

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 10 April 2024 at 2.15 pm

**Present**

**Councillors**

L J Cruwys (Chairman)  
S J Clist, G Cochran (Vice Chairman),  
F J Colthorpe, G Duchesne, B Holdman,  
M Jenkins, F W Letch, N Letch and  
S Robinson

**Also Present**

**Councillor(s)**

C Adcock, D Broom, R Gilmour, C Harrower, S Keable and  
G Westcott

**Also Present**

**Officer(s):**

Richard Marsh (Director of Place & Economy), Angharad Williams (Development Management Manager), Philip Langdon (Solicitor), Adrian Devereaux (Area Team Leader), Christie McCombe (Area Planning Officer), Yvonne Dale (Planning Officer), Tina Maryan (Area Planning Officer), Sarah Lees (Democratic Services Officer) and Angie Howell (Democratic Services Officer)

Brian Hensley (Devon County Council Highway Authority),

**Councillors**

**Online**

E Buczkowski, M Farrell, A Glover and D Wulff

**Officers Online**

John Millar (Area Team Leader)

93 **APOLOGIES AND SUBSTITUTE MEMBERS (04:26)**

Apologies were received from Cllr M Farrell however he attended online.

94 **PUBLIC QUESTION TIME (04:40)**

Paul Elstone (Application 23/00126/FULL) - Chairman read out.

Question 1

In respect of Paragraph 3.4 Page 87 and Paragraph 3.6 of your bundle.

The statements made in the officer report appear very substantially incorrect.

That the new Zed Pods modules will be far bigger than the existing footprint. The modular building will be over 50% wider this including the balcony's extending to the front of the property and the stair tower at the rear.

That the modular home will extend forward by about 3 meters in respect of the existing building line.

Why are Planning Officers supporting a building design where the massing is substantially insensitive to the local area and therefore not compliant with the principles of Policy DM1?

#### Question 2

On examining the drawings provided by Zed Pods it is noticed that the 2 bedroom 4 person properties have an internal floor space area of only 66.9 m<sup>2</sup>. This despite to be compliant with the National Housing Standard they should have a gross internal floor area of 70m<sup>2</sup>. That even when an allowance is made for the internal separation walls that the floor space does not meet the standard.

Specifically the Living Dining and Kitchen Area has a floor space of 30.5 m<sup>2</sup>.

Bedroom 1 = 11.5m<sup>2</sup>

Bedroom 2 = 11.5 m<sup>2</sup>

WC = 4.1 m<sup>2</sup>

Entrance Lobby (Room) = 8 m<sup>2</sup>

Storage = 1.3 m

Total 66.9 m<sup>2</sup> or around 3.1 m<sup>2</sup> less than the National Space Standard or DM 1 requires.

Will MDDC Officers obtain and make available the drawings showing the exact internal wall to wall measurements of each of the dwellings. This to fully confirm full compliance with National Floor Space Standards?

#### Question 3

It is noted that the design of the 1<sup>st</sup> floor one-bedroom properties have bedroom windows that have direct access from a communal landing. This resulting in both substantial privacy (visual and noise) and security issues for the residents.

Does this Committee accept that this floor plan design warrants substantial redesign and for the welfare of its residents. That the current floor space design is not conducive to good or healthy living standards and therefore is unacceptable and by any reasonable measure?

#### Question 4

Why is the applicant only providing 9 parking spaces and when the policy requires it to be 14 spaces?

Why should the applicant on behalf of MDDC once again be given a DM 5 car space provision dispensation? A dispensation that would permit others developers easily to do so as the benchmark has been set?

### Question 5

A recent Government Report and coupled with well publicised Chief Fire Officer repeat concerns has identified potential fire risk to Category 1 modular homes and which ZED PODS are. Fire risk with the potential of rapid and complete burn down.

Has MDDC commissioned a fully independent and expert report into ZED POD modular home fire safety this including the preparation of any risk mitigation plan. If not, why not?

Peter Drew (Application 23/01351/MFUL)

### Question 1

I support the principle of grid scale battery storage as an appropriate response to the climate emergency but I remain unconvinced this is the right site for this development. Specifically my concern relates to the scale of the substation in the context of the dismissed appeal on this site.

### Question 2

In my view the Applicant's approach to the substation has been misleading. It was not shown on any of the material that formed part of the pre-application consultation. The Committee Report claims that the submitted drawing shows the structure would be a maximum of 13 m high, but that claim is incorrect. At the stated scale of the drawing, which is 1:1000, the structure measures 23 m high.

### Question 3

It might be that there is an internal contradiction on the face of drawing No 10 Rev 2 between the annotation and the scale. In other words it might be that the plan is actually drawn to a scale of 1:500, but if that is true then it beggars belief that such an error can exist on the only drawing showing the height of the highest structure proposed and not be noticed at registration or during the long gestation of this planning application. You would therefore be unwise to grant planning permission today on the basis of such a fundamentally contradictory drawing.

### Question 4

Even if the highest structure is 13 m tall, rather than 23 m, I still have concerns about its visual impact. The LVIA falsely claims that my property is outside the zone of theoretical visibility but from my bedroom windows and balcony I have a clear view up the valley that takes in the pylons, Burlescombe Church all well beyond the application site. The claim that I would not see a new structure well over 40 feet high to the south east of a line to the church is nonsense and perhaps fails to account for my windows being up to 6 m above ground level. To be clear I am not objecting because I would see it from home but I am saying the LVIA is not fit for purpose because I can testify to the fact that it underestimates the visual impact of the proposal. My opinion that the LVIA is unsatisfactory is confirmed by the fact that the photomontages that have been submitted fail to show the highest structure which would, by way of example, be visible above and at certain times of year between the trees when seen from the path next to the canal, which is a conservation area and a popular and attractive leisure walk.

### Question 5

The Committee Report claims that this proposal can be distinguished from the scheme dismissed at appeal on the basis that it would have had a “moderate to high impact”. That again is incorrect. The LVIA undertaken by Aecom said the appeal scheme would have a “moderate adverse effect on landscape character yet no significant effects on visual amenity [and] once the proposed mitigation planting has become established, the predicted landscape effects would be reduced to minor adverse or negligible level”. So, in other words, the level of harm identified by 2 landscape architects applying the standard GLVA guidelines is greater for the current proposal, particularly in terms of visual effects, than for that which was dismissed on appeal by the Secretary of State in 2018. Against the background that the Applicant failed to even mention the dismissed appeal at any stage of its voluminous submission, in what appears to be a flagrant attempt to mislead, and so has never offered any reasons to depart from its position, the Planning Officer has completely misunderstood and/or misrepresented the position in the Committee Report. If you were to decide to grant planning permission today on the basis of this incorrect advice then your decision would be challengeable.

### Question 6

I have found no clear analysis as to how the application site was identified. The only rationale appears to be that the site is close to the motorway and so it would be easy from a logistical point of view to get the containers onto the land but whilst that might be convenient for the Applicant that does not mean it is a good location in landscape terms.

There appears to be no analysis of alternative sites. In particular I note that East Devon District Council only last month granted planning permission for a similar scale battery energy storage scheme [BESS]. In its press release following that decision the applicant, a company called Statera Energy, said “Increasing BESS capacity close to National Grid’s strategic substations is critically important to the decarbonisation of the UK’s electricity system”. I agree and in my view that is the key. As I understand it there are existing substations at Burlescombe, to the west of Willand, which is called Tiverton Junction Substation, and to the south of Tiverton just a few hundred metres from the Council Offices. Why haven’t these sites been considered because, to be clear, I positively support the delivery of BESS and, subject to landscaping, do not perceive them to be harmful to the landscape, but it is the scale of the proposed substation that is the problem.

### Question 7

I would like to finish by quoting from the dismissed appeal. The Secretary of State found that this site was “the ‘gateway’ into Devon...being directly adjacent to and visible from the A361...as well as being visible in longer views from the M5 and from the railway line”. In that context it was concluded that “the proposal would result in significant harm to the character and appearance of the area in which it is located and that this could not be avoided or minimised to acceptable levels within a reasonable period”. Given the proposed development would be two and a half times the height of what was previously found to be unacceptable on this site and that a structure 13 m high could not be ameliorated by landscaping, this scheme is materially worse - as borne out by the Applicant’s own LVIA working to standard guidelines - and should be refused for this reason.

Darren Manley (Application 23/00511/FULL) - Chairman read out.

Question 1

Are you aware that if this development goes ahead you would potentially lose 20-25 parking spaces (this includes the current car park and garages with some having additional parking at the front of their garages) You are going to create 16 new parking spaces. Which would mean a loss of around 9 parking spaces. Currently most evenings every parking space is occupied. This would create huge problems, especially as some people work shifts and in the morning after a 12 hour shift the last thing people want to be doing is looking for a parking space after work.

Question 2

If you build 5 new dwellings, assuming each would have at least one vehicle, where would the additional parking be? Probably along the roads which are already crowded.

Question 3

And where will the elderly residents that currently park in the carpark near the garages park their vehicles? Especially with some having limited mobility.

Question 4

Emergency vehicles, recycle/refuse collections deliveries etc would struggle to get past these vehicles. Are you aware that this would be a huge problem in an emergency?

Question 5

Also where is the current local infrastructure investment of doctors, schools, public transport etc?

Philip Marshall (Application 23/00511/FULL)

Question 1

I would like to ask if a resident impact statement has been completed. Taking in to account the following:

- (a) The land drains in the carpark aren't fit for purposes, are totally silted up and the carpark floods with the slightest bit of rain. This has been exasperated by people concreting their gardens to accommodate what they had previously stored in their garages. Which we were lied to about. You said in the Zoom meeting only 2 were occupied. I personally know of 3 people who rented a garage and are in the process of moving out. I have been informed it is possible as many as 10. You denied this multiple time during the meeting.
- (b) The new car parking spaces all require cars to reverse out over the pavement and will need turn on them to get out, making access from our cul-de-sac more dangerous as the road is too narrow to turn on and the cars will need to use the pavement for passing and turning.

- (c) Access in and out of Eastlands is really restricted as cars park on one side of the road leaving only enough room for one vehicle to pass. The dropped pavement in front of the garages was the only place to pull in and allow vehicles to pass with the new building plans and carpark arrangement this will be impossible creating bottle necks. Making it nearly impossible to get in and out of the close when a delivery or recycling lorry is present. Cars will have to pull on to the pavement making them dangerous to use for the residents especially children. The roads into Eastlands really need widening if you're going to add more families into the cul-de-sac and reduce the overall number of car parking spaces.
- (d) As the roads are so narrow and in an awful condition the presence of workers and building delivery lorries is going to add to the traffic congestion and wear and tear to the road during the building construction period. Will working people be compensated for any loss of earnings caused by these delays and will the roads be brought up to a suitable standard before works commence, including widening to improve access.
- (e) If you insist on proceeding with these plans without proper consultation of the residents which hasn't happened up to now, we will have no other option than to block access to the site and considering the access problems we already have in Eastlands and how you are going to make them even worse it won't be too hard to do with some nonviolent direct action. I can promise you most of the residents support this and it will happen. We will not have these plans forced upon us with no changes to accommodate the residents and to make it safe for residents especially children to travel to and from the cul-de-sac.

Tilly Cooling (Application 23/00511/FULL) - Chairman read out.

#### Question 1

Parking is currently an issue for residents in Eastlands currently as there aren't enough spaces. The residents have been asking for years for the green triangle to be made into extra parking but have been ignored. What is going to be done in order to fix this problem as it will just worsen with the increase in houses and no increase to parking facilities?

#### Question 2

The main concern for residents is the extra pressure on sewage, water and electric. We have issues with drainage and bad roads there are so many potholes that need sorting. The excess weight of plant vehicles are likely to make the road surfaces even worse during the process of building the development. Are these issues going to be addressed?

#### Question 3

The Council should be more concerned in the upkeep of the current properties they have already rather than adding to it. There are a number of outstanding repair jobs which myself and other residents have been waiting months and years for which just keep getting pushed back. We have been left in the darkness to when these are going to be done. Will we have to wait even longer for these repairs to take place?

#### Question 4

Is the new development going to be for local residents or current residents who need to downsize? Or do they intend to bring in people from outside of the Culmbridge area.

#### Question 5

Is the school, preschool and the doctors going to receive more funding and resources to keep up with the increase in children if the Council intend to put in families. The doctors and the schools are currently extending their limits and can't take on anymore without changes being made.

#### Sophia Sendra (Application 23/00511/FULL)

#### Question 1

Since the first hand-delivered letter in December '22, all notifications, consultations and contact has been extremely limited and restricted to internet users only. This has excluded all the residents who are most affected by the proposal, the residents of the bungalows and houses immediately surrounding the site. The majority of those residents are not internet users and are unaware of when to expect the build to start, fearing how and when life will change for them.

#### Question 2

The letter notifying of this meeting was sent as an attachment to an email, only 2 of us have received it. We took it upon ourselves to take photocopies and hand deliver it to all the residents of Eastlands.

The garage tenants have received 2 separate 'Notice to Quit' letters, both with different deadline dates and an application form to apply for a garage in a neighbouring village which included the plots in Eastlands. They also received an invoice for next year's rent after receiving the first Notice To Quit.

#### Question 3

You are planning to remove 21 parking spaces and create 16 new ones. 5 houses will introduce approximately 10 more cars. This leaves a clear shortfall. There is much concern from residents and Hemyock Parish Council about the proposed configuration of the new parking area. There are obvious safety issues and it would be prudent to discuss this with the residents and to rethink the configuration based on our knowledge of daily life in Eastlands with safety as a priority.

#### Question 4

Administration and communication between Council departments and with the residents of Eastlands has been shockingly inept.

All concerns, comments and recommendations submitted last December by the residents and Hemyock Parish Council were disregarded. The limited contact relating to this proposal feels like nothing more than a box-ticking exercise.

#### Question 5

Can you explain why every single concern and suggestion has been ignored and will you consider reviewing your approach to this proposal by listening to and interacting with the residents instead of building a wall of resistance?

## Mark Stewart (Application 23/1870/MOUT)

### Question 1

Is the proposed development in conflict with policies DM18 (Rural Development) and DM22 (Tourism and Leisure Development) and the findings of the Mid Devon Tourism Study?

### Question 2

Does the business plan for the proposed development include a robust and detailed financial summary with breakeven points and profit goals within 5 years as per the requirements set out by Mid Devon District Council?

### Question 3

Would the planning committee care to answer on the following, the detailed plans of type 1 & 2 Safari tents clearly show baths, showers, toilets and sinks, none of the tents or cabins are offering gutters, downpipes, rainwater collection or soakaways in any respect.

### Question 4

The climate emergency planning checklist submitted in the planning application, argues that the applicant does not require any of the following, rainwater collection, greywater recycling, water efficacy design, soakaways etc

### Question 5

The installation details of PTSP is not sufficiently detailed, but the understanding is that there will be one per tent/cabin, equally the processors do not have to have soil permeability and percolation tests and will be discharging into the ground.

### Question 6

As no other flood mitigating factors have been proposed by the applicant to reduce the transit time of waste water and rainwater entering the watercourses and considering the site is bounded by flood zones 2 and 3, the proposed development along with global warming and increased rainfall puts more strain on the watercourses and increases the flood risk, the proposal is therefore unsuitable and in conflict with policy S9 (c) (Environment).

## Dr Julie Meeson (Application 23/1870/MOUT)

### Question 1

I would like to ask the committee how they consider the application complies with pollution policy DM4 when the following details are considered?

Although the officer's report sets condition #7 preventing '*amplified, live, or recorded music except within the lodge building*', other significant noise will be generated by the 88 people plus day visitors (according to the applicant's 'Marketing Strategy'), as they use the outdoor swimming pool, eating and drinking areas and other outdoor activities; additional noise will also arise from staff and site maintenance services.



The topography of the valley together with the overall quiet nature of this countryside means noise travels a long way. I can hear 2 workers chatting as they work at the pheasant rearing area several fields away, so I am sure the noise from 88+ guests enjoying themselves eating and drinking until late at night and revelling in the outdoor pool will be objectionable to residents and negatively affect wildlife. Residents already suffer noise late into the night from the existing Loyton's facility when they hold commercial events such as parties and weddings, but the sporadic nature of these means' complaints are not raised.

### Question 2

Light pollution is also a significant concern in this application – with the officer's report condition #8 requiring 'an additional lighting design strategy before installing any lighting'. As there is already a 'lighting strategy plan' in the application I ask the Committee whether this plan will be used to satisfy condition 8?

The reason I ask is because the lighting proposed in this plan is excessive: for Phase 1 alone approximately 1000m of paths and tracks will be lit, tent decks will have lights facing the sky and the car park area will be lit. Using the specifications in the current plan this could result in up to 115 lights at 600 lumens on paths / tracks and 20 lights in the car park at 810 lumens.

The impact of this level of lighting (even if motion triggered), on wildlife and residents' conflicts with policy DM4 by virtue having a negative *impact on the natural environment and general amenity*.

### Question 3

Finally, each of the 25 dwellings will have a log burner fitted – thus contributing to increased particulate matter and smoke pollution. Depending on wind direction and other atmospheric conditions the pollution from wood burners could settle in the valley and impact clean air.

### Victoria Killearn (Application 23/1870/MOUT)

#### Question 1

Would the committee take a moment to comment on why this development needs to be scattered over 20 hectares quality agricultural land when it could be accommodated closer to the proposed amenities thereby lessening the impact on the environment and lessen the loss of farmland. (MDLP S9). This policy recommends and I quote "Preserving the quality and productivity of the best and most versatile agricultural land whenever possible". Would they not consider this application contravenes this clear advice of Mid Devon?

#### Question 2

Has the committee taken in that one sixth of Loyton Farm will be lost to this holiday complex. The farm covers approximately 300 acres. A good proportion is wooded. Most of the valley will no longer be farmed and that such changes of use are all threats to the quality of Middevon. Would they agree that this site should not be considered suitable for allocation to commercial development?

### Question 3

I implore the committee to take seriously the adverse impact on the quality of life of close neighbours. There will be inevitable noise, night light, and odours from 88 guests trying to keep warm in a wet Devon valley. And when they are sitting outside in the evening every sound they make will amplify outwards and upwards as if in an amphitheatre.

Dogs can so easily be carriers of Neospora Caninum causing early abortion in cattle. I need hardly remind you all of just how many sheep and lambs are killed by walkers' dogs each year. Also red and roe deer suffer heartbreaking injuries from being brought down by dogs.

### Question 4

Would the planning committee consider it sensible, if this application is passed, that a planning condition is added to ban dogs from the safari accommodation?

### Question 5

And finally is the committee aware that it is incorrect - as stated in the application - that local residents and neighbours were involved in the early conception of the application?

Some Councillors were contacted but this did not include ordinary residents.

It is recommended as stated in the Community Involvement statement SC1/7, 10 and 11 that this should happen and it did not. Only a few were invited to look around the site in February 2024, 2 months after it was submitted to you. The closest and most worried neighbours were not invited. I stress NOT INVITED. I have never known this parish so disturbed and unhappy.

### Lars Hesslegren (Application 23/1870/MOUT)

#### Question 1

Since your policy states (DM1) "Designs ... must be of high quality ... well integrated with surrounding buildings, streets and landscapes" So why should the proposal which claims to be tents but which are in fact small dwellings – complete with bathrooms and kitchens be considered appropriate? Their appearance is completely out of context with local buildings – instead of an approach involving local materials.

#### Question 2

Since your policy (DM18) says "Rural employment development ... permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location." So why build 10 tents which are in fact a set of luxury dwellings set in a park? Each tent is located well away from its neighbours so this is not a village arrangement which would be more appropriate especially if these so-called tents became permanent dwellings as they easily could. The tent roofs combined with wood burners seem inappropriate in an age of new heating technologies. The walls and windows are modern but the roof and heating technologies are inappropriate and against government policy.

### Question 3

Since your policy (S14) says “Countryside Development outside the settlements will preserve ... and enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.” Why build a development that is completely unrelated to the scale of the existing Morebath village? This is a luxury Butlins development with no interaction with the local society and the design layout reflects that segregated approach. It is clear no interaction with the locals is anticipated or desired.

The layout is very dispersed – each so-called tent is on average 70 m apart, although there is a group of 4 closer together. The total length of gravelled track – intended for bicycles and ATVs but realistically will be used by cars – is 951m, nearly 1 km. It is laid out so that the walk to the central marquee is very circuitous.

### Question 4

Since your policy (DM22) says “a Tourism and leisure development ... will be supported within or adjacent to defined settlements. ... it must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network.” How would this development unrelated to the existing village of Morebath be a justified countryside location? It is not part in any way of the small village and the traffic impact – including agriculture - is likely to be severe.

In addition it would imply a great deal of car excursions to Exmoor, adding the strain on the local lanes. The impact on the neighbourhood would be very damaging – this is a luxury development where the locals would not be involved.

### Matt Brammer (Application 23/1870/MOUT)

#### Question 1

The committee will no doubt be aware that Planning policy S1(K) details the need for developments conserving and enhancing the natural environment by protecting and enhancing valued landscapes. Given this wording, how could this planning application possibly be accepted? In particular, could the committee comment on how the addition of 25 structures, plus hard access trackways damaging protected habitats, plus lighting, plus vehicles, plus wood burners, plus supporting maintenance activities by staff, contractors and suppliers, could be described as conserving and enhancing an area which is currently open farmland and woodland?

#### Question 2

I would also like to ask the committee if they feel this application can be granted, given the concept of minimising impacts on biodiversity and geodiversity as described in planning policy S1(L)? Whilst Devon County Council’s own principle ecologist has raised multiple concerns, I ask this with particular concern regarding the impact of human disturbance on wildlife and also the effect of light pollution on wildlife. The effect of cutting trees down can be partly mitigated by planting more trees, and moving hedges can be mitigated by re-planting elsewhere, but I do not see how it is possible to mitigate against wildlife departing an area of quiet countryside if something near 100 campers were to move in on a year-round basis. Light pollution is known to have negative effects on amphibians, birds, mammals, insects and plants, and multiple scientific papers have been published on the subject. The blurring of the boundary between day and night disrupts the natural patterns of sleeping, hunting, eating and mating for many species, potentially changing the balance of species within an area.

Bats in particular associate light with danger and avoid entering or crossing lit areas making lighting a barrier on wildlife corridors and routes used by bats travelling to feed. On our own property we have a significant population of glow worms, a species which is currently in decline. Female glow worms use light emitted from their abdomen to attract a mate, as such they are a species particularly sensitive to light pollution as the males can be attracted to alternative light sources. The lighting plan included with the application shows trackways to be lit with between 100 and 220 lights in total, each equivalent to a 40watt incandescent bulb. In addition to this the proposed cabins have decking lights and interior lighting.

### Question 3

Given the potential for harm, does the committee consider the addition of hundreds of light sources to an area of almost entirely dark countryside, to be in line with the principle of minimising impacts on biodiversity and geodiversity outlined by policy S(1)L?

Sherrie Tuhy (Application 23/1870/MOUT)

### Question 1

I would like to ask the committee why the applicant's proposal is supported by a transport statement and travel plan only. NOT a travel assessment as may be required under highways policy DM3? This document was produced for the applicant and is paid for by the same.

Also it is clearly stated that this transport statement is produced in SUPPORT of the application. Perhaps the committee could answer why the transport statement was NOT an independent document and as a result it could be argued to present a POSITIVE TWIST to make any prospective reader of the statement agree the road network is easily able to take the additional load. The local objectors did offer a fully independent traffic assessment but were told that this would be inadmissible

I am here to offer some questions for the planning committee to answer which show up in the travel plan submitted by the applicant

First the document submitted uses data based on incorrect assumptions. The shoot traffic will decline as the holiday traffic increases due to the decline of the shoot business thus there will be little or no increase in total road usage. Documents submitted recently say the shoot will continue indefinitely.

The majority of traffic will arrive and leave via Hukeley Bridge.

Some traffic will turn right when leaving and pass through CLAYPITS..... A TIGHT AWKWARD ROAD Blatant omissions in the transport statement and the failure to consider or mention

The Morebath cricket club,  
the hunt and hunt followers.,  
the roads being unlit...  
the roads being narrow ...  
the roads being single vehicle width,

claypits is not mentioned at all.  
no mention of the pothole problem  
the roads have deep drainage ditches on either side.  
the use of the roads by local farm traffic and animals

All very conveniently left out of the transport statement

The bus service is one bus out and one bus back a day.....

Car sharing does not really happen

This proposal will bring a massive increase in traffic generation on roads that are windy with limited visibility. Hukeley bridge B3227 has already been severely damaged on more than one occasion and required repair on more than one occasion because of vehicles hitting it due to the tight turn to the right. The proposal is contrary to the local plan policy DM3 (Transport) (which observes the requirement for a transport assessment) and conflicts with DM18a rural employment development by creating an unacceptable impact on the local road network. And DM22 (Tourism and Leisure) which seeks to avoid unacceptable traffic impacts on the local roads network.

#### 95 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (46:43)**

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

- Cllr S Clist referred to Plan List 1 Application No 23/1870/MOUT and Plan List 2 Application No. 23/00511/FULL and declared that he had an Other Registerable Interest but he had not been involved with this application.
- Cllr B Holdman referred to Plan List 3 23/00126/FULL and declared that he had an Other Registerable Interest as he had been contacted with regard to this application.
- Cllr P Colthorpe referred to Plan List 1 Application 23/1870/MOUT and declared that from 2003-2011 and then 2009-2022 she represented the area in Lloyton first as District Councillor and then as County Councillor for Tiverton West. Over that period of time she had contact with the family from time to time.

#### 96 **MINUTES OF THE PREVIOUS MEETING (48:20)**

The minutes of the previous meeting held 13 March 2024 were agreed as a true record and duly signed by the Chairman.

#### 97 **CHAIRMAN'S ANNOUNCEMENTS (48:42)**

The Chairman made the following announcements:-

There had been some changes within the Planning Team with some staff leaving and some new starters.

- Yvonne Dale would be leaving Mid Devon District Council in May and Shane Burgess, Principal Planning Officer would be leaving on Friday 12 April. Replacements would be advertised.

The Chairman thanked the officers for their time with Mid Devon District Council and wished them well for their future.

- The Chairman also welcomed two new starters - Elaine Barry, Planning Obligations Monitoring Officer who had replaced Jo Williams. Emma Armes, Planning Support Officer was also a new starter.

## 98 WITHDRAWALS FROM THE AGENDA (49:45)

There were no withdrawals from the Plans List.

## 99 THE PLANS LIST (49:54)

The Committee considered the applications on the \*Plans List

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

- a) 23/01870/MOUT - Hybrid application for a change of use of land to allow the siting of 10 safari tents; conversion of existing barns to provide space for administration, grounds keeping, housekeeping facilities and visitors reception; extension to existing marquee; creation of vehicular access ways; the construction of 24 car parking spaces and natural swimming pool and associated landscaping; and Outline application (All Matters Reserved) for a change of use of land to allow the siting of up to 15 safari tents and cabins; demolition of existing barn and construction of wellness centre; improvements to existing vehicular access and the provision of car parking; the creation of track ways and associated access and landscaping works at Loyton LLP, Loyton Lodge, Morebath.**

The Area Planning Officer advised the Committee of the following update:-

- a) One of the wood burning stoves had been removed.
- b) The spring bat survey had been completed and was available to view on the planning portal. The spring survey had placed detectors in the area most likely to be impacted. The number of flight passes were slightly less due to other suitable habitat close by. Devon County Council ecologists submitted their final comments confirming it was acceptable subject to the inclusion of conditions.
- c) A letter of concern had been received from Mr Bateman and was available on the planning portal.
- d) An error had been noted in the report under Condition 5 – the barn conversion should sit under the “full planning” list of conditions and not under the “outline planning” list of conditions. The condition numbers would need amending accordingly.

The Area Planning Officer outlined the application by way of a presentation and highlighted the following:-

- This application had been called in to Planning Committee for reasons of impact on highways, public disturbance by way of noise, design and appearance, impact on protected species, loss of high grade farmland and flood issues.
- The application was presented in hybrid form – part outline, part full seeking the construction of up to 25 safari tents and cabins for year round accommodation.
- The main issues raised were traffic impact, pollution, water, visual impact, scale of development, viability, ecological impact and planning balance.
- The County Highways Authority had been out to visit the site and had no objections to the application.
- There was a sewerage treatment plan for each accommodation.
- The proposed development was within flood zone 1 and deemed appropriate for development.
- Members were made aware of the following Committee Updates:-
  - i) DCC Ecology comments – which were available to view on the planning file.
  - ii) The submission of a detailed business case which was confidential.
  - iii) The submission of a revised drawing for Tent Type which included the removal of one of the wood burning stoves within each tent.
  - iv) The submission of the Spring Bat Survey which was available on the planning file.
  - v) The submission of a letter of concern which was available on the planning file.
- Members attended a site visit on 5<sup>th</sup> April where Members viewed the site noting existing buildings.

In response to the public questions the Area Planning Officer answered as follows:-

**Mr Mark Stewart** had asked how the proposed development cannot be in conflict with policies DM18 (Rural Development) and DM22 (Tourism and Leisure Development) and the findings of the Mid Devon Tourism Study? With respect to Policy DM18, the officer's report provided some detail at paragraph 3.0 on traffic generation and trip rate forecasts and para 4.0 on landscape and visual impact. The suitability of the site was addressed more critically within the planning balance (paragraph 11.0) where officers had set out the compelling evidence (at para 11.2) and the content of the National Planning Policy Framework (NPPF) in respect of suitable sites in rural locations not well served by public transport at paragraph 11.3.

The officer's report provided some detail at paragraph 1.0 in respect of DM22 confirming the proposal represented a diversification of an existing business and that it would represent a new kind of offer within Mid Devon. Paragraph 2.0 made reference to the business plan and paragraph 6.0 to the design and layout minimising environmental impacts in a countryside location. This again was picked up in the planning balance.

The Mid Devon Tourism Strategy identified a need to develop the accommodation offer for short stays including a high quality residential experience for people looking to get close to nature (slow tourism), encouraging countryside pursuits / quality locally sourced produce and goods and all year round events and accommodation – each of which this application sought to offer. Paragraph 2.5 of the officer report provided some detail in respect of the Tourism Strategy.

Officers advised that the proposed development was not in conflict with policies DM18, DM22 or the findings of the Mid Devon Tourism Study.

**Matt Brammer**

Paragraphs 4.1 – 4.11 of the officer’s report made reference to the National Planning Policy Framework and Mid Devon planning policy with specific reference to Policy S1, the special character of Exmoor National Park, Mid Devon’s Landscape Character Assessment, the submitted LViA and Arboricultural Impact Assessment as a means to address the impact of this application on the landscape.

The impact of the proposal on biodiversity and geodiversity was more specifically addressed at paragraph 5.1 – 5.10 of the officer’s report with light pollution referenced more specifically at paragraphs 5.9 and paragraph 8.6.

**Mark Stewart**

The tents had fabric rooves and provided no solid attachments for gutters and down pipes. Surrounding the tents was permeable ground, with the Flood Risk assessment confirming an ‘infiltration’ form of water disposal linking into a system of swales and ditches. Paragraph 7.3 of the officer’s report provided more specific reference.

**Sherrie Tuhy**

The Transport Statement and Plan provided a detailed assessment of traffic generation and trip rates which were set out in paragraph 3.3 of the officer’s report. Professional consultants had been engaged to undertake the Transport Statement drawing on a range of data sources. It had been independently reviewed by Devon County Council Highway Authority who had not raised an objection to the application. An additional independent assessment for a development of this scale would be unusual.

**Lars Hasselgren**

Paragraphs 6.1 – 6.21 provided some detail on the design and layout of the proposed scheme with para 4.1 – 4.11 on their visual impact within the landscape. How they accorded with Policy forms part of your considerations within the planning balance.

S14 was specifically referenced at paragraph 1.6 of the officer’s report; concluding in-principle support on a policy basis at para 1.14. With regard to how this application would justify its countryside location on the basis of Policy DM22 - again this had been addressed above.



### **Julie Meeson**

Whilst Condition 7 restricts amplified music, any other increase in noise associated with the scale of development and its impact, would form part of your considerations within the decision making.

It was not your officer's intention to approve the lighting strategy forming part of the application pack. Condition 8 required a strategy so that further assessment including with DCC Ecology could be undertaken to ensure the very best lighting solution was achieved in this rural location.

In planning terms, officers advised that this was a sui generis (unique) holiday accommodation use and not commercial development.

With regard to the inclusion of a condition to ban dogs on the site. This was not a planning issue and could not be added.

### **Victoria Killearn**

Whilst the officer's report sets out at Paragraphs 6.1 – 6.21 detail on the design and layout, at paragraphs 4.1 – 4.11 the visual impact, it was again a consideration that forms part of your planning balance.

Consideration was given to:

- Cooking facilities – it was explained that cooking facilities were not available but that strong links were being established with local businesses for food provision.
- Air quality with the use of fire pits/wood burners – it was explained that this was not something the Council could condition as households were not controlled in that way. Public Health had raised no concerns.
- The use of the land and whether it would still be used for grazing – it was confirmed that the land would continue to be farmed and people would be given free space to roam across the estate.
- Whether any Tree Preservation Order's (TPOs) had been placed – it was explained that the Tree Officer had not attended or viewed the site but that a TPO could be issued at any point. There was also significant tree planting as part of the application.
- The Committee were concerned with regard to noise levels. It was **AGREED** that delegated authority be given to the Development Management Manager to amend the noise condition to include more robust wording.

It was therefore **RESOLVED** that the application be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr G Cochran)

Reason for the decision - as set out in the report.

Notes:-

- i) Cllr L Cruwys, Cllr G Duchesne and Cllr M Jenkins voted against the application.
- ii) Cllr S Clist abstained from voting.
- iii) Kevin Bateman spoke as the objector.
- iv) Lestyn John, Bell Cornwall spoke on behalf of the applicant.
- v) Cllr C Adcock and Cllr R Gilmour spoke as Ward Members.

**b) 23/00511/FULL - Erection of 5 affordable dwellings following demolition of existing garages with associated parking, landscaping and works at Land and Garages at NGR 313963 113447, Eastlands, Hemyock.**

The Planning Officer advised the Committee of the following update:-

- Condition 4 - Prior to the construction of the residential development hereby approved, the proposed car parking spaces located adjacent to the development (9) and those spaces immediately to the east of the development (7) as shown on approved plan Z34-ZP-A1-XX-DR-A-010-S1-P05 – Proposed Site Plan shall be substantially completed and made ready for use. Such spaces shall be maintained for the lifetime of the development. The car parking spaces to the north shall be available for the residents of 'Eastlands' estate, with the car parking provided immediately to the east of the development made available at all times for the residents of the new residential units hereby approved.

Reason: To ensure that there were sufficient parking spaces available to the existing residents of Eastlands following the re-development of the formal parking area, as well as the new residents associated with the development hereby approved.

The Planning Officer outlined the application by way of a presentation and highlighted the following:-

- The site lay within the development boundary of Hemyock within the Blackdown Hills National Landscape.
- The site was split into 2 areas separated by the existing highway.
- The site to the north of the public highway was currently a grassed area with a low metal barrier around its boundary.
- There was an existing cycle path route from the south west of the site to the main road and in turn to the recreation ground.
- The main issues raised were the principle of development, design and amenity, impact on protected species and habitats/biodiversity, highways and parking, Blackdown Hills National Landscape, flood risk and drainage and climate change.
- The proposed application sought the provision of 9 car parking spaces on land to the north of the proposed dwellings. There would be an overall loss of up to 6 parking spaces.
- The County Highways Authority had no objections to the application.
- South West Water had no objections regarding sewerage or water.

- The proposed materials for the new dwellings would match those of the surrounding properties through the use of painted render on the elevations.
- There were solar panels proposed on each dwelling.
- Each dwelling would have a small garden to the rear and would form part of the Council's housing stock.

In response to the public questions the Planning Officer answered as follows:-

### **Parking and Highway Safety**

There were 8 existing formalised parking spaces on site and 5 informal parking areas. There were 16 proposed spaces. 9 were required for the new dwellings, leaving 7 to replace the existing provision leading to a deficit of 1 space (or 6 including the informal parking areas), however, the proposed dwellings were sited in a sustainable location with access to public transport options and within walking distance of a range of facilities, amenities and services. The reduction of 1 parking space in this location was not considered to be reasonable ground for refusal. The Highways Authority had no objections to the proposed development. On that basis it was considered that the proposed development satisfactorily accords with policies DM3 and DM5 of the Local Plan.

The elderly or those with limited mobility would be able to use the replacement spaces in the same manner as they currently did.

### **School Capacity**

Devon County Council had commented on the application in relation to education and have sought contributions in relation to secondary school education and school transport.

### **Drainage and Surface Water**

South West Water (SWW) had requested further information in relation to surface water disposal and that it should be demonstrated that this would discharge as high up the run off destination hierarchy as possible.

A condition had been included requiring a final detailed design for surface water drainage to be approved prior to the first occupation of the dwellings.

The photographs provided showed a drain that lied outside of the red line boundary area. Additionally, it was the responsibility of the Highways Authority to clear the drains. The condition of the road lay outside the scope of material planning considerations.

### **Sewage, Water and Electric**

SWW had commented on the application and did not raise any objection in relation to sewage or water.

### **Future Occupiers of the dwellings**

A condition had been included requiring the dwellings to be used as affordable dwellings only and that prior to occupation a scheme for the provision of affordable housing was submitted to and approved in writing by the Local Planning Authority. These dwellings would be available to Council tenants district wide.

Consideration was given to:

- Whether the garages to be demolished contained asbestos. It was confirmed that they did and the Council would be required to pay for the removal of this.
- Car parking issues for elderly residents.

It was therefore **RESOLVED** that the application be granted subject to conditions.

(Proposed by Cllr F Letch and seconded by Cllr S Robinson)

Reason for the decision - as set out in the report.

Notes:-

- i) Elizabeth Lawrence spoke as the applicant.
- c) 23/00126/FULL - Erection of 8 affordable dwellings following demolition of 4 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works at 2 - 8 Beech Road, Tiverton, Devon.**

The Area Team Leader advised the Committee of the following update:-

- Condition: The development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with the proposed site plan, drawing number Z28-ZP-A1-XX-DR-A-010-S01-PROPOSED SITE PLAN. Following their provision these facilities shall be maintained for the lifetime of the development.

Reason: In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.

The Area Team Leader outlined the application by way of a presentation and highlighted the following:-

- The application was for the erection of 8 affordable dwellings following demolition of 4 existing dwellings with associated vehicular and pedestrian access.
- The facilities would be retained for the lifetime of the development.
- Moorhayes bungalows to the northwest of the site comprised of a row of terraced and semi-detached, single storey brick and tile roofed dwellings set back from the road with enclosed front gardens.
- The site lies within the settlement boundary for Tiverton.
- The main issues raised were principle of development/planning policy, highways and highway safety, design of development and impact on landscape, living conditions, green infrastructure and public open space, drainage and flood risk, climate change, ecology and biodiversity net gain.

In response to the public questions the Area Team Leader answered as follows:-

**Paul Elstone**

**Question 1:**

It had been commented that statements in the officer report were substantially incorrect whereby the modular building would be over 50% wider and that the modular home would extend forward by about 3 meters in respect of the existing building line. As could be seen in the comparison of the existing block plan and that of the proposed plan this would not be the case. The dimensions of the existing building to be removed had been measured as approx. 21m by 7.45m whereas the new building would be 28m by 10.85m. When taking the footprint of the existing outbuildings to either side of the main building which would also be removed, the length of building coverage was 27.4m which is comparable to that of the new building footprint, albeit the new building would be moved further away from the neighbouring property from a distance of 4.02m to 5.28m. With respect to being forward of a building line by 3m, the new building would be 1.08m further forward than the neighbouring property of 10 and 12 Beech Road whereas it would still be 0.54m behind the front facing walls of 14 and 16 Beech Road. Therefore still following the general pattern of development.

**Question 2:**

The second question related to National Floor Space Standards and that the questioner having examined the plans for the 2 bedroom 4 person properties had calculated that the internal floor space area of only 66.9 m<sup>2</sup> which was below the 70sqm required.

It appeared that this calculation by the questioner had been achieved by adding up the figures provided for each room. However, this was not how internal floor area was calculated as set out in the Technical housing standards – nationally described space standard. This outlined that The Gross Internal Area of a dwelling was defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling (The internal face of a perimeter wall was the finished surface of the wall. For terrace and semi-detached houses or apartments they were the external walls and party walls). This included partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. RICS Code of measuring practice also outlined that for calculating Gross Internal Area (GIA), this would include areas occupied by internal walls and partitions, columns, piers, chimney breasts etc. Taking an area measurement from the inside of the perimeter walls, I calculated that the floor area would be 70.05sqm.

The applicant was also questioned on the matter of floor area and they have confirmed that the units in question do adhere to the 70 sqm NDSS GIA as they contain a total of c.3sqm of internal partition.

**Question 3:**

The third question related to the design of the 1<sup>st</sup> floor one-bedroom properties where the bedroom windows have direct access from a communal landing. Therefore concern was raised that this resulted in both substantial privacy (visual and noise) and security issues for the residents so should be redesigned.

I would note that this arrangement was not dissimilar to the 8 dwellings at Shapland Place, Tiverton (21/01957/FULL) which Planning Committee approved in 2022. The design approach as set out in para.4.3 of the officer report is that 'Habitable room spaces have all been designed with primary windows and balconies facing towards the front of the property onto public road with amenity grassland and defensive planting acting as a buffer'. As can be seen from the first floor plan, 4 first floor properties would be accessed via the first floor landing whereby the staircase is located centrally so only the occupiers of one other property would pass by the bedroom window. The width of the landing is also not conducive for sitting out and as such congregating was unlikely to occur.

**Question 4:**

This matter was addressed in detail within Section 2 (Highways and highway safety) of the officer report where it was noted that 9 spaces would be provided which equated to 1 space per unit with 1 visitors space. It was noted that four of the units were 1 bed and the site was in a sustainable location within walking distance of a number of services/facilities and public transport. In addition, the proposals at Beech Road formed part of the Council's Housing Services wider regeneration of the local area and there was a scheme also under consideration located at Sycamore Road within 100m of the site which was to provide 13 Homes and 28 spaces which was an over provision of parking by 6 spaces. Therefore it was considered that a case could be made to the level of parking provided which would not set a precedent elsewhere and the Local Highway Authority raised no objection to the development.

**Question 5:**

On the matter of fire safety, in accordance with validation requirements, the Applicant had provided a Fire Strategy which is contained within the Design and Access Statement. The non-combustible materials specified as part of the fire strategy demonstrate part of how the proposal would comply with Part B2 and B3 of the building regulations.

Zedpods had also outlined the additional strategies that were deployed as standard by their construction system to comply with regulatory requirements whereby:

- All units were provided with both a primary means of escape via the front entrance door and stairway or secondary by the including of openable windows on the first floor ensuring a fire in any unit would not impede residents' ability to egress the unit safely as required by Part B1 -Means of Warning and Escape
- All units would be installed with an LD-2, Grade D1 detection and alert system using industry leading AICO components with remote monitoring and call outs in the case of an activation, as required by BS 5839 and Part B1 - Means of Warning and Escape
- Compartmentation to stop the surface spread of flame was achieved by use of both horizontal and vertical fire stopping between units. This prevented a cladding fire from spreading between units for an hour as required by Part B4: External Fire Spread.

In summary, fire safety measures were integrated into the construction build to ensure full compliance with fire regulations.

Consideration was given to:

- Car parking and public transport.
- The positioning of bird boxes.

It was therefore **RESOLVED** that the application be granted subject to conditions (Proposed by Cllr M Jenkins and seconded by Cllr G Duchesne).

Reason for the decision - as set out in the report.

Notes:-

i) Laura Eimermann spoke on behalf of the applicant.

**d) 23/01351/MFUL - Construction, operation and maintenance of a Battery Energy Storage System (BESS) facility with associated infrastructure and works including highway access, landscaping and biodiversity enhancements at Land at NGR 304444 114510, North of A361, Junction 27, Westleigh.**

The Area Planning Officer outlined the application by way of a presentation and highlighted the following:-

- The land for this application was close to Junction 27 of the M5.
- The batteries were designed to import energy from the grid and release at periods of high demand.
- The main issues raised were construction traffic, landscape and visual impacts, loss of best and most versatile agricultural land, impact on Grand Western Canal, Impacts on neighbouring residents, fire safety, flood risk and drainage.
- Devon and Somerset Fire and Rescue Service had no objections subject to conditions.

In response to the public questions the Area Planning Officer answered as follows:-

**Mr Peter Drew**

The drawing illustrating the substation was indicative and not for approval. The actual details of the substation would be required to be submitted and approved to discharge condition 6 as recommended in the officer's report. The applicant had confirmed that the substation would be a maximum of 13 metres high. The applicant had also confirmed that the photomontages did show the substation but the substation was hidden behind existing trees in the views shown on the photomontages.

The officer's report referenced the appeal decision mentioned and stated that the impacts of the appeal development would have had a moderate to high impact. The Landscape and Visual Impact Assessment submitted to the appeal and supplied by Mr Drew assessed the impact on landscape character as moderate adverse, with no significant effects on visual amenity.

At the time of the appeal, Devon County Council's Landscape Officer stated that the visual effects had been underestimated in the Landscape and Visual Impact Assessment and disagreed with the findings. Devon County's report stated that whilst it was acknowledged that landscaping proposals would help to integrate the development into its setting and mitigate adverse visual impacts in some views in the medium to long term, it was considered that many adverse visual impacts could not be mitigated and residual adverse effects would be more sensitive than was concluded in the Landscape and Visual Impact Assessment.

During the appeal, the Inspector stated that the stockpiles of materials would be large and unsightly, with a maximum height of 5m. They would also be highly visible from the adjacent road and visible from the main transport routes into Devon. The appeal proposal would result in significant harm to the character and appearance of the surrounding area.

By way of verbal update, the Area Planning Officer stated that taking this into account, Members should note that the statement in the officer's report relating to the appeal development should be amended from it having a 'moderate to high' impact, to a 'moderate adverse' impact. This did not change the officer's conclusion in the report that the battery energy storage proposal, which could be largely screened, would have less of an impact on the character and appearance of the area.

With regard to how the site was identified, the applicant has secured a grid connection in this location and was not required to identify alternative locations.

Consideration was given to:

- Landscaping a 2.5 metre high bund and a new hedge bank along the northern boundary to reduce background noise and to help with screening.
- Visual impacts including from the Grand Western Canal.
- Flood risk as the land adjacent to Flood Zone 2 and 3 and how this would be addressed. It was explained that the Environment Agency and Lead Local Flood Authority had considered the proposal and surface water drainage arrangements to ensure its suitability and the battery packs would be placed on concrete plinths.
- Safety of the Battery Energy Storage Systems (BESS) and fire risk which had been considered by the Devon & Somerset Fire and Rescue Service and Public Health Officers.

It was therefore **RESOLVED** that the application be granted subject to conditions

(Proposed by Cllr F Letch and seconded by Cllr G Cochran)

Reason for the decision - as set out in the report.



Notes:-

- i) Rachel Ness, Clearstone Energy spoke on behalf of the Applicant.
- ii) Cllr S Taylor spoke on behalf of Sampford Peverell Parish Council.
- iii) Cllr G Westcott spoke as the Ward Member.
- iv) Cllr N Letch abstained from voting.

100 **MAJOR APPLICATIONS WITH NO DECISION (04:14:44)**

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

The Committee agreed that the applications remained as per the report.

Note: \*List previously circulated.

101 **APPEAL DECISIONS (04:15:01)**

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

Note: \*List previously circulated.

(The meeting ended at 6.30 pm)

**CHAIRMAN**