approaching Thorverton Primary School from the centre of the village as well as from those from the Glebe, Broadlands and adjacent developments who use the footpath to School Lane from the Glebe.

I have permission to quote from an objection made to MDDC in May by a mother of 3 who lives in the Glebe. 'We walk down School Lane every day it can often take over 15 minutes for me and the children to walk the length of the lane and at times I have been terrified for my children's safety as large vehicles negotiate the narrow lane, some with tyres as tall as I. You can imagine the problem keeping 3 small children safe in that circumstance is hard. I realise that you are not empowered to limit all School Lane traffic in spite of its increased traffic following the closure of Hulk Lane which used to provide vehicular bypass outside of the village but it is in your power to continue to reject a widened field access which by facilitating north bound movement of large agricultural industrial vehicles can only contribute to the hazards of this crowded lane. I ask that you give this your priority'.

Over 150 objections by the Thorverton community reflect our concern that any increase in such large vehicle traffic which can be resisted is unacceptable. It follows that the Committee's decision to deny that increase is an entirely reasonable one.

Mr Bartlett, referring to item 1 Sampford Peverell, stated all my comments are made on personal experience I would like to say that. The Road Safety Auditors and professional consultants state that the so called highway improvements near the canal bridge are substandard. Your Officers failed to address this correctly in their report. They include the use of the word substandard by the Highways officer but they never draw it to your attention or explain the significant implications.

The site near the canal bridge where the substandard crossing is proposed is a particular concern. Just a few days ago I watched a pantechicon trying to cope with that bend. It was so long it could not manoeuvre either through the blind bend by Turnpike corner or the Canal Bridge corner without having to use both sides of the carriageway requiring traffic to reverse to let it by. And this is car traffic it could have been a bus.

More generally I have also done several traffic surveys over quite a number of hours which have illustrated my concerns regarding the speeds of vehicles entering and leaving the village. You have now visited the site on an official viewing. You will need to be certain that all residents can use the substandard crossing with full safety.

A feature of the proposed new highway improvements is the removal of the white line virtual footway along the south side of the canal bridge. While far from ideal most locals follow that south side curve if they're already on that side of the road. Users, like you, realise that it is simply safer than crossing the dangerous road twice to reach the exiting narrow footway on Turnpike. Your own desire line keeping to the south side of the bridge rather than crossing the road twice shows how the highway improvements are forcing people to use a substandard route that they know to be unsafe. These alterations would also remove a very important feature, the virtual footway that you used that has played a vital part in limiting potential accidents at that point.

As I have previously told Full Council, Devon County Councils schools transport team runs buses to an extra stop at Battons Cross precisely because they believe secondary school children are not safe to cross the road where the new crossing is planned. Will Devon County Council no longer see this as being necessary with the much vaunted highway improvement? I doubt it. The schools team seem to know better. Thank you.

Mr Trump, referring to item 3 Thorverton, stated Madam Chair and members of the Planning Committee thank you again for letting share my anxieties over this application with you. Last time it was discussed you voted to reject it and I sincerely ask you to support that decision for the following reasons.

We're not at all convinced of the agricultural need for it because the applicant has managed with the existing entrance perfectly satisfactorily for the past 5 years. I live at the Lodge which is precisely opposite the proposed entrance and from my cottage I see clearly every morning parents and children passing on the way to the school and preschool. I also see passing traffic and the speed of some vehicles. To have an even wider entrance which would encourage some to use it for turning would add to

the number of vehicles in the lane. There are no pavements in School Lane which as you will know from your visit is a narrow county lane.

Others have raised concerns they have for the safety of these little children and their parents and I fully support them. As I said before when I spoke before at the last meeting I believe the proposal to do away with the Devon bank and substitute it for a wide tarmac drive and splay is completely out of character for the existing environment of the lane.

This is an historic narrow country lane not an urban road or an industrial site. The planting of a few blackthorn and whitethorn bushes where the bank has been cut away is not going to offset the dreadful appearance.

This proposed access is immediately adjacent to Thorvertons Conservation Area. This part of School Lane has been designated worthy of conservation status by your own Council Officers. Indeed in your own Mid Devon Local Plan you state that Thorverton is a village of particular environmental quality.

We love our village and strive to maintain its beauty and tranquillity. Please help us to maintain its character. Last time I spoke I reminded you that Mid Devon's motto 'where people matter' is emblazoned on our brown bins and I ask you, our Council, to please put the motto into action for the people of Thorverton. Thank you for listening and please uphold your decision to reject this application that you so wisely made at the last meeting.

Mr Dinnage, referring to item 1 Sampford Peverell, stated good afternoon I live in Higher Town. Officers state that there is to be road widening on the bend between Higher Town and Battons Cross. This is different to making improvements in visibility. We have never been shown any plans for road widening at this point and have never been consulted on the proposal. Why not?

At the north east corner of the site is proposed a long and deep access cutting. Almost opposite that opening a vital road water easement exists. Currently, this easement is often unable to cope with the water flow. Why is there no mention of dealing with the inevitable increase in water run off resulting from the proposed cutting?

Mr Greed, referring to item 3 Thorverton, stated good afternoon Madam Chairwoman and members. I am a long standing member of the Thorverton farming community unfortunately this application is not about agricultural need. The applicant has successfully used the existing track from the field since he bought the land 5 years ago. He does not turn in the entrance of Yellowford Farm to go north through the village. This is because his preferred route to the Home Farm at Woodbury where substantial new cattle sheds and grain stores have been built has always been south via Exeter as it is closer and quicker. The applicant has also rented out the field for sheep keep and swedes 50% of the time.

In 2015 MDDC granted planning permission to the applicant for a grain store at Yellowford Farm based on an agricultural justification that the 80 acre holding needed such a facility. The existing field track would service the grain store as the site is south of the village. Despite pleading need the grain store has never been

built, hedges have been illegally removed from field gateways on the holding and highway drains damaged which still have not been put right.

Are the members absolutely confident there is sufficient factual evidence to justify agricultural need?

The Chairman informed those present that the questions would be answered when the items were discussed.

27 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:54:50)

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

28 MINUTES OF THE PREVIOUS MEETING (00:55:12)

The Minutes of the meeting held on 13 June 2018 were approved as a correct record and **SIGNED** by the Chairman.

Note: Councillors P J Heal and B A Moore abstained from voting as they had not been present at the previous meeting.

29 CHAIRMAN'S ANNOUNCEMENTS (00:56:12)

The Chairman had the following announcements to make:

- The special meeting scheduled for 26th July 2018 to consider the NW Cullompton applications had now been cancelled and would be re-scheduled.
- The next scheduled meeting of the Planning Committee would be on 8th August 2018.
- There would an additional special meeting of the Planning Committee on 15th August which would consider the Creedy Bridge application.

30 ENFORCEMENT LIST (00:57:09)

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

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

Arising thereon:

- a) No. 1 in the Enforcement List (Enforcement Case ENF/18/00083/UNTIDY – Untidy site having an adverse effect upon the visual amenity of the locality. Eastmere Farm, Lapford, Crediton).

The Enforcement Officer outlined the contents of the report highlighting by way of presentation photographs of the site from various angles. She explained that a complaint had been received in March 2018 by the enforcement team regarding the unsightly appearance of the land which sat immediately adjacent to the main road (A377) and was clearly visible from the public domain particularly on the approach to Lapford from the north.

RESOLVED that authority be given to the Legal Services Manager to take all such steps and action necessary to secure the improvement of the appearance of the land, including the issue of a Section 215 (Untidy Site) Notice and prosecution and/or Direct Action in the event of non-compliance with the Notice.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Note:

- (i) Cllr Mrs G Doe declared a personal interest as the site in question was opposite to where she lived.
- (ii) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as he had attended Parish Council meetings where this matter had been discussed.

31 **DEFERRALS FROM THE PLANS LIST (01:02:45)**

There were no deferrals from the Plans List.

32 **THE PLANS LIST (01:02:50)**

The Committee considered the applications in the plans list *.

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

- a) No 1 on the Plans List ***(17/01359/MOUT – Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site, along with 3 pedestrian/cycle access points to serve the site, with all other matters to be reserved – land and buildings at NGR 302469 114078, Higher Town, Sampford Peverell)***

The Group Manager for Development commenced his presentation by making reference to the updates included in the update sheet. This included a revision of condition 26 to include reptiles along with badgers since the efficacy of the applicant's own survey had been undermined by the repeated removal of the refugia on site. As such the amendment to condition 26 now negated the need for condition 27. Natural England had issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there was a reasonable likelihood of protected species being present on a proposed site. The crossing and pedestrian access points on this site were the least likely areas for potential harm to reptiles, however the revised condition stipulated that any approved development could not commence until a repeat survey for the presence of badgers and reptiles had been carried out.

The second update related to the Council's five year housing land supply figures which had been updated based on the most recent statistics. This had increased from 4.15 years to 4.45 years which was seen as positive but was still short of the 5 year land supply.

In relation to the questions posed at public question time the Group Manager for Development stated that evidence within either the report or the update addressed many of the concerns raised including reference to COR18, the suggested

undemocratic process and the weight given to SP2. It was the officer's opinion that the assessment in relation to public benefit versus public harm had been accurate. In relation to the question posed about the 35% affordable homes the officer explained that this figure was correct. Questions relating to the 'sub-standard' crossing and water run off had also been addressed within the report.

The contents of the report were outlined by way of presentation highlighting, through the use of photographs, the indicative layout of the site, the proposed access arrangements, its geographical position in relation to the canal and its position in relation to surrounding buildings which included a listed building and non-listed heritage assets such as a wall which was of particular local interest. It was also explained that the site was outside the settlement limit as identified in the Local Plan. The Local Plan was currently under review and the fact that this site was a part of that review was a material consideration. Reference was made to the NPPF which stated that there should be a presumption in favour of development unless significant adverse harm outweighed the public benefit.

Consideration was given to:

- Concerns regarding speed limits following a recent site visit. The representative from the Highways Authority stated that there would be some decrease in the speed limits around the site should it be approved.
- School numbers and the need for a more thorough investigation into the number of potential places needed and whether this was achievable within the Sampford Peverell education provision.
- Housing supply figures being adjusted because of persistent under delivery.
- Concerns regarding visual impact and the topography of the site meaning that whilst the properties would have extensive views the properties themselves could also be seen for miles. The Group Manager for Development explained that there had been a discrepancy with the information provided by the LVIA. The Council's professional had had a different interpretation of the assessment and their methodology but had confirmed that 'visual impact' was not unacceptable.
- The number of allocated sites currently without planning permission.
- A decision regarding proposals for J27 was still outstanding and with the Inspector at the current time.
- Highways concerns and the resultant traffic through Halberton.
- The sustainability of the site.

RESOLVED that Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider reasons for refusal to include:

- Visual impact
- Highway safety
- Sustainability

(Proposed by Cllr B A Moore and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application.
- (ii) Cllr F W Letch declared a personal interest as he knew some of the objectors and had a close friend who lived nearby.
- (iii) Cllr R F Radford declared a personal interest as his brother lived in Battens Cross, Sampford Peverell
- (iv) Cllr R L Stanley declared a personal interest as he had worked with a resident at Higher Town.
- (v) Mr Jamie Byrom (objector) spoke.
- (vi) Mr Ian Adlington (Sampford Peverell Parish Council) spoke.
- (vii) The following late information was reported:

10th July 2018

The Applicant following a request from the Authority undertook a reptile survey on the area highlighted within the Ecology report submitted with the application. The survey commenced on site in the region of the junction of Higher Road and Turnpike at Sampford Peverell. The survey efficacy has been undermined by the repeated removal of the refugia placed on site and as such no definitive results can be relied on to determine the presence or not of reptiles.

Therefore it is considered prudent in this case to include reptiles along with badgers within condition 26, this will also negate the need for condition 27 which can be removed. Conditions following to be re-numbered

The new condition will read

26. No site works comprised in or arising from the development nor any part of the development hereby approved (including but not limited to site or boundary clearance, ground investigations, site survey works, temporary access construction works, pegging or marking out operations, archaeological investigations or the erection of fencing or hoardings on or around the site) shall be carried out unless and until a repeat survey for the presence of Badgers and Reptiles on the site and within those habitats adjoining the site which are identified in the extended Phase 1 Ecological Appraisal of January 2018 as being suitable for such species, has been carried out in the appropriate season and survey reports submitted to and approved in writing by the local planning authority. The submitted surveys shall detail the likely impact upon and disturbance of those species arising from the development hereby approved and include, where necessary, a scheme of mitigation and/or

compensation measures to address such impact and/or disturbance, including a timetable for such mitigation and measures. The surveys and scheme of mitigation and/or compensation measures shall, if approved, be implemented and maintained in full accordance with the details of the said surveys and scheme.

Forward Planning – update note

11th July 2018

Housing Land Availability Summary 2018 – Five year housing supply

The Council's five year housing land supply figures have been updated based on the most recent statistics. These are summarised below and will be published in detail on the Council's website.

The level of available housing land required to provide a 5 year supply (for the period 1st April 2018 – 31st March 2023) is based on the adopted Core Strategy, Exeter Housing Market Area SHMA (Strategic Housing Market Assessment) and cumulative housing completions since 2006.

A	Core Strategy annual requirement 2006-2013	390
B	Total requirement 2006-2013 (A*7)	2730
C	SHMA annual requirement 2013 onwards	380
D	Total requirement 2013-2018 (C*5)	1900
E	Requirement to date 2006-2018 (B+D)	4630
F	Completions to date 2006-2018	4036
G	Shortfall to date 2006-2018 (E-F)	594
H	5 year requirement 2018-2023 (C*5)	1900
I	5 year supply requirement 2018-2023 (G+H)	2494
J	20% buffer (I*0.2)	499
K	TOTAL REQUIREMENT (I+J)	2993

Supply	
Unconsented allocations	392
Consented allocations	1249
Consented windfalls	764
Windfall allowance	258
TOTAL SUPPLY	2663

Against the requirement of 2993 dwellings, Mid Devon's housing supply currently stands at **4.45 years**¹.

The approach used has been based on the findings of 'Uffculme Road, Uffculme' (April 2016) appeal and the published Local Plan Review (2017)

which considers 380 as the appropriate annual housing target based on the Strategic Housing Market Assessment Report Final Report 2015. It also uses Housing and Economic Land Availability Assessment methodology for the Exeter housing market area, the 'Sedgefield' approach that requires the inclusion of any housing shortfall to be delivered within the first five years of the plan, and applies a 20% buffer where there is persistent under delivery.

- b) No 2 on the Plans List ***(18/00133/MARM – Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure – land at NGR 298618 113487, Uplowman Road, Tiverton)***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site through photographs from various vantage points. An aerial view of the site was shown illustrating the northern and southern land parcels as well as the location of the gypsy and traveller site. The affordable housing would come forward as a separate application. The character areas within the proposed development were described and a 'fly-through' of the development was shown.

With regards to the questions posed in public question time the Area Planning Officer confirmed that the scheme did provide for a mix of age groups with the intention of creating a balanced community. There was a mix of density and a mix of house heights. There was a low density of development near neighbouring properties. A question was asked about a new access point into the development site. It was stated that the Planning Authority had an approved outline application and a signed S106. This had dealt with the points of access therefore this had already been agreed.

The representative from the Highways Authority addressed the question posed about the slip road and advised that to provide access into the site from the A361 would result in lane closures (including through the summer period) and a breach to the newly constructed acoustic fence. He did expect Chettiscombe Trust to come forward with their link road and stated that they would be going out to tender this summer.

A question had been asked in relation to the loss of the Devon Bank and the density of development. The Area Planning Officer responded by stating that the outline application had allowed for up to 15 units but the Reserved Matters scheme only proposed 13 units. The proposed development did retain 2780m of hedgerow and efforts had been made by officers to retain as much of this and the Devon Bank as possible.

In response to the question concerning the shifting of the turning point eastwards off Uplowman Road it was stated that this had been given consideration by swapping the house and garage of plot 175. However, this would have resulted in a greater loss of hedgebank. It was hoped a link through to the NHS site would be forthcoming soon, this would secure additional access up to the boundary. However, this could not be moved forwards at the current time as the NHS site was in separate ownership.

In response to the question asked about moving the turning head further east, the Highways representative confirmed that technically this was possible but could result in the loss of the garage. It would also mean that the footway/ cycleway at the end of Uplowman Road would need to be shortened.

Consideration was given to:

- What guarantees were in place to ensure that the required number of affordable housing units would come forward? It was stated that the Planning Authority was already in receipt of a signed S106 to ensure that this would happen but that a separate developer would deliver that housing.
- A management plan had been received confirming that the attenuation ponds would be managed by a private company.
- Detailed construction plans had been submitted with the DCC flood risk team having signed off the elements in relation to water run off.
- Concerns in relation to the siting of the show homes and associated parking as currently proposed.
- Concerns regarding the loss of hedgebank and particularly Devon Bank parts of which were over 100 years old.

RESOLVED that Members were minded to approve the application but wished to defer final determination to allow for further consideration of the following issues:

- The possible repositioning of the turning head.
- The detrimental impact on the Devon Bank and whether this could be lessened.
- Repositioning of the show homes and associated parking to allay traffic concerns.

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and Director of 3 Rivers Developments Limited and left the meeting thereon and did not take part in the discussion.
- (ii) Cllr D J Knowles declared a personal interest as he knew some of the objectors.
- (iii) Cllr R F Radford left the meeting for part of the discussion and therefore did not take part in the vote.
- (iv) Dr Chris Bell (objector).
- (v) Cllrs D J Knowles and C R Slade spoke as Ward Members.
- (vi) The following late information was reported:

9th July 2018

Delete Conditions 11 and 12.

Condition 15 of Outline Planning Consent (13/01616/MOUT) confirms that no development shall take place on-site until the off-site highway works from the site access to Post Hill and along Putson Lane have been approved in writing by the Local Planning Authority. It goes on to say that those works should be in general accordance with drawing No. 3026/05A of the outline consent.

The drawings submitted to date for this Reserved Matters application do not fully meet the needs of the Highway Authority. However, because Condition 15 of the Outline Consent requires the works to be in general conformity only, amendments can be made to the final road design under Condition 15 without the need for new Conditions 11 and 12. This has been confirmed by DCC Highway Authority.

Delete Condition 10

Condition 11 of Outline Planning Consent (13/01616/MOUT) confirms that there shall be no occupation of any dwelling until various works within the highway have been completed. Parts a, b and c of Condition 10, that is attached to this Reserved Matters application, broadly duplicates Condition 11 of the outline consent. Parts a, b and c of Condition 10 are therefore unnecessary as they will be satisfied when Condition 11 of the outline consent is discharged. DCC Highway Authority have confirmed this.

Condition 10(d) of this Reserved Matters application also required details of the site compound. Those details have now been submitted (Drawing No.s SC1A & DB-SD13-008B) to the satisfaction of the Local Planning Authority. As such, Condition 10 can be deleted.

New Comments / Objections Received

Tiverton Town Council **(03.07.18)**: Support

Mr Sloman (06.07.18): Objection. Loss of a significant length of hedge bank and dominance of hard landscape to accommodate parking cars to the front of properties on along Upwold Road is not in keeping with the area. It is not sympathetic to the existing properties and represents very poor design to the entire project.

Dr Bell (30.06.18): Objection. Object to the location of the turning heading at Plot 175 based on engine noise, exhaust emissions and the health impact it would have on existing near residents.

Relocate eastwards so the turning head serves the full length of the 'stopped off' Upwold Road as well as easing the impact on existing residents.

PLEASE ALSO SEE APPENDIX 1 – ATTACHED TO THE UPDATE SHEET

(c) No. 3 on the Plans List **(18/00867/CAT – Notification of intention to fell 1 maple tree within the Conservation Area – Blagdon House, Blagdon, Crediton).**

The Planning Officer briefly outlined the contents of the report and informed the Committee that there had been no objections received from Crediton Town Council or the tree officer.

RESOLVED that there be no objection to the works since the tree was not considered to provide a significant enough contribution to the character and appearance of the conservation area to warrant long term protection through the imposition of a tree preservation order.

(Proposed by the Chairman)

Notes:

- (i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley declared personal interests as Councillor J M Downes was known to them all as a fellow District Councillor.

33 **MAJOR APPLICATIONS WITH NO DECISION (03:54:00)**

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

It was **AGREED** that:

Application 18/00936/MARM – Land at NGR 276566 103177 (Old Abattoir Site), Shambles Drive, Copplestone, remain as a delegated decision.

Application 18/00678/MFUL – Lower Whipcott Holcombe Rogus, remain as a delegated decision.

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

34 **APPEAL DECISIONS (03:57:00)**

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 the signed Minutes.

35 **APPLICATION 17/01716/FULL - WIDENING OF THE EXISTING ACCESS TO AGRICULTURAL LAND - LAND AT NGR 292482 101905, SCHOOL LANE, THORVERTON (03:58:00)**

The Committee had before it an * implications report of the Head of Planning, Economy and Regeneration regarding the above application; Members at the meeting on 13th June 2018, were minded to refuse planning permission but a final decision was deferred pending consideration of this implications report.

The Principal Planning Officer provided a response to the questions posed in public question time. He stated that issues in relation to highway safety had been considered in the previous report as had the issue of the accuracy of the plans. The

plans, which were metric in scale, had been checked and in the officers' opinion were accurate. Reference was made to paragraph 187 in the NPPF which stated that solutions should try to be found to allow development rather than the identification of problems.

Consideration was given to:

- An opening further down the site in question which the applicant was already using. It was explained however, that the visibility requirements were worse at this exiting point than what was being recommended in the proposal.
- Concerns regarding inaccurate comments made by the Agent towards some of the Committee members.
- The visual impact of an industrial entrance in a rural area.
- Concerns regarding road safety and the movement of large vehicles in and out of the proposed access.

RESOLVED that the application be refused on the following grounds:

- a) The design, scale and appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area to the detriment of the visual amenity of the area in general. The bank and vegetation which would be removed is considered to contribute towards the rural character of the lane and the visual amenities of the area and therefore its removal to the extent shown would be detrimental to the rural quality of the area. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.
- b) Insufficient justification has been provided for the need of a widened access given the fact that the applicant has been able to farm the lane previously from the existing access and that there are alternative accesses available to the applicant further south along School Lane therefore negating the need for the works associated as part of this proposal. The works are not considered reasonably necessary to support the farming activity on site contrary to DM22 of the Local Plan Part 3 (Development Management Policies).
- c) In the opinion of the Local Authority, the proposed widening of the access would prejudice road safety due to lack of a public footpath along School Lane and the proximity of Thorverton Primary School and associated pedestrian traffic from parents and children walking to from the school via the public footpath link from The Glebe. The proposed widening of the access will encourage increased travel along School Lane between the centre of the village and the application site with the prospect of the access also used by vehicles to turn. The generation of additional traffic movements to and from the site by the development proposed along School Lane would result in an increased risk of accidents to all road users. The development is therefore considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies).

(Proposed by Cllr F W Letch and seconded by Cllr R L Stanley)

Notes:

- (i) Cllr R M Deed spoke as Ward Member.
- (ii) Cllr Mrs H Bainbridge left the meeting at the commencement of this item and did not return to the meeting, thus she did not take part in the vote.
- (iii) Cllrs Mrs F J Colthorpe and J D Squire requested that their vote against the decision be recorded.
- (iv) * Report previously circulated; copy attached to the signed minutes.

Update Sheet

(The meeting ended at 6.58 pm)

CHAIRMAN