

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 8 September 2021 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
G Barnell, E J Berry, S J Clist, L J Cruwys,  
Mrs C P Daw, R J Dolley, C J Eginton,  
P J Heal, F W Letch and B G J Warren

### **Also Present**

#### **Councillor(s)**

Mrs E J Lloyd, R F Radford and  
Mrs M E Squires

### **Present**

#### **Officers:**

Maria De Leburne (Operations Manager  
Legal and Monitoring), Nick Hill (Interim  
Planning Solicitor), Dean Emery (Corporate  
Manager for Revenues, Benefits and  
Recovery), Myles Joyce (Consultant  
Development Management Manager),  
Angharad Williams (Interim Development  
Management Manager), Adrian Devereaux  
(Area Team Leader), Helen Govier  
(Principal Planning Officer), Tina Maryan  
(Area Planning Officer), Sally Gabriel  
(Member Services Manager) and Carole  
Oliphant (Member Services Officer)

## 79 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.33)**

There were no apologies or substitute Members.

## 80 **HYBRID MEETING PROTOCOL (0.03.40)**

The Committee had before it, and **NOTED**, the \*Hybrid Meeting Protocol.

Note: \*Protocol previously circulated and attached to the minutes

## 81 **PUBLIC QUESTION TIME**

**Mr Mills** referring to Item 4 (Pleasant Streams) on the Plans List stated: My question concerns the many heavy vehicles that are kept on the site as part of the applicants' paving business.

Why is this aspect of the development not mentioned in the application or officer report? Should it not be, seeing that the Mid Devon Development Plan's Policy DM 18 on rural employment development states:

“It is important that the various indirect consequences of employment development such as security fencing, lighting, advertising material, open storage and vehicle parking and manoeuvring provisions do not harm the visual environment.”

Should a similar condition on the nature of the site be imposed in the current application?

**Mrs Mills** again referring to Item 4 (Pleasant Streams) on the Plans List stated that this application for 6 pitches is apparently based on the applicant’s needs and circumstances although as you know the applicants owned land with permanent permission until 6 months ago was in County Durham. However Condition 12 makes it clear that the applicants could sell the whole site or part of it to anyone leading a nomadic life style. Consequently if this application is approved, the applicant stands to gain several hundreds of thousands of pounds through increased land value, this would clearly make a mockery of the needs argument. So the question I would like to officer to respond to is – why has the use of a personal condition for the 6 family units in question for which the needs argument is used not been seriously considered within the officer report? This is particularly confusing seeing that:

1. The previous owner of the site owner never managed to get rid of her personal permission on appeal; and
2. The last traveler site approved by MDDC in July 2021 was approved on a personal condition, so we know that this is a practice still used by MDDC.

**Frances Wilcox** again referring to item 4 on the Plans List stated that she was very concerned about this application for several reasons: are members satisfied that this is a suitable location when under policy you want to encourage walking and cycling? Pleasant Streams are proposing to put another entrance on this very busy Uffculme Road (B3340) with a national speed limit, this road has no street lighting or footpath. The Highways Authority do not see this as a concern just because there are no statistics to prove it. Anyone will be taking a chance to walk this road in day light, let alone in the dark. I was in attendance not so long ago further up the road outside Langlands Business Park, where a member of the public got off a bus, crossed the road to the footpath on the other side and in the process got run over. It was dark and the van driver had not seen the pedestrian. Emergency services were called several times before attending and the man was eventually air lifted to get treatment, he did survive, but this could have been worse. Pleasant Streams does not have a safe and convenient access to local facilities and the bus service is also very limited. Can you advise how they will cater for a space for children to play, is there even enough private space for an individual home or parking spaces? Especially considering the lorries and containers already there. How can this be achieved? After all this, is the officer satisfied that any condition will be adhered to? There was no compliance with any previous conditions and there is very little point in putting in conditions on applications if officers are unable or unwilling to enforce them. This application does not comply with national policy or your own Local Plan, so what assurance can you give to the public that any conditions will be adhered to?

**Mr Bratby** referring to the Minutes of 14 July 2021 stated: this is a very serious issue as there has been an attack on democracy, somebody has deliberately inserted the 2 words ‘high grade’ into the 3<sup>rd</sup> reason for refusal, proposed by a duly elected councillor and agreed by the majority of the committee. These 2 words have completely changed the reason for refusal, the 2 words did not get in there by accident, so has a thorough investigation been undertaken, has the person

responsible been disciplined and if not why not? And finally have measures been put in place to prevent this sort of corruption of the planning system from happening again.

**Mr Wilson** (speaking on behalf of his wife) and referring to Item 2 (Heronfield House) asked: Is it usual for a planning officer to disregard the recommendations of the Public Health Officer?

The Chairman read out a set of questions from Mr Hiscock referring to Item 1 (Stoneyford) on the Plans List:

1. Why is an industrial estate being built directly within a residential area as it will bring noise, smell, signage, vehicle and light pollution plus crime to the community?
2. The industrial estate will definitely cause a large increase in the volume of heavy goods vehicles passing through our community. How can you let this happen?
3. The new estates entrance is unsuitable and unsafe. It is being built at the top of a blind hill from of Cullompton. The junction breaks the DCC precedent of having right turn safety lane to commercial premises in Stoneyford. Long heavy goods vehicles turning right out of the new estate will block the entire width of the Honiton Road. Vehicles turning right into the estate will block the entire left hand lane encouraging motorists to undertake using the kerbside private land.
4. The Honiton Road public footpath - Once anyone steps off of the narrow path and damages private land the residents will bear the cost. The path is also out of sight of the industrial estate. We do not want commercial signage pollution in a residential area to overcome this problem.
5. The new road junction will encourage pedestrian customers to use the private service road opposite and if that road was restricted no doubt they will walk along the unprotected A373.
6. Kingsmill Industrial estate is nowhere near fully developed.
7. The large undeveloped 'Cullompton Business Park' should be used first.
8. The Kingsmill Road should be used as further development rather than encroaching into a residential area.
9. Junction 28 M5 is at full capacity and further industrial development will worsen the traffic volume especially as the Cullompton relief road and the new M5 junction are in jeopardy.
10. There is a ransom strip of land and a covenant indirectly linked to this application regarding the new road system and the document shows that if this application is approved the ransom strip and covenant may be lifted to assist the Garden Village's development this must be brought out into the open and discussed.

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

## 82 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Members were reminded of the need to declare interests as appropriate.

### 83 MINUTES OF THE PREVIOUS MEETING (0.16.39)

The minutes of the meeting held on 18<sup>th</sup> August 2021 were agreed as a true record and **SIGNED** by the Chairman.

The minutes of the meeting held on 14<sup>th</sup> July 2021 were agreed as a true record subject to the wording 'high grade' being removed from minute number 49 and were **RE-SIGNED** by the Chairman.

In response to a public question the interim Monitoring Officer confirmed that an internal investigation was being conducted.

### 84 CHAIRMAN'S ANNOUNCEMENTS (0.20.49)

The Chairman announced that she was standing down as Chairman of the committee after 10 years and she thanked Members and officers that she had worked with over that time.

She introduced Angharad Williams as the new Interim Development Management Manager.

### 85 DEFERRALS FROM THE PLANS LIST (0.23.52)

There were no deferrals from the Plans List.

### 86 THE PLANS LIST (0.23.55)

The Committee considered the applications in the \*Plans List.

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

- a) 20/01409/MOUT - Outline hybrid application for the erection of industrial units within use Classes E(g), B2 and B8 on 8.74 hectares of land to include green infrastructure and Full permission for the erection of 4 industrial units (Plots 5, 9 and 10) (4327sqm) Classes E(g), B2 and B8 and creation of new vehicular access, parking, detention basin and landscaping at Land at NGR 303082 107667, Stoneyford, Devon.***

The Area Planning Officer explained that it was a hybrid application on an allocated site under policy CU17.

She outlined the application by way of a presentation which highlighted the site location plan, plot allocations, plot 5 elevations, plots 9 & 10 site layout, plot 10 elevations, aerial view and photographs of the site and from the proposed access.

In response to public questions she confirmed:

- The Garden Village was not just for residential dwellings but also provided for employment
- The site allocated for employment in the Local Plan and the proposal had been considered by the Public Health officer in respect of pollution

- The Highways Authority had no objections to the access or predicted traffic generation along Honiton Road
- The walking route would join with an existing public right of way and the travel plan provided for employees to be provided with details of the walking route
- There was no policy requirement for other industrial sites to be built out first
- If the site became viable in the future it could become liable for a contribution towards the Cullompton relief road through a reviews mechanism in the section 106 agreement to help mitigate traffic congestion at Junction 28
- There were issues outside of the planning application process that were not within control of MDDC or the applicant that were preventing the link with Kingsmill Estate from being provided as this of this application

In response to Member questions she confirmed:

- Tree planting had been considered and a landscaping plan had been submitted that provided for tree screening and biodiversity enhancements
- There was no provision for ground or air source heat pumps, but solar panels would be provided
- The application had been scrutinised by the Environment Agency in relation to flood risk and a sustainable drainage system would be installed include pollution control measures

The DCC Highways Officer confirmed that the development did not qualify for a right hand turn lane and that a 30mph road required 43 metre visibility splay and this development provided 70 metres. If a new road was provided through the site at a later date or if there was further development there may be an opportunity to add in a right hand turn lane if the development qualified for one.

Consideration was given to:

- Some Members views that the access was dangerous
- The views of the agent who explained that the development was within the Local Plan and that the area needed a balanced and prosperous district which would provide growth in the District.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement to secure:

1. A 20 metre strip of land to the southern side of the development to be safeguarded for potential future highways improvements
2. Provision of new footpath and upgrading of existing public right of way
3. Travel plan
4. Provision, management and maintenance of green infrastructure/public open space
5. A review clause to reassess viability of the scheme with regard to a contribution towards the Cullompton Relief Road at a trigger point of the occupation of 4,250 square metres on the use of X amount of floor space, based on actual achieved costs and transacted sales values being secured to determine how much contribution needs to be paid through s106 on the remaining plots.

(Proposed by the Chairman)

**Reason for the decision:** As set out in the report

Notes:

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch 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 objectors
- ii. Cllr B G J Warren declared a personal interest as he was known to an objector
- iii. Cllr R J Dolley declared a personal interest as he knew people in Cullompton
- iv. Glenn Crocker spoke as the Agent
- v. Cllr E J Berry requested that his vote against the decision be recorded
- vi. The following late information was received:

Reason 15 – the policy referred to should be Policy DM25

Point 5 of the S106 part of the recommendation, the reference to TCRR should read “Town Centre Relief Road”.

Page 74, fourth paragraph:

Concern has been raised that the development will encroach on land identified as green infrastructure in the Local Plan. Following discussions with the applicant, the area originally shown as GI has been increased and now the area of GI to be provided is in excess of the 2 hectares required by policy CU17.

Should read: “... and now the area of GI to be provided...”

Page 83. There are two informatives numbered 3. The last one headed “Public Rights of Way” should be numbered 4.

***b) 21/00453/FULL - Change of use of agricultural land for siting of two off grid mobile cabins for holiday use at Land at NGR 292586 107415, Heronsfield House, Cadeleigh.***

The Acting Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, block plan, the black cabin, the tin cabin and photographs of the site and parking provision.

The officer explained that the site was along a private track which was not in the ownership of the applicant but a dispute over land access was not a material planning consideration.

In response to public questions the officer explained that officers had given full consideration to the views of the Public Health Officer but on balance felt that it was not a limited reason for refusal.

In response to Member questions he confirmed that:



- The cabins would be classed as caravans but a condition restricted the site to 2 units in a particular location
- The cabins were very low impact which were well screened and would not have a negative impact
- Consideration was given to the business case and it was felt the application would have a positive impact on the local character
- The materials used for the cabins was in keeping with the rural buildings already located in the area
- The cabins were low key structures but appearance could be subjective
- There were no proposed times for operations and the management plan explained how holiday makers would be managed

Consideration was given to:

- The views of the objector who stated that access to the site was across his property and requested a condition that access arrangements were confirmed prior to any occupation, that the applicants had an agricultural tie to their property, that sound travelled across the valley and that external lighting had been added
- The applicant who stated that the pre application advice had been supportive and they had worked to ensure that the application complied with local policies. There was a gap in the market for off grid sustainable accommodation and the location had been carefully considered
- The views of the Ward Member who highlighted concerns with visual impact, access and traffic in the locality
- The advice from the Planning Solicitor who confirmed that the dispute between the neighbour and the applicant over access was not a material consideration
- The views of Members that the development would cause no harm and that people would like to spend the night there

It was therefore **RESOLVED** that planning permission be granted subject to conditions to include a reworded Condition 5 which read: No more than two units of holiday accommodation shall be provided on the application site at any one time, and those units shall be provided in strict accordance with the details submitted within the approved plans. The said holiday units shall not be replaced without the Local Planning Authority first granting planning permission.

(Proposed by Cllr P J Heal and seconded by Cllr G Barnell)

**Reason for the decision:** as set out in the report

Notes:

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch 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 objectors
- ii. James Wilson spoke as the objector
- iii. Harriet Harper spoke as the application

- iv. Cllr R M Deed provided a statement as Ward Member which was read out by the Chairman
- v. The following late information was received

Further comments have been received from the applicant, correcting a couple of inaccuracies in the committee report, and providing further information, as follows:

- There was a total of 5 representations from the public, not 6, of which 4 were objections & 1 was in support.
- As detailed in our supporting statement dated 7th May 2021, since only one of the cabins is suitable for accommodating a baby & our target market is the over 35s without children (this being the growth market for our type of accommodation) we have decided to market ourselves as a child free site.
- I can confirm that it is our intention to create a safe & secure compost area on our land behind the agricultural barn, which is clearly identified on the site plans. This area is well away from the route that clients will take to access the cabins, it is also well away from the river. Furthermore, given its immediate proximity to the barn, it can be securely fenced without impacting on any visual amenity. However, it should also be noted that a considerable number of trees have been planted in that area, including a number of faster growing Birch & Willow, which will in any event screen whatever view there may be within the next few years.
- The applicant advises that they have sought legal advice in respect to rights of access over the private track and understand that they have the necessary rights to implement the planning permission, should it be granted.

A letter has been also received from the owners of the private track that accesses the application site, and who are also occupiers of East Court Farm, the nearest residential property to the west of Heronsfield House, and to the north of the application site. They also wish to make comment in relation to the committee report, as follows:

- Firstly, it is advised that their property is called East Court Farm, not East Court Barton, as referred to in the report.
- The report suggests that the private track may not be in their ownership and refers to a third party who has suggested that the track is a public highway.
- It is not felt that the application has submitted the Article 13 Notice in the correct way, as they have not asked the landowner's permission to implement the proposal, if granted.
- It is requested that if approved, a condition is imposed requiring the applicant to demonstrate that they have right of access, prior to implementing the consent.
- The contributor also advises that they have sought professional legal advice in respect to rights of access over the private track and believe that it is a new enterprise that would require landowner consent for access.



- The officer's summary of the proposal against the relevant policies of the Mid Devon Local Plan is entirely subjective and differs from the views of local residents on a number of policies.
- There are remaining concerns about how waste will be dealt with and the officer recommendation going against the Environmental Health Officer's recommendation.
- The Economic Development Officer's response contradicts one given in response to another nearby tourism proposal at Home Farm.
- There remain concerns about users of the private track having to manoeuvre to allow passing.
- It is noted that the units are moveable and it is felt that the applicant's would be able to move them to other locations, if approved.

Correspondence from both the applicant, and the above objector has been forwarded to Members of the Planning Committee.

The Acting Area team Leader has further considered the wording of condition 5, and suggested that it be reworded as follows:

5. No more than two units of holiday accommodation shall be provided on the application site at any one time, and those units shall be provided in strict accordance with the details submitted within the approved plans. The said holiday units shall not be replaced without the Local Planning Authority first granting planning permission.

***c) 21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure at Land at NGR 283084 102432 (Fanny's Lane), Sandford, Devon.***

The Area Team Leader outlined the contents of the report by way of a presentation which highlighted the site location plan, site layout, street scenes, an artistic rendition, site section, house types and photographs from various aspects of the site.

He confirmed that it was an allocated site within the adopted Local Plan and the development would be in excess of the number of units identified but officers considered the density and felt that the increased number of dwellings on the site would not be detrimental. He confirmed that a full committee site visit had taken place as requested by Members.

There had been no objections from the Highways Authority and the SUDs ground basins had been approved by the Devon County Council Flood and Coastal Risk Management Team.

The Conservation Officer had been concerned with the impact of the bungalow on plot 8 to the nearby grade 2 listed building but planning officers had felt it was acceptable on balance.

In response to Members questions he stated:

- The details of the attenuation basins would be shared with the local Flood Authority and Building Control before they were signed off by the Planning Authority
- The increased height of the bungalow on plot 8 was due to the pitch of the roof
- The Planning Authority were unable to request electric car charging points on the development as it was outside of the 3 main towns and not within current policy
- The Parish Council intended to use any air quality payments towards footpaths and cycle ways and not towards a car charging point in the village
- The scheme was as submitted and there was no current policy which had the requirement that Solar PV must be installed on new builds
- The bungalow on plot 8 would have permitted development rights removed so that it could not be built up in the future
- The previous development was within a Conservation Area and therefore had slate roofs installed but this development was not in that area and the zinc roofs proposed were not against national planning policy

Consideration was given to:

- The views of the agent who said the developers had the ambition to have an executive looking development and that the larger development had secured an extra affordable home. That the comments with regard to the drainage ponds had been noted that that the developer would be happy to provide fencing
- The views of the Parish Council who stated that the main concerns within the village were the drainage ponds and the zinc roofs. That money for air quality would be directed towards footpaths
- The views of the Ward Members who were concerned that no soil was left on site, the lack of car charging points provided, the late submission of a landscape and heritage plan, there were no measures for biodiversity net gain and there was not enough housing mix for young families and older people downsizing
- The views of Members that delivery times could not be adhered to
- The views of Members that additional footpaths should be provided
- Members concerns that electric car charging points should be provided by the developer
- Concerns of Members about the safety of children when the attenuation ponds were full with run off and that nothing had been done to mitigate that
- The legal advice provided by the Planning Solicitor that current MDDC policies did not provide developers with an obligation to provide electric car charging points or sustainable heat sources and therefore it could not be conditioned that they did

It was therefore **RESOLVED** that planning permission be granted subject to conditions with an amendment to condition 6 to state

6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays with no deliveries and construction traffic between 8.15am – 9.15am and 3pm – 4pm during school term times; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The CEMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

and the signing of a S106 agreement and delegated authority be given to the interim Development Management Manager in consultation with the Chairman and Ward Members to renegotiate conditions 2, 4 and 15 to alleviate Members concerns with regard to:

- The roof height of the bungalow on plot 8 which was deemed to be too high
- The installation of and maintenance of fencing around the attenuation basins to mitigate harm to children
- The material proposed for the roofs to be slate and not zinc

(Proposed by Cllr P H Heal and seconded by Cllr S J Clist)

**Reason for the decision:** as set out in the report

## Notes:

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch 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 objectors
- ii. Daniel Rogers spoke as the agent
- iii. Cllr J Stephens spoke on behalf of Sandford Parish Council
- iv. Cllrs Mrs M E Squires and E Lloyd spoke as Ward Members
- v. The following late information was received:

In order to address concerns raised in respect to construction traffic/deliveries arriving at school times, in order that this can be avoided, condition 6 is proposed to be amended as follows:

6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays with no deliveries and construction traffic between 8.15am – 9.15am and 3pm – 4pm during school term times; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The CEMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and

waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

The following corrections to the text within the report should be noted: Pg. 116:

The response from the DCC Flood & Coastal Risk Management Team should be 23rd April 2021.

Pg. 121:

With respect to the Conservation Officers response, within the third paragraph the word 'not' instead of 'to' should have been used so the paragraph reads:

The rest of the Heritage Statement is weak and does not address the required GPA 3 Steps or provide understating of the setting and its significance. The Heritage Statement is a simple exercise in supporting an already conceived layout and the poor siting of Plot 8 with a poor designed bungalow

In the fourth paragraph (6.27) the word 'abut' instead of 'about' should have been used so the paragraph should read:

6.27 The image below is an aerial photograph from 2020 and the dwellings circled red are situated at the western end of the Creedy View development. Immediately to the south is Park House. As will be observed on site, the flank elevations of two story properties were allowed to immediately abut the rear boundary of this grade II listed building. This arrangement has enclosed Park House on its very open northern boundary and, in our view, has had far more impact on the setting of Park House than the proposals which are being considered here.

***d) 20/02128/FULL - Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works at Pleasant Streams, Uffculme, Cullompton.***

The Principal Planning Officer confirmed that a full committee site visit had taken place and reminded the Committee of the application by way of a presentation highlighting the proposed site layout, aerial images, photographs of the site and the mobile homes on site and the access.

In response to public questions she stated:

- The application was for a residential site and not an employment development
- Each planning application had to be determined on its own merits
- The Government's Planning Practice Guidance stated that personal conditions were rarely appropriate and should only be used in exceptional circumstances
- The Officer assessment considered that the proposal was in accordance with policy DM7 and therefore a personal permissions was not justified
- Officers felt that there were sufficient amenities for occupiers

- If conditions were not adhered to the Planning Authority had the ability to investigate and enforce breaches of planning control

The Planning Solicitor advised Members that they should disregard any reference to unauthorised development on the site and determine the application in front of them and that in accordance with the National Planning Policy Framework there was no need for a personal condition. He also confirmed that the application was for a gypsy/traveller site for 6 units.

The Principal Planning Officer confirmed that a condition restricted the number of units to 6.

Consideration was given to:

- The views of the objector who stated that the development was overbearing and that the applicant had moved in without permission. That she was relying on the Committee to make a decision in accordance with local opinion and that the Planning Authority had done nothing to stop the unauthorised development of the site
- The views of the agent who stated that policy DM7 allowed for gypsy/traveller sites as long as the applicant meet the criteria for gypsy/traveller. That the Mid Devon Local Plan ensured fair treatment of travellers to protect their way of life and where a site was suitable the local authority needed to bring it forward. There was a shortfall of available pitches and no alternative locations for this family
- The views of Willand Parish Council who stated their written submission still stood and that planning legislation should be equal for all. Why did enforcement officers call to the site but no stop notice was issued on the development. The current family were not related to the previous family
- The views of Uffculme Parish Council who stated they objected because it was unauthorised development and you could not ignore the effect that it had on the settled community. There was a negative impact due to the lights and that the Authority should not reward the applicants with an approval. That the site should be returned for agricultural use
- The views of the Ward Member who confirmed that there was a previous personal condition and that the site should have been returned to agricultural use when the previous family left. That the Authority now had a 5 year plan so there would be enough sites in the future and that maybe planning officers could renegotiate for a fewer number of units
- The legal advice of the Planning Solicitor that previous unauthorised development was not a consideration for refusal
- Members views that planning policy was not being adhered to as travellers sites in open countryside should be strictly limited
- Members views that the site did not enhance the area
- The advice given by the interim Development Management Manager that gypsy/traveller sites were treated the same as affordable housing and that there was provision for windfall sites, such as this, to come on line and that the application complied with policy DM7

It was therefore **RESOLVED** that planning permission be granted subject to conditions subject to Condition 8 being amended to: (reference to County Planning Authority replaced by Local Planning Authority):



8. No works relating to the formation of the new access shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority.

With an additional condition proposed to secure an appropriate method of surface water drainage;

19. Within 3 months of the date of this decision there shall be submitted to, and approved in writing by, the Local Planning Authority full details of the means of surface water drainage from the site which is to be implemented in accordance with the phasing plan outlined in condition 3 above. The submitted details shall include results of infiltration testing in accordance with BRE Digest 365. For the avoidance of doubt, the approved drainage infrastructure shall be implemented in accordance with the phasing plan required by condition 3 which will set out the timeframe for completion of the approved works.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.

(Proposed by the Chairman)

(3 votes for - 3 votes against - Chairman's casting vote)

**Reason for the decision:** as set out in the report

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch 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 objectors
- ii. Cllr B G J Warren made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he was an adjacent Ward Member and Chairman of Willand Parish Council
- iii. Cllr R J Dolley made a personal declaration as he knew people in the travelling community
- iv. A vote against the officer recommendation was not supported
- v. Cllrs R J Dolley and B G J Warren requested that their votes against the decision be recorded
- vi. Dr Linnea Mills spoke as the objector
- vii. Glenn Crocker spoke as the agent
- viii. Cllr K Grantham spoke on behalf of Willand Parish Council
- ix. Cllr T Pointing spoke on behalf of Uffculme Parish Council
- x. Cllr R Radford spoke as Ward Member
- xi. The following late information was received:

The report is the same as presented at 18th August committee, the updates reported at that meeting are repeated below. Following that meeting the application was deferred to enable a full Planning Committee site visit to take place to enable Members to view the site and development which had already

taken place and to view the highways arrangements. A member site visit has now been undertaken (Friday 3rd September). Please see below additional updates;

- Condition 8 is amended (reference to County Planning Authority replaced by Local Planning Authority):

8. No works relating to the formation of the new access shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority.

- Following queries raised by members at the site visit regarding the Highway Authority consultation response and figures provided in relation to accident figures, the Highway Authority have provided the following response (email 6th Sept) “The information I gave in my response with regards the accidents which had been reported to the Police between 1/1/2015 and 31/12/2019 is correct which is one slight Accident on 25/8/2016 involving 3 vehicles with one casualty. I have no records of any other accident in the area of the proposed access. There are a few other accidents on Uffculme Road but not in the area of the proposed access.”

Updates carried forward from 18th August

1. At page 3 under the proposed development section, the area of the site that has previously been used for the siting of three mobile homes is approximately 0.13 hectares rather than 1.3 hectares as stated.

2. Since the officer report was drafted further representations have been received from a member of the public and CPRE Devon, the additional points that have been raised and were not previously listed within representations are summarised below;

- Clarity is sought on the up to date supply and need for gypsy and traveller sites to justify a permanent gypsy and traveller site for 6 units in this countryside location
- Why has the GTAA not been updated in 7 years?
- As a permanent site for 6 units how does this compare to the size of existing allocated sites?
- Does the scale of development provide a well balanced site where amenity, security and management are achievable?
- How does the appraisal relate to national standards applied to housing and the specific requirements of gypsy and travellers in terms of pitch and size of pitch?
- There is no measurable biodiversity net gain attributed to this proposal to align with national planning policy and the emerging Environment Bill.
- Where is the Landscape and Visual Impact Appraisal to justify mitigation methods being conditioned?
- Clarity is needed in relation to the poultry unit and regularisation of this situation.

Officer comments in response to the points raised:

Policy position: The Inspector responsible for examining the Local Plan did raise some issues in relation to the provision for Gypsies, Travellers and Travelling Showpeople and noted that it does not provide in full, in specific terms at least, for the need identified in the

Plan for 35 pitches for Gypsies and Travellers and 11 plots for Travelling Showpeople. This was considered in detail throughout the examination process. However, as the Council has a demonstrable record of windfall sites for Gypsies and Travellers coming forward and provided that relevant policies make proper provision for these windfall sites to come forward (which was subject to Main Modifications), the Inspector was content that the Plan can still function in a positive and effective way. The GTAA is due to be updated later this year/early next year. Officers are currently preparing a project brief and have started discussions with the Exeter Housing Market authorities to progress this in partnership.

Housing standards/layout/ amenity: The allocated gypsy and traveller sites are for between 5- 10 pitches, these form part of the larger site allocation, the allocations do not specifically identify a site area for the pitches. The technical housing standards- nationally described space standard would not be applicable to a development of this nature. The submitted block plan demonstrates pitches are large enough to accommodate a mobile home, touring caravan, parking and amenity space.

Ecology: Section 7 of the officer report sets out the biodiversity enhancements that the ecologist recommends are incorporated in the scheme (bird and bat nesting boxes), this is in addition to the 110m of new native hedgerow that is proposed to be provided which would secure a net gain in the hedgerow habitat on the site. The percentage net gain has not been calculated using the Natural England biodiversity metric tool, however as the Environment Bill has not yet been passed this is not a statutory requirement and officers are satisfied, based on the ecologist's advice and mitigation and enhancement measures that can be secured by condition (see conditions 3, 11, 14 and 16) that appropriate biodiversity enhancements can be secured in accordance with policies S1 and S14 of the Mid Devon Local Plan.

L VIA: In this case it was not considered necessary to require a Landscape and Visual Impact Appraisal, the case officer has visited the site and the assessment of landscape and visual impacts are set out at section 3 of the officer report.

Poultry unit: it is reiterated that the unauthorised development outside of the site area does not form part of this application. It is likely that a Public Health Officer will be in attendance at committee to advise on their involvement in relation to the environmental concerns that have arisen on site.

3. As indicated at section 6 of the officer report a condition is proposed to secure an appropriate method of surface water drainage;

19. Within 3 months of the date of this decision there shall be submitted to, and approved in writing by, the Local Planning Authority full details of the means of surface water drainage from the site which is to be implemented in

accordance with the phasing plan outlined in condition 3 above. The submitted details shall include results of infiltration testing in accordance with BRE Digest 365. For the avoidance of doubt, the approved drainage infrastructure shall be implemented in accordance with the phasing plan required by condition 3 which will set out the timeframe for completion of the approved works.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013- 2033.

## 87 MAJOR APPLICATIONS WITH NO DECISION (4.38.30)

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

It was **AGREED** that:

Application 21/01576/MOUT - Land at NGR 298976 112882 (Hartnoll Farm) Tiverton, Devon - Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved be brought to Committee and a full Committee site visit take place.

Note: \*list previously circulated and attached to the minutes

## 88 APPEAL DECISIONS (4.40.16)

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

Noted: \*List previously circulated and attached to the minutes

## 89 PLANNING PERFORMANCE (4.40.37)

The Committee had before it, and **NOTED**, a \*report of the Consultant Development Management Manager which outlined the performance aspects of the planning function.

The officer explained that the Planning Authority had determined 91% of major applications within the required timeframes as was placed second in the South West region.

He highlighted:

- Major overturns were below the Government target of 10% had risen to above 7%.
- There had been no return of fees under the planning guarantee
- Enforcement action and visits had reduced due to sickness and staff vacancies but 2 additional enforcement officers had been recruited
- The number of planning applications had increased

Note: \*Report previously circulated and attached to the minutes

(The meeting ended at 7.33 pm)

**CHAIRMAN**