

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 12 February 2020 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
E J Berry, Mrs C P Daw, Mrs C Collis,
L J Cruwys, S J Clist, F W Letch,
E G Luxton, D J Knowles, R F Radford and
B G J Warren

Also Present

Councillor(s)

R Evans, Mrs M E Squires and
Ms E J Wainwright

Present

Officers:

Maria Bailey (Interim Group Manager for Development), Adrian Devereaux (Area Team Leader), Philip Langdon (Solicitor), John Millar (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

106 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

107 **PUBLIC QUESTION TIME (00-02-22)**

Sarah Coffin referring to item 4 on the plans list asked the committee to refuse the application and raised the following queries:

1. If councillors approve this application which will facilitate increased capacity for conversion of biogas to energy via the adjoining Willand AD site, will the three directly connected applications presently awaiting decisions be prejudiced?

They are:

NDDC- digestate storage bag

MDDC – industrial silage clamp

DCC – variation to double the tonnage of feedstock presently permitted for Willand AD site

2. How under present NPPF and conditions guidance would it be possible to defend any refusal of these outstanding applications, which facilitate increased feedstock volumes and production capacity for Willand AD? Should you approve this application today granting mechanism for greater biogas conversion then refusal of the outstanding applications will be indefensible

against appeal. Any mitigating conditions would have to be 'reasonable, necessary and enforceable.'

3. There have been considerable complaints raised since the ADs in Mid Devon became operational, about increased traffic, odour and noise issues, related to all aspects of servicing the AD's to provide feedstock and remove digestate; and MDDC Scrutiny committee was asked in December 2019 to look into overall impact of AD operations as soon as possible.

Surely therefore a full cumulative EIA is required in this instance?

Lindsay Kuzara provided a question with regard to item 10 (Creedy Bridge) on the agenda list which was read out by the Chairman:

What will happen to the part of the site currently earmarked for a school if DCC decide not to build and the part currently earmarked for the Rugby Club if they find a better or more affordable site in the next 15 years. Can the council insist on a stipulation that if they are not used as was initially planned they will become green amenity areas with trees planted and the developer will not be permitted to apply to build more houses on them?

Adam Kuzara provided a question regarding item 10 (Creedy Bridge) on the agenda which was read out by the Chairman:

When this site was taken out of contingency it was for up to 200 houses, however the Planning Officer finally supported 257 due to viability. I had thought this must be due to the cost to the developer of providing a cheap or free site for the Rugby Club, but it now seems the Rugby Club will have to pay full price.

The Wellparks site was viable with fewer than 200 houses. Should the Council now ask the developer to resubmit plans for a maximum of 200 houses?

Mark Gulley on behalf of the Crediton Rugby Club referring to item 10 (Creedy Bridge) on the agenda stated that as the Chairman of the Rugby Club he saw first-hand the substantial benefit that it provides for the town. The volunteers that run the club are amazing and offer their time for nothing creating a real spirit of togetherness. The most important element is the junior offering to hundreds of local children who learn core values for life. If the rugby club cannot relocate where will our 400 junior members find a community that offers the same values? Why when the clubs relocation is written into the local plan and the club are working hard to make that happen have we been kept at arm's length by officers from a discussion and agreement of the section 106 agreement and conditions that will be applied to the Pedlerspool site. We'd love to work more closely with your officers on this subject and we're in your hands with that.

Cllr Elizabeth Wainwright, referring to item 2 (Hitchcocks) on the plans list stated that whilst I realise that job creation is important in our area it cannot be at the expense of our aim to become net zero by 2030. This application is concerning for a number of reasons not least because it's on greenfield site and I'm curious how this application can be looked at or revised in light of our own aim to become net zero by 2030 and what concrete mitigations have been or will be put in place.

Mr Grantham also referring to item 2 on the plans list stated he objected to the application because of the increase of vehicle movements on the B3181 and the lack of safety measures e.g. a halt sign at the exit from the site to the B3181 and light pollution.

This site has increased in size over a number of years. Planning applications have been brought before the planning committee in a piecemeal way and only considered on the application before them. They do not look at the bigger picture. This is how the Hitchcocks site has got larger and larger over the years. Some would say, this is a very clever way by the agents to get their own way.

Let's take the present application, it is a very reduced site from the original one. So what do we find from all the main consultees – Devon Highways, Public Health, Police, Environment Agency, Natural England, Historic England, Highways England, Flood Risk team, Conservation Officer, Historic Environment Team and DCC Highway Authority. We now do not object.

No one looks at the bigger picture when considering these planning applications – more traffic, more pollution, especially from diesel vehicles. Is this contributing towards our green environment? We must remember that planning permission is already in place for a large part of this site towards Uffculme road. This could be changed, because of other circumstances or conditions later on so the site could get bigger.

The traffic impact has not been rigorously tested near the M5 J27, traffic assessment was March 2014. Traffic counts are out of date after 3 years. Distribution assumptions at J27 taken from 2001 census, only impact assessments considered were on the M5 slip, nothing on the B3181.

I have done traffic counts myself at the junction of B3181 and the C107 (road to Uffculme school). The increase in vehicle movements was astonishing. 2016 total movements 590 between 3 and 4 pm. 2020 vehicle movements on Friday 7th February between 3 and 4 pm were 1020.

Queues are now forming from J27 past the B3181 and C107 towards Hitchcocks Farm. These queues are now occurring on a regular basis most days. This will only increase when the extension to Mid Devon Business Park, providing unit sizes B1, B2 and B8. This plus 125 houses at Meadow Park in Willand, 90 houses in Uffculme and Cullompton Garden Village, using Willand as a rat run to J27. Also taken into account, is the proposed J27 development and an increase in traffic from the block works at Uffculme.

The B3181 road is only classified as a B road with maintenance that goes with it i.e. hardly any. MDDC should have an official vehicle count done on the B3181 at the junction of the B3181 and C107. This together with recommendation from MDDC public health service air quality impact assessment according to the supplementary planning document on air quality. The receptor location is to be agreed at the junction of the B3181 and the C107 to Uffculme School. A report of the above should be made to MDDC before any decision on the proposed planning application is granted. Why has MDDC, being the lead planning authority on the Hitchcock site, never asked DCC Highways or the Environment Agency for a full traffic assessment on the B3181 or a light pollution assessment on the Hitchcock site?

Chris Hill referring to item 2 (Hitchcocks) on the plans list stated he was very alarmed to see on page 36 that the representations relate to only responses on the revised application. My question is for the officers: when considering this application and granting permission whether they took into account the 673 people who signed the objection to the Hitchcocks application and also the 117 letters of objection. Only those letters of objection that relate to this application have been included yet this is only a mini bit of the original application and as the previous gentleman said we are very very concerned that this will be a piece meal application because this is only the same as the big application so 14% bigger in 3 months' time will you get another 15% and another 15% and eventually the whole of the fields will be filled with warehouses. So the same objections we all made to the original application still stand and I believe they have not been properly presented to the council by the officers for this application.

Linnea Mills again referring to item 2 (Hitchcocks) on the plans list stated her question was about the integrity and evidence provided in the report. The planning guidance to local governments say that recommendations that depart from the local development plan clearly must be justified and I was wondering when I was reading this report how good of a justification is been given in this report. The justification that is given is that there is insufficient availability of employment land at other sites. Where is the evidence for this? I ask you to be wary of the fact that the council only mentions historical under supply of employment land and provides no information on actual supply and demand or vacancy rates. There is no data. I ask you to be equally weary and critically note that there is no mention about employment floor space being created as part of the Local Plan, there is no mention of increased floor space at Mid Devon Business Park just down the road from Hitchcocks. There is no mention of the huge increase in employment floor space that is being created as part of the J27 development. It's a deliberate choice by the officers not to include these pieces of information that is needed for you to make an informed decision about this matter. They have chosen not to see the bigger picture, we as a community need to rely on you as our representatives to see the bigger picture. So the planning office asked you to bypass the local plan and in so doing set the precedents for future opportunistic applications from developers. They asked you to bypass the development plan and as such take us away from the holistic planning that the local plan contributes to. It asks you to step away from the local plan and go against the wishes of a lot of people who live in the affected communities. Remember that Uffculme Parish Council, Willand Parish Council objected to this and these are the Parishes where Hitchcocks is physically located. We don't want it. The planning office is asking you to do all this on very flimsy ground, providing no justification and no evidence. So my question to you is will you at least consider deferring until the council can provide with good enough information for you to be able to make an informed decision in this case.

The Chairman indicated that answers to questions would be provided when the items were debated.

108 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

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

109 **MINUTES OF THE PREVIOUS MEETING (00-20-03)**

The minutes of the meeting held on 15 January 2020 were approved as a correct record and signed by the Chairman.

110 **CHAIRMAN'S ANNOUNCEMENTS (00-20-47)**

The Chairman informed the meeting that this was the last meeting for the Interim Group Manager for Development, she thanked her for her work and wished her well for the future.

111 **DEFERRALS FROM THE PLANS LIST (00-21-46)**

There were no deferrals from the Plans List.

112 **THE PLANS LIST (00-21-59)**

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 1 on the Plans *List (19/02034/LBC Listed Building Consent for internal alterations to create an en-suite shower room - The Old Carriage House, St Andrew Street North, Tiverton)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr L J Cruwys and seconded by Cllr D J Knowles)

b) No 2 on the Plans *List (19/0928/MFUL Erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure – land at NGR 305390 112177 (Hitchcocks Business Park) Uffculme)*.

The Interim Group Manager for Development outlined the contents of the report by way of presentation highlighting the location of the proposed development within the site, the proposed floor space of the 3 proposals and members were reminded of the fact that this was now a revised smaller scheme than originally proposed. Members viewed the layout of the 3 areas, the site sections, floor plans and elevations and viewed photographs from various aspects of the site.

The officer added that the proposal was in line with Policy DM20 of the Local Plan and highlighted the updates within the update sheet which included the following: a representation from the MDDC, Growth, Economy and Delivery Section and Halberton Parish Council, a response from the Environment Agency and a further objection.

The officer then supplied answers to questions posed in public question time:

- With regard to climate change and the Council's aim to become net zero by 2030, there was a need to look at the current planning policies within the existing Local Plan.
- With regard to light pollution, the application had been thoroughly scrutinised and external consultees had found that the mitigation that had been put in place was acceptable.
- With regard to responses to the original application, those responses were still on the file for everyone to view.
- With regard to Policy DM20, the policy did allow for this type of development, officers had been working with the Growth, Economy and Delivery Team to make sure that the needs of the policy had been met.

Consideration was given to:

- The details of the travel plan
- The lateness of the Growth, Economy and Delivery Team's response
- The views of the objector with regard to the views of the local community with regard to the proposal, the cumulative impact of continued development on the village of Uffculme and the roads leading to the village. The number of applications that had been submitted for the site and the fact that the local habitat was being changed forever.
- The views of the applicant with regard to the 100% occupancy of all units on the site and the mixture of small and large businesses in residence. The application would contribute to the traffic on local roads but lots of cars travelled along that road heading for the motorway junctions. It was intended that investment would be made in solar energy where possible. The site continued to provide employment in the local area.
- The views of the local Ward Member with regard to the scaled back proposal, Halberton Parish Council were in support of the proposal and it would create jobs in the area, the smaller units on plot 1 should be encouraged, the Growth, Economy and Delivery Team supported the proposal and there had been no objection from the Highway Authority.
- The site was not outlined within the current or emerging Local Plan, although officers considered it to be in line with Policy DM20; there was a need for the countryside to be protected and maybe there was a need for an additional condition with regard to extra planting/screening around the site.

It was therefore:

RESOLVED that: planning permission be granted subject to the prior signing of a S106 agreement to secure:

- a) A financial contribution towards the installation of a visibility control at the junction roundabout at J27 of M5 or the installation of the scheme to address the issue of minor shunts and:
- b) A travel plan to seek to reduce overall reliance on private car travel to the site.

And conditions as recommended by the Head of Planning, Economy and Regeneration with an additional condition to be added after Condition 2 to state:

- The floorspace hereby approved under drawing reference 180209 Unit F3 01 01 C shall not be amalgamated and/or let to provide an individual unit of more than 288 sq m.
- The buildings hereby approved under drawing reference 180209 Unit F1 01 01 F shall not be amalgamated or let to provide an individual unit of more than 216 sqm.
- The buildings hereby approved under drawing reference 180209 Unit F 01 01 H shall not be amalgamated or let to provide an individual unit of more than 216 sq m. and there shall be no more than three units beyond 144 sq m in total.

Reason: To ensure that the size of the units remains appropriate for starter and grow on space

With a further condition in respect of screening/additional planting around the site.

(Proposed by the Chairman)

Notes:

- i) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as a member of Willand Parish Council which had been involved in discussions regarding the site;
- ii) Mr Hills spoke on behalf of the objectors;
- iii) Mr Persey (applicant) spoke;
- iv) Cllr R F Radford spoke as Ward Member;
- v) The following late information was reported:

MDDC - Growth, Economy and Delivery (GED) – 3 February 2020.
The Growth, Economy and Delivery (GED) team strongly supports this planning application.

The award winning business park has delivered a significant proportion of the District's economic growth (delivery of employment space, job creation and business investment) over the past 5 years, and is looking to build upon this success. The proposed units will enable local businesses to grow, and will help to meet the demand for business space which is currently outstripping the supply of commercial and industrial units across Mid Devon and the surrounding areas (most of our business sites and commercial land owners have waiting lists of interested businesses).

The site's occupants provide employment for over 600 people, with jobs at a variety of salary levels, including higher level technical and specialist roles. It is unfortunate that the owner has chosen to withdraw the larger scheme they originally put forward and is instead going for a smaller project. The larger, masterplanned scheme would have delivered far greater benefits to the local

area (greater pedestrianisation between Willand and Uffculme, park and community facilities etc), and there is a real risk of these benefits being lost through a potential return to a piecemeal approach to developing Hitchcocks. However, we recognise the reasons behind the decision, and will continue to support the business park and its further development.

HALBERTON PARISH COUNCIL 15th January 2020 - No objections. The Council supports the scaled down application and the provision of much needed local employment.

Response from Environment Agency 07.02.2020

Thank you for re-consulting us on this application.

Environment Agency position

Following review of the Foul Drainage Statement (AWP, dated 23rd December 2019), we confirm that we have no objection to the proposed development. The reason for this position and advice is provided below.

Reason – We have reviewed the further information provided within the Foul Drainage Statement and consider this to adequately demonstrate that the proposed foul drainage arrangement is acceptable. The proposal complies with our requirements and with the General Binding Rules.

Additional condition to be added after Condition 2

- The floorspace hereby approved under drawing reference 180209 Unit F3 01 01 C shall not be amalgamated and/or let to provide an individual unit of more than 288 sq m.
- The buildings hereby approved under drawing reference 180209 Unit F1 01 01 F shall not be amalgamated or let to provide an individual unit of more than 216 sqm.
- The buildings hereby approved under drawing reference 180209 Unit F 01 01 H shall not be amalgamated or let to provide an individual unit of more than 216 sq m. and there shall be no more than three units beyond 144 sq m in total.

Reason: To ensure that the size of the units remains appropriate for starter and grow on space

From an objector :

Re: Scientific report on behalf of the applicant on air quality and proposed additional HGV and car movements (60 lorries and 700 cars):

- Cars, of the employees (approx. 700), in all probability will all turn up to and exit the site at roughly the same time; and anyone familiar with the locality cannot possibly consider that the impact of such a significant increase in vehicular movement and accompanying pollution (air quality) could be anything other than significant; especially as additional to the existing and currently expanding new developments of residential properties in close proximity on two sides of the site's perimeter and only metres away.

- The residential developments themselves are a source of additional vehicular movement and pollution to the existing residential developments (both the established developments and those still under construction). No consideration at all has been given to the fact that the full effects of the latter properties are yet to have been established as not yet built/completed! Already, residential vehicles and 'white' goods vehicles are congested up and down Bridwell Lane; a lane which cannot accommodate the passing of two cars even, in places, let alone commercial vehicles with local car drivers having to repeatedly reverse a significant distance back along a narrow and bendy road with road users displaying varying degrees of 'courtesy' and 'care' (often both absent) i.e. not very safe.
- Much of the commercial traffic (although not all) will probably arrive via the M5 and travel along the upper road to Uffculme B...', which is already becoming increasingly congested; especially at the Old Well / Waterloo Cross roundabout and the access road from it to the M5 roundabout resulting often in 20 minutes of vehicular queueing; especially when loading is taking place at the 'Waterloo Cross' (the linking road suffering much pot-holed disrepair which will be exacerbated throughout the area if the expansion goes ahead).
- The residents of Uffculme have limited road access to the M5, the main two running alongside Bridwell Manor and Uffculme School; both already suffering from the lack of two car passage at certain points; both with difficult access to join the top road (B) to access the M5 at Jctn 27; both already becoming increasingly hazardous due to the already increased weight of traffic, especially heavy goods vehicles; posing a hazard to people, children and domestic vehicles.
- Both these access roads are hazardous, having generally poor visibility, including at their respective junctions with the upper road B... (which also has poor lighting), currently having no assistance provided to aid safe access across oncoming traffic to join the traffic flow in direction of the M5.
- The alternative is to travel the 'long' route, Uffculme Road (the 'Uffculme straight'), to Willand roundabout and then retrace the journey back along the B... (upper road) where the site's access for 700 to 800 vehicles is to be situated, including at least 60 heavy/commercial vehicles! This weight of traffic is compounded by the relative narrowness of the road for heavy lorry usage with large vehicles passing very close as they travel in the opposite direction, also creating sudden and significant backdraft as they hurtle pass small vehicles travelling in the opposite direction (and pedestrians).
- Similarly, potential pedestrian use of the upper road (B...) has not been considered. The pavement, in combination with a lack of lighting is already inadequate and dangerous for the safe passage of pedestrians; especially due to the closeness of the road to the path and the strong back draft created by passing heavy goods vehicles.
- There seems to be no consideration of the yet to be built Junction 27 major industrial and commercial development (or the current expansion of the Mid Devon Industrial Park with its industrial units or the large scale residential developments, not only in Uffculme but also Willand and

Tiverton Parkway localities). Travelling along the 'Uffculme straight' in the direction of Willand to access Cullompton and/or the M5 at J 28 is becoming increasingly congested; with traffic already trailing at peak times the whole length of Millennium Way at Cullompton for those travelling to Cullompton Tesco etc or the M5 at J 28; where queuing is regularly 30 minutes plus (on outward and incoming journeys).

Noise Pollution – This has been given little if any consideration; either whilst proposed building works take place or/and when the site is completed and the site is up and running:

- 700 cars and 60 lorries are going to generate significant noise and gas emissions/pollution.
- The noise and vibration effects from building works in the early stages of Luccombe Park, were protracted and invasive. I am sure no residents in the locality would relish a prolonged repeat of this; with the constant 'thumping' sound and accompanying vibration felt all day every day, for weeks; even though we ourselves are not the nearest of properties to the building works; it drove us 'mad'; initially thinking a neighbour had a washing machine and tumble dryer running constantly in their garage (not attached to our house) but subsequently found this not to be the case as it was the building works.
- Is Mid Devon going to allow residents to suffer a repeat of the Luccombe Park building nightmare and inconvenience; including protracted use of temporary traffic lights, which impacted upon residents' movements ('imprisoning' Culm Valley Way residents for significant periods) and the additional misery which would be created going forward?

All the above makes a mockery of the applicant's expert conclusion that they do not see any negative traffic or pollution impacts prior to 2024! The area is *already* suffering impact from these!

Sewage - What exactly is the provision for this? This seems a vital consideration which has yet to be fully considered or addressed! How can a 'large scale' development such as this be given any consideration at all without detail of provision for this and drainage in place? We often suffer drainage issues and have noticed an increase in vehicular 'drainage' activity in the locality; as well as historical flooding across the Uffculme straight in the region of the Luccombe Park development and beyond.

Flood risk (none?)

- I find this a strange conclusion as I have repeatedly, following heavy rainfall had to travel along Bridwell Lane up to the 'top 'road' (B...); to avoid the flooding which takes place along the stretch of road passing between the Hitchcock's site and Langlands Industrial Estate/ Luccombe Park (Uffculme Road); and have witnessed other more intrepid drivers stranded, broken down in the flood water as their vehicle has not been designed to negotiate deep water or 'flooding'!
- Surely the further reduction in natural soakaway land down to Uffculme Road and across it, by the increase in concrete coverage will exacerbate the likelihood and extent of flooding in this locality (and

potentially of homes); especially as the land on the 'Uffculme straight' side of the site (and the site itself) slopes downwards to the 'Uffculme straight' and beyond? The fields becoming flooded now from Uffculme to Cullompton (and no doubt beyond)

Finally, the existing site is an eyesore and very visible from Bridwell Lane and Uffculme Road. The village of Uffculme remains a small one, which would be visually and practically dominated by such an extension of the Hitchcock's site, as proposed. To allow this proposal to go ahead would render Uffculme a giant industrial estate which has a tiny residential component at its centre. Its residents would find themselves living in the middle of a giant industrial estate (combined areas) with detrimental associated issues. This cannot be right or humane on any level; noise, pollution, flooding, inconvenience, hazard, 'green', environmental and ecological issues and last but not least, the health and safety of local residents with their right to live in a decent and appropriate environment; one in which they can thrive and which is conducive to their general well-being.

If the residents of Uffculme had been happy to live in the midst of an industrial estate, they would have moved into an area where such existed and one in which the house prices and council charges would have been significantly lower than residents of Uffculme have paid for the privilege of enjoying some semblance of the benefits just listed. There must be more appropriate 'brown' sites where this plant could be situated; it certainly does not need to be situated in a location which results in residents finding themselves but a speck in the middle of an industrial estate/s!

I hope these comments may contribute to any discussion and subsequent decision.

c) **No 3 on the Plans List (19/01608/HOUSE – erection of a single storey extension and separate garage/annex/workshop accommodation – Tanglewood, Dukes Orchard, Bradninch).**

The Principal Planning Officer outlined the contents of the report and reminded those present that the application had been deferred from a previous meeting to allow for a site visit to take place by the Planning Working Group. He highlighted by way of presentation the location of the application site, the proposals which included the proposed elevations and floor plans and photographs from various aspects of the site.

Consideration was given to:

- How the proposed condition 10 would be enforced
- The views of the objector with regard to the impact of the proposal on her property, the garage with accommodation would have an overbearing impact and there would be overlooking issues on her bungalow and her garden.
- The major concern was that of the position of the proposed garage not the erection of a single storey extension
- Whether the proposal was visually unattractive and had an adverse effect on the amenity of the neighbouring property and therefore against policy DM2 of the Local Plan

It was therefore:

RESOLVED that: Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal, that of: the proposal was not in accordance with Policies DM13 (a) and (c) of the Local Plan Part 3 (Development Plan Policies)

a) Respect the character, scale, setting and design of existing dwelling;

c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

and DM2 (a) and (e) of the Local Plan Part 3 (Development Plan Policies)

a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;

e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:

i) Architecture

ii) Siting, layout, scale and massing

iii) Orientation on and fenestration

iv) Materials, landscaping and green infrastructure

(Proposed by Cllr B G J Warren and seconded by Cllr E J Berry)

Notes:

i) Cllr E J Berry declared a personal interest as he knew the objector;

ii) Mrs Brown (objector) spoke;

iii) A proposal to approve the application was not supported.

d) No 4 on the Plans *List (19/01156/FULL Installation of a 24MW Reserve Power Plant with associated infrastructure – land at NGR 302839 111143, Lloyd Maunder Road, Willand).*

The Interim Group Manager for Development outlined the contents of the report by way of presentation highlighting the location of the proposal, which was outside of the settlement limit but close to existing development; blocks plans, a plan identifying the treeline and gas pipe, proposed elevations, photographs of the proposed power plant and also photographs from various aspects of the site. She highlighted page 154 of the NPPF and the need for renewable and low carbon energy, she explained how the proposed power plant would be fuelled using bio-methane, derived from both the national grid and the neighbouring AD facility and how that power would be distributed and when and that the energy would be classed as renewable.

Referring to the question posed in public question time, there was a need to consider the application before the committee today. The application had been screened for an Environmental Impact Assessment but was not an Environmental Impact Assessment development.

Consideration was given to:

- The views of the representative of the CPRE who felt that the proposal was for a mini power station on greenfield land, the proposal was not a renewable energy generator or a low carbon facility that therefore contrary to policies COR5, COR18 and DM5. The proposal would have a massive carbon footprint which would only be used for a maximum of 4 hours per day.
- The views of the agent with regard to the need to support the Devon Climate Declaration, the proposal was in line with becoming carbon neutral but that there was an intermittent source of sun/wind and therefore a fluctuation of energy generation, it was therefore necessary for storage facilities to be made available. She reminded those present that the NPPF was very clear with regard to the need for low carbon technology to reduce emissions and the certification process that was required.
- The views of the representative from Willand Parish Council with regard to the proposal not complying with the NPPF or policy COR 18, that natural gas was a fossil fuel, there had been no discussion with regard to the safety of the plant and no agreement with the National Grid/Western Power that they would accept the energy.
- The views of the Ward Members with regard to the impact on the local residential area, the proposal was outside of the settlement limit, would the energy being used be renewable? How would it be known that the energy being drawn from the national Grid was renewable. Was there any evidence for the need. An application to increase the tonnage used in the AD plant.
- Whether the application was premature as there was a need for the additional tonnage for the AD plant to be determined.

It was therefore:

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

The application was:

- In the open countryside
- Not producing renewable energy
- Not an energy efficient measure
- Not in accordance with Policies COR5, DM5 or COR 18(f) of the Local Plan

And that there was cumulative impact with other Devon renewable energy plants in the area.

(Proposed by Cllr B G J Warren and seconded by Cllr R F Radford)

Notes:

- i) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as a member of Willand Parish Council which had been involved in discussions regarding the site and had called the application in;
- ii) Cllr R Evans made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had had discussions with regard to the application as a local Ward member;
- iii) Miss Coffin spoke on behalf of the CPRE;
- iv) Ms Cairns spoke as applicant;
- v) Cllr Grantham spoke on behalf of Willand Parish Council;
- vi) Cllrs R B Evans and B G J Warren spoke as Ward Members;
- vii) The following late information was reported: There is an error on page 63 of your agenda (Plans List No 4)
Under conclusion it states that 'The proposal is considered to be unacceptable, having regard to the Development Plan.....'

This should read 'The proposal is considered to be ACCEPTABLE, having regard to the Development Plan....'

113 MAJOR APPLICATIONS WITH NO DECISION (2-03-36)

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

It was **AGREED** that:

Application 20/00047/MFUL – Erection of extension at Gregory Distribution Limited remain delegated.

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

114 APPEAL DECISIONS (2-04-08)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

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

115 APPLICATION 17/00348/MOUT - RESIDENTIAL DEVELOPMENT OF UP TO 257 DWELLINGS AND UP TO 5 GYPSY AND TRAVELLER PITCHES; 8.6 HECTARES OF LAND MADE AVAILABLE TO FACILITATE THE RELOCATION OF CREDITON RUGBY CLUB; UP TO 1.1 HECTARES OF LAND SAFEGUARDED FOR THE DELIVERY OF A PRIMARY SCHOOL; ACCESS ARRANGEMENTS FROM A3072 (EXHIBITION WAY); PEDESTRIAN AND CYCLE ACCESS ON TO POUNDS HILL/STONEWALL CROSS JUNCTION, OLD TIVERTON ROAD AND PEDLERSPOOL LANE; LANDSCAPING AND AREA OF PUBLIC OPEN SPACE; AND OTHER ASSOCIATED INFRASTRUCTURE AND ENGINEERING OPERATIONS - LAND AT NGR 284185 101165 (CREEDY BRIDGE) CREDITON DEVON (2-05-03)

The Committee had before it a * report of the Head of Planning, Economy and Regeneration considering revisions to the wording of three of the Heads of Terms of the S106 agreement and the associated S106 implications from those proposed revisions. The resolution made by Members of the Planning Committee on the 19th September 2018 was for planning permission to be granted subject the prior signing of a S106 agreement, with the revisions sought relating to planning obligation numbers 1, 2 and 4 as outlined within the resolution. Delegated authority was also requested to allow minor changes to the wording of planning conditions in order to allow for a phased approach to development across the site.

The Area Team Leader informed the meeting of the contents of the update sheet which referred to an enquiry from Sandford Parish Council with regard whether S106 contributions towards improvements to the existing public rights of way could be used to deliver a footpath/cyclepath between the site and the village of Sandford.

He answered the questions posed in public question time

- With regard to what would happen to the land if the school was not progressed, then the land would go back to the applicant and further planning permission would be required.
- With regard to the policy allocation for 200 dwellings whereas the proposed development was for 257 which was considered due to viability in order to provide land for the rugby club. The 257 dwellings were granted planning permission in 2018, where it was noted that the viability appraisals did not include for this provision in the Heads of Terms.
- With regard to the rugby club and that they were being kept at arms length with regard to any discussions. He stated that officers had been in discussions with the rugby club with regard to the transfer of the land, the rugby club had wanted a nil or nominal rate; this had been clarified by Counsel's advice; the land would be safeguarded for the rugby club but would not be transferred at a nil/notional value.

The officer further explained and listed the Heads of Terms that required amendment (as identified in the report) and the delegated authority that was sought for the Head of Planning, Economy and Regeneration.

Consideration was given to:

- Clarification with regard to the safeguarding/transfer of land and the amendment that pre-commencement conditions be removed
- That maybe following delegation to the Head of Planning Economy and Regeneration consultation take place with the Chairman, Vice Chairman and Ward Members to make any changes to the wording of the planning conditions
- The views of the representative of Crediton Rugby Club with regard to how the club had supported the application on the basis that they would receive land; any transfer on terms discussed today would not enable the club to move. He asked that the application be reviewed in it's entirety so that all matters could be reconsidered.
- The views of the agent for the applicant with regard to the fact that amendments to the 3 Heads of terms would enable the development to be unlocked, the safeguarding of the land for a period of 15 years for the rugby club, the policy changes within the emerging Local Plan which had an impact on the Gypsy and Traveller site and that the flexibility within the S106 agreement would allow for the funding of the proposed cycle path.
- The views of the Chairman of Sandford Parish Council with regard to the vision of a footpath/cyclepath between the development and Sandford village
- The view of the representative from Upton Hellions Parish Meeting with regard to the financial package and the need for further consultation to benefit both the parishes impacted upon by the development.
- The views of the Ward Members with regard to the flexibility within the S106 to contribute towards a footpath between the development and Sandford Village. The need for consultation with the local communities, the need for community engagement, cycling/walking routes should be encouraged and flexibility within the S106 for sustainable travel.
- Clarification from officers that the cycleway could be formed from the flexibility within the S106 agreement
- The provision of the school on the site

RESOLVED:

- a) That the revisions to the s106 agreement as set out in paragraph 3.1 be agreed and a S106 agreement be entered into in line with the proposed revisions.
- b) That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with Chairman and Vice Chairman of the Planning Committee and local Ward Members to allow minor changes to wording of planning conditions as reported within the committee report to allow for a phased approach to development across the site.

(Proposed by the Chairman)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant was known to her;
- ii) Cllr F W Letch declared a personal interest as he had attended a presentation at the rugby club;
- iii) Cllrs: E J Berry Mrs F J Colthorpe, Mrs C P Daw, Mrs C Collis, L J Cruwys, S J Clist, F W Letch, E G Luxton, D J Knowles, R F Radford, Mrs M E Squires , Miss E Wainwright and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from the applicant/agent;
- iv) Mr Graves spoke on behalf of Crediton Rugby Club;
- v) Mr Smith spoke as agent;
- vi) The Chairmen of Sandford parish Council and Upton Hellions Parish Meeting spoke;
- vii) Cllrs Mrs M E Squires and Miss E Wainwright spoke as Ward Members;
- viii) The following late information was reported:

Sandford Parish Council has enquired whether S106 contributions identified towards improvements to the existing Public Rights of Way network could be used to deliver a footpath/cycleway between the Pedlerspool site (Creedy Bridge) to the village of Sandford. Through a meeting with the Local Highway Authority it was explained that the S106 monies contained within the Heads of Terms have been allocated to identify projects and therefore changes at this late stage are not possible.

The scheme for the Sandford Path has not been worked up to a point to show exact costings involved with confirmation obtained by land owners but an alternative route of achieving this project following further work such as through the Boniface Trail (which has Cabinet support from Devon County Council) has been outlined to Sandford Parish Council.

Extract from officers report to highlight changes being proposed

3.1 The proposed changes to the planning obligations heads of terms 1, 2 and 4 are as follows:

1. The safeguarding of a 1.1ha site for a Primary School and obligations securing the transfer of said site to Devon County

Council if required by the County Council within an agreed time period running from Commencement of Development and expiring 5 years after any Commencement on the western development parcel.

2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community or (if approved by the Council pursuant to the approved scheme) provision of a site with equivalent capacity off-site (or the expansion of an existing Gypsy and Traveller Site) and the following provisions regards delivery and operation:

Prior to Occupation of more than 75% of Dwellings:

- (i) Provision of 5 serviced pitches on-site prior to Occupation of more than 75% of Dwellings; OR
- (ii) If approved by the Council in writing (having regard to criteria under DM7) provision of 5 serviced pitches off-site (new site or extension to existing) OR provision of land off-site and contribution of £500K for Council to deliver.

Prior to Occupation of more than 43% of Dwellings:

- (i) Submission and approval of scheme confirming which of the above options is proposed

Cascade:

If offer the pitches/site (whether on or off site) to RP's for more than 12 months (and then Council) for nominal consideration and Owner is unable to find party willing to contract to take the G&T site then Owner may opt instead to discharge obligation through the provision of 5 extra Affordable Housing Units (either on the G&T site pursuant to new full application for said land or elsewhere within the Development). Mix of said units to be 60/40 rented/intermediate as per existing Affordable Housing units.

4. The safeguarding of 8.6ha of land shown edged [] on Plan x appended hereto for the relocation of the Crediton Rugby Club and provisions requiring:

- said site to be transferred to the Council or its nominee (i.e. the Rugby Club) if called for within a period expiring at the date 15 years from the grant of the planning permission; and
- the provision of a suitable temporary and permanent access road to the boundary of said site.

116 PLANNING PERFORMANCE 2019/20 - QUARTER 3 (2-56-38)

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 of 19/20.

The Interim Group Manager for Development outlined the contents of the report stating that improvements had been made between Quarter 2 and Quarter 3, although the target for the 'number of applications over 13 weeks without a decision' still need some improvement

Note: *Report previously circulated; copy attached to Minutes.

117 **PROBITY IN PLANNING REVISED ADVICE FOR COUNCILLORS AND OFFICERS MAKING PLANNING DECISIONS. (2-59-57)**

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration providing it with information with regard to changes to the guidance.

The Interim Group Manager for Development outlined the contents of the report highlighting the updated guidance.

Note: *Report previously circulated; copy attached to Minutes.

(The meeting ended at 5.30 pm)

CHAIRMAN