

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 March 2023 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
S J Clist, Mrs C Collis, Mrs F J Colthorpe,
L J Cruwys, Mrs C P Daw, R J Dolley,
B Holdman and F W Letch

Apologies

Councillors

D J Knowles, R F Radford and B G J Warren

Also Present

Councillors

Mrs M E Squires and Mrs E Lloyd

Also Present

Officers

Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Angharad Williams (Development Management Manager), James Clements (Principal Planning Officer), Andrew Seaman (Member Services Manager) and Sarah Lees (Member Services Officer)

Also in

Attendance

Brian Hensley and Michelle Woodgates (DCC)

109 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from:

- Cllr D J Knowles who was substituted by Cllr Mrs C Daw
- Cllr R F Radford
- Cllr B Warren who was substituted by Cllr R J Dolley

110 PUBLIC QUESTION TIME

The following members of the public attended the meeting to ask questions in relation to the Creedy Bridge application:

Liz Goodman stated that Crediton RFC is one of the largest Community Clubs in Devon, 500 members and 18 teams including Walking Rugby along with a school holiday Club and a preschool Saturday morning Club.

We want and need to relocate. Our outgrown current site is allocated for housing.

An ageing Clubhouse with insufficient changing rooms for the safeguarding safety of our young people. A small Club car park means road parking, a dangerous hazard and a welfare concern, for children crossing.

Training nearly every night of the week and matches Saturday's and Sunday's for up to 18 teams and opposition teams along with spectators. Our season ends in April/May and pre-season starts in July. Hence a ball strike assessment is necessary.

Although we are grateful for our inclusion in the new Lidl store site deal, formally our leased pitch, we have not received any of the Section 106 funding. We are struggling for playing & training spaces and rely on hiring match day pitches without changing & toilet facilities.

The reserve matters application is being discussed today for Bellway, who now own our relocation land.

We requested that our allocated land be offered to us on Grant of Consent, this was ignored. We provided Bellway with a RICS valuation and the Council confirmed to them, we were the Nominee. For over 12 months we have tried but Bellway and the still involved previous landowner's agent have refused to negotiate outside of the Section 106. This lack of Community spirit and willingness to engage is alarming. Do they have another agenda?

The relocation of the Club is within the Councils own adopted Playing Pitch Strategy and Local Plan. We would love to be the Nominee but are concerned if the Reserved Matters are approved as proposed, the details in it won't enable a satisfactory relocation site to be provided. That would mean CRFC can't vacate their current site, and the current Development Plan for Crediton will, in part, fail.

Other concerns for our members' safety, will there be a pedestrian crossing to access our training pitch opposite the relocation site? Will the 30 MPH limit be extended to the end of the relocation site?

The rugby Club could not afford to pay into any management or maintenance company set up by the developer for the upkeep of the housing estate.

All the money that Crediton Rugby Club produces goes immediately back into the local economy. It enhances community spirit and cohesion, promotes widespread physical & mental health.

We really do need and want to move but we feel we have not been consulted throughout this entire process. Many of our members and members of our local Community supported the outline application for the housing development back in 2008. We expected the promised workable relocation site to be presented to the Rugby Club, not one that has since been changed by the developers, now they have achieved their ends.

How can this application be approved when there are several matters, those I mention here, along with questions my colleagues will raise shortly. Sport England, the RFU and Crediton Rugby Club have all raised responses to planning matters that have not been sufficiently addressed and the negative outcomes of them considered.

All I ask is that our Crediton Community and Crediton Rugby Club, one of your largest Community groups in Devon, gets what it needs and so deserves. We must support the young people of Crediton and the wider Community we serve.

Edward Trick, also from Crediton Rugby Club, stated that MDDC Policy and the outlined consent is to “Safeguard 8.6 hectares for the relocation of Crediton Rugby Club”. By introducing the maintenance corridor, increasing and enhancing the size of the ditch and adding the footpaths, have they failed to safeguard the land and therefore, are they in breach of their own policy and outlined consent?

The surface water run off for 257 houses and roads will run directly into an attenuation pond positioned three meters away from one of our pitches and then right through the middle of our site in a drainage ditch. How will we keep our pitches dry? Flood risk reports use lots of complicated calculations, but its a fact - water runs downhill! Why not run a new ditch directly to the river avoiding the Rugby Club? Where will the overflow from the pond go? Who will maintain the ditch? Leaving a maintenance corridor large enough for a digger will mean the pitch layout won't fit therefore the whole scheme is no longer Policy Compliant. Health & Safety for children collecting balls from the ditch will be an issue, will it need to be fenced? Who will pay for this? The club highlighted this as an objection during this application and the previous outline application but once again we have been ignored.

The drainage system to be compliant with Sport England and the RFU's standards will be very expensive. Sport England and us have officially objected to the application on the grounds of the flood risk strategy. We give notice and please minute this, that we will seek compensation for any damage to the pitches and our infrastructure from excess water in the future.

Does the applicant's drainage scheme jeopardize the PSD report that demonstrated 4 pitches could be sufficiently constructed at the site? The PSD report helped inform the RFU and Sport England's comments to the previous application. If the drainage scheme does jeopardize the PSD report and thus the viability of constructing 4 pitches at the site Sport England and the RFU would find it hard to support a further application. Does the above in turn also jeopardize this site as the intended location to construct the LIDL replacement pitch as per the condition to planning application the Council are yet to deliver?

The proposed location of the public footpath poses health risks of dog fouling on playing pitches, promotes trespassing of the public onto playing pitches resulting in a large and expensive fence to erect to keep our players and the public safe and to maintain the vital gate income on match days.

The proposed location of paths would be against the dead ball area of the rugby pitch. The rugby pitch configuration and dimensions are as per World Rugby Law 1, adopted by the RFU, which states the need for a minimum 5m run off around the full perimeter of the pitch. These dimensions are fundamentally based on player and spectator safety, any scheme of works delivered less than this would seriously jeopardize safety at the site. The footpath needs to be re-sited.

No ball strike assessment has been completed as per the original Sport England objection. Due to the proximity of the dwellings to the playing pitches the RFU and Sport England recommended a ball strike assessment be undertaken by the

applicant to understand if any safety mitigation is required. Without an assessment how can the applicant be confident the dwellings to the West of the site will be sufficiently protected from stray balls from the rugby pitches and how can the public using the proposed footpath that runs next to the pitch be protected from ball strikes? You have already heard how often we train and play matches. The Rugby Club would accept no liability for any such damage caused and would insist any retrospective mitigation is paid for and maintained by the applicant.

Nick Hasted stated that his question was associated with the aim of reducing the carbon footprint of the estate and reducing energy costs:

How many solar panels are being installed for each home?

What direction will they be facing?

What is their capacity?

What is their estimated reduction in the energy running cost of a home?

John Craythorne asked 'In relation to the Creedy Bridge application. As far as I can ascertain from your website, there is currently provision for 31 'affordable' rented homes and 21 shared ownership dwellings. Does the council have any powers to require a greater provision than this and if so will it use all its efforts or secure a greater number of affordable homes?

Does the council recognise that what is described as 'affordable' is actually not affordable for many people on lower incomes and that for people in those circumstances, a secure tenancy in the social housing sector is often the only means of having a secure, decent and affordable home?

Further, in its review of the local plan will the council ensure that the provision of more social housing to rent will be given absolute priority?'

Caroline Romijn stated....I note that the percentage of "affordable" houses within this development is set at a very low level, disappointing within the context of Mid-Devon's relatively low-wage economy. It is also extremely concerning that the development does not meet high standards of sustainability. In view of this I would like to ask Mid Devon Council to consider asking the developers to release a further number of "affordable plots" (say 15) for sale as self-builds. Providing 15 plots for Self-Builds would have two significant advantages: firstly it would meet a significant local social and economic need, and secondly it would ensure that at least that number of houses would need to be built to higher, up-to-date standards of sustainability.

Natalia Letch asked the following questions:

1. Would there be a regular bus connection to the Crediton High Street and railway station and to Exeter?
2. Would the developers commit themselves to aligning the majority of dwellings on a North-South axis? The East-West orientation cuts the solar panels' efficiency by 50% and denies the home owners the possibility to make their homes carbon neutral basically forever.

Laura Conyngham stated that COP 26 group recently learned that, in spite of Mid Devon District Council's commitment to be carbon neutral by 2030, Section 106 money for this development went on other things. There seems no hope of a FLAT

route to Crediton across the A3072, around existing new housing to join the Public Footpath by the Leisure Centre to Morrisons, schools and town. Without this, very few residents will use their legs up and over the hill to reach town within 15 minutes.

In view of this serious failure, will the developer include either air source heat pumps or ground source heat pumps for heating? Along with photo voltaic panels and solar boost, residents could be enjoying free hot water for over half the year. I speak from experience.

Dave Harris informed the Committee that In November 2021 a community event was held in Crediton to discuss and come up with ideas of what Crediton could do in relation to the climate and nature emergencies we face. Some of the ideas the community came up with were, and I quote,:

Public transport – more frequent, reliable, and affordable

How does this development enhance the delivery of more and cheaper public transport?

Cycle paths

Where are they in the plans?

Prioritise pedestrians

Where is the safe pedestrian access to the high street, leisure centre etc?

Planning – not one size fits all

According to the Office for National Statistics in 2021 80% of households had 3 people or less living in them. Why does this development average over 3 bedrooms per property?

Homes are affordable, sustainable, carbon neutral and with proper gardens

This was one of the most wanted items. Is any of this being addressed by the developer?

These items are what the community of Crediton wants and yet this development provides almost none of this. What is democracy for if it is not for listening to the local community and following their clear instructions? This is the acid test of how the democracy in our local area works, for the people, or for the money. Councillors you decide.

Alan Murray asked what is the maximum quantity on the South West Water Environment Agency permit to discharge and the current throughput capacity at Lords Meadow Sewage Works? How many more houses can Lords Meadow Sewage Works cope with without overloading the system? If there is insufficient capacity then what is the plan and timetable from the developer to contribute to an upgrade to improve capacity?

What monitoring is currently being undertaken on discharges from the sewage works into the River Creedy, and at what intervals? Has that been breached and self-reported to the Environment Agency already? In 2021 there were 66 sewage dumps over 431 hours.

Can the developer confirm that a suitable SuDS (Sustainable Drainage

System) will be employed to relieve pressure on the local sewage treatment works and run off into the close by River Creedy? And is there a detailed planting plan and absolutely clear maintenance plan which complies with CIRIA (Construction Industry Research & Information Association) standards?

Can the developer confirm that rain water storage systems will be included as part of the house design so that stored water can be used for watering gardens, cleaning cars and flushing toilets etc.

With consideration to the objection from the Crediton Rugby Club regarding flooding of the site (Objection filed 03/11/2022) what guarantees can the developer make to ensure that rain water run-off from the site does not drain directly into the adjacent River Creedy polluting the river with toxic pollutants and particulates associated with domestic habitation, car use etc.? And is permeable paving being used to reduce run-off?

As this site is very close to the River Creedy can the developer prove that the buildings will be 'Nutrient Neutral' which is a legal requirement from Natural England?

Gerald Conyngham stated that....I am speaking as a member of COP26 group in Crediton and District. A key aim of our group is to help MDDC to achieve its target of becoming carbon neutral by the year 2030. This has particular implications for new developments which should seek to minimise their carbon footprint both during construction and in use by producing a carbon reduction plan. This plan would include such things as: materials used, construction methods/design/energy facilities within the houses/water and waste management. At present despite producing a sustainability statement, the application does not have sufficient evidence to show that these issues have been given enough weight. For instance houses will be fitted with gas boilers which will be phased out by 2025. Gas boilers emit about 2.2 tonnes of CO2 per year which is equivalent to taking 7 transatlantic flights annually between London and New York, why install them now when there are alternatives such as heat pumps? If heat pumps were installed, and the houses were designed to passivhaus standard, this would reduce carbon emissions and save money in energy bills for the house owner.

In the view of our group all new developments should be obliged to produce such a carbon reduction plan. (as other councils such as Teignbridge have done) Failing that, will the council refuse planning permission until there is more evidence of carbon reduction as suggested above?

Giles Fawsett informed the Committee that.....last week MDDC approved my planning application.

I quote "The erection of a 2 storey side extension at ... (my property) is considered to be acceptable in policy terms. On balance, the overall scale and design of the proposal is acceptable following minor amendments to the design and it will not result in an overdevelopment of the site. The extension is considered to work in context with the existing dwelling, using materials to match existing. Solar panels are proposed to the roof of the extension and these comply with local policy. It is considered that there will be no significant adverse impacts on the amenity of

residents of nearby properties and the development will not harm the setting of nearby heritage assets including the Conservation Area. As such, the scheme is considered to comply with policies S1, S9, S12, DM1, DM2, DM11 and DM25 of the Mid Devon District Council Local Plan (2013-2033), the Crediton Neighbourhood Plan 2018 - 2033 and guidance in the National Planning Policy Framework.” End quote.

I am on mains gas but use no gas. I know that when my solar panels are fixed to my new south facing roof I will be energy self-sufficient.

Are any of you embarrassed by the Bellway development?

The Chairman informed those present that the questions would be answered when the application was discussed.

111 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:02:00)**

Members were reminded of the need to make declarations where appropriate.

112 **MINUTES OF THE PREVIOUS MEETING (00:03:00)**

The minutes of the previous meeting held on 18th January 2023 were agreed as a true record and duly **SIGNED** by the Chairman.

113 **CHAIRMAN'S ANNOUNCEMENTS (00:04:00)**

The Chairman reminded Members of a Special Committee meeting to be held on 15th March 2023 at 2.15pm.

114 **WITHDRAWALS FROM THE AGENDA (00:04:00)**

There were no withdrawals from the agenda.

115 **THE PLANS LIST (00:05:00)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) **Application 22/02321/TPO - Application to fell one Common Beech tree (T001) protected by Tree Preservation Order 96/00015/TPO close to ground level at All Saints Church, Fore Street, Culmstock.**

Consent be granted and delegated authority be given to the Development Management Manager to discuss the trees used for the replacement with the relevant parties.

(Proposed by Cllr S Clist and seconded by Cllr Mrs C Daw)

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

Note: Cllr L Cruwys requested that his abstention from voting be recorded.

- b) Application 22/02120/FULL - Creation of 2 car parking spaces at Land at NGR 301997 107506, St Andrews Estate, Cullompton.**
Planning permission be granted.

(Proposed by the Chairman)

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

Note: Cllr R J Dolley made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had connections with Cullompton Cricket Club.

- c) Application 22/00063/MARM - Reserved matter for the erection of 257 dwellings and up to 5 Gypsy and Traveller pitches; associated works in connection with 8.6ha of land to facilitate future Crediton Rugby Club and up to 1.1ha of land for future primary school; details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT at Land at NGR 284185 101165 (Creedy Bridge), Crediton, Devon.**

The Principal Planning Officer outlined the application by way of presentation which highlighted:

- The fact that the application did not include the rugby club land or school land.
- The principles of permission had been agreed at the Outline application stage. Reserve Matters needed to focus on layout, scale, appearance and landscaping.
- A number of photographs showing the location of the site and the topography of the land.
- The original scheme had been revised by the developer following advice from the Local Planning Authority which included providing a range of house types and the need to be sensitive to local distinctiveness.
- The revised scheme was landscape led and was accessible by foot and cycle paths.
- Different roof heights were proposed bearing in mind the topography of the landscape.
- There would be a hierarchy of streets providing better treatment of traffic.
- Larger dwellings would have chimney stacks.
- The area allocated for a Gypsy and Traveller site was shown.

In response to public questions asked he stated:

- Land had been secured through a S106 agreement.
- Footpaths did form part of the application, Rugby Club land did not.
- The Rugby Club would need to address issues of concern relating to dog fouling and fencing.

- Issues relating to drainage concerns on Bellway land had been conditioned for.
- Concerns regarding ballstrike, Risk Assessments and Sports England would need to be addressed by the Rugby Club when they submitted their application. This could not be addressed as part of the Reserve Matters being discussed today.
- The Council was restricted by what it could do in terms of policy when it came to considerations around the 'green' agenda, however, negotiations had been undertaken with the developer and would continue to be. A new Statutory Interim Climate Change Statement was in the pipeline, however, in itself it would not be able to provide targets.
- Solar panels would be erected on every dwelling and each property would have electric charging points. An energy plan also existed.
- A financial contribution towards a bus service had been stipulated at the Outline stage but was still a work in progress.
- A flat access route to Crediton could be provided across Rugby Club land but they would need to consider this as part of their application.
- Concerns regarding volumes of sewerage had been dealt with at Outline stage and was not relevant to Reserve Matters considerations.
- The application site was not in a 'neutrality' area.

Consideration was given to:

- The size of the proposed garages and whether those marked as double could actually accommodate two cars.
- Financial contributions towards education facilities.
- An increase in the number of proposed dwellings being larger than the number quoted in the Local Plan.
- The protection of trees was conditioned for.
- The scheme proposed a number of parkland areas.
- The plan showed all the locations for bin storage, the majority of which were in the back gardens.
- It was confirmed that the vast majority of chimneys would be cosmetic, however, some would be functioning. A condition requested that chimney stacks were located in key locations.
- The importance of the Rugby Club as a valuable community asset needed to be recognised.
- Highways considerations would address disability issues as would Building Regulations with the properties themselves.
- There was provision within the legal agreement that a management company would oversee, maintain and manage the green open spaces.
- It was confirmed that there was a lighting plan.
- the type of stone to be used in the building of the dwellings had been conditioned for so that it was locally sensitive.
- No concerns had been flagged up regarding street lighting at the Outline stage.
- It was the officer's opinion that this was a very good scheme of high quality.

It was therefore **RESOLVED** that approval be given for Reserve Matters subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr Mrs C Collis)

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

Notes:

- Cllrs P J Heal, S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C Daw, R J Dolley, B Holdman, F W Letch, all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence.
- Cllr F W Letch made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he knew some of the public asking questions at the meeting and was married to one of them.
- Mr Andrew Ross spoke as the agent.
- Cllrs E Lloyd and Mrs M E Squires spoke as Ward Members.
- Cllrs R J Dolley and F W Letch requested that their abstention from voting be recorded.

116 MAJOR APPLICATIONS WITH NO DECISION (02:43:00)

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

The Committee agreed that:

1. 23/00208/MFUL – remain delegated
2. 23/00073/MFUL – To Committee if officer was minded to approve – No site visit required
3. 23/00101/MARM – remain delegated
4. 23/00043/MARM – remain delegated
5. 23/00040/MFUL – remain delegated
6. 22/02374/MFUL – To Committee
7. 22/02386/MARM – To Committee if minded to approve

Note: *list previously circulated and attached to the minutes

117 APPEAL DECISIONS (02:53:00)

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

Note: *list previously circulated and attached to the minutes

118 PLANNING PERFORMANCE REPORT (02:55:00)

The Committee had before it, and **NOTED**, a report * from the Development Management Manager providing the Committee with information updating it on the performance of aspects of the planning function of the Council.

The following was highlighted within the report:

- This was a good news story with improved performance data.

- The presentation of information within the report had been revised to show all quarters as well as data with targets and without.
- The speed with which officers and applicants had worked to progress major applications had improved.
- Figures in relation to non-major applications also demonstrated how hard the officers had worked.
- By the end of March 2022, Mid Devon was the top Local Planning Authority for the South West.
- The quality of decision making had also improved.
- Vacancies were and had been advertised and recruitment was progressing well.

The Chairman requested that the Committee's thanks and appreciation of the officer's hard work be reported back to them.

Note: *report previously circulated and attached to the minutes

(The meeting ended at 5.17 pm)

CHAIRMAN