

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 8 October 2025 at 2.15 pm

Present

Councillors: L J Cruwys (Chair)
G Cochran (Vice-Chair), F J Colthorpe,
G Duchesne, C Harrower, B Holdman,
M Jenkins, L G J Kennedy, L Knight and
S Robinson

Apologies

Councillors: S J Clist, G Czapiewski and N Letch

Also Present

Councillors: S Keable and C Adcock

Also Present

Officers: Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Dr Stephen Carr (Corporate Performance & Improvement Manager), John Hammond (Development Management Manager), John Millar (Area Team Leader) and Angie Howell (Democratic Services Officer)

Councillors

Online: D Wulff

Also in

attendance: Matthew Collins (Team Leader Highways & Transportation Planning, DCC), Darryl Jagger (Senior Highways Development Management Officer)

42 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:43)

Apologies were received from:

- Cllr G Czapiewski who was substituted by Cllr L Knight.
- Cllr N Letch who was substituted by Cllr L Kennedy.
- Cllr S Clist.

43 PUBLIC QUESTION TIME (00:04:11)

Marc Gouldsworthy referred to Application No 23/00209/FULL

Question 1 - Strategic Policy S1 as laid out in the Local Plan Review Policy 2013-2033 and sustainable development principles refer to environmental impact and protecting and enhancing our environment. As the proposal consists of substantial loss of the existing natural environment replacing it with hard standings and buildings, does the committee consider that the net loss of biodiversity has been mitigated and that as noted on page 15 and clauses S1 l & m of the policy, that it has achieved net gains for nature (bio-diversity net gains and achieved the urban greening factor)?

Question 2 - Does the Committee consider that Policy S1 clause h and Policy S2 clause 2.25, have been satisfied in respect the proposals being sustainable and respect the local character, heritage, surroundings and materials of the surrounding area. That is to say that the designs in terms of scale and aesthetics take into account Bampton's existing heritage and design of existing properties. Noting that these requirements were heavily pushed and conditioned in the Newton Court development in regard to architecture and size of property and that the proposed development in terms of mass and style is out of keeping and do not mirror the properties in Frog Street and Newton Court.

Question 3 - Strategic Policy S9 has been implemented to protect the environment. Noting that the only ecologic report submitted was highlighted by the author as only considering the existing temporary and brick structures, do the Committee feel adequate ecological reporting and adequate assessments have been undertaken on the full extent of the site and now in the areas of the revised drainage strategy that is proposed to discharge into the watercourse via a headwall satisfy this policy, particularly as there are reports of protected species living in and around the watercourse. Consideration should be given that the report will be nearly 3 years old and the Chartered Institute of Ecology and Environmental Management note that it would now be invalid and a new assessment by a professional ecologist would need to be undertaken.

Question 4 - Does the Committee consider that the requirements of DM 1 have been satisfied which requires a clear understanding of the site and its constraints to be taken into account, with buildings integrated with the surrounding buildings, with Conservation Area Appraisals and Mid-Devon and Village Character Assessment evaluating the settlement being undertaken (as they do not seem to appear in the documents submitted to date). Also, consideration of the adverse effects on the neighbouring properties and amenity of neighbouring properties in regard to architecture, siting, scale and massing as the current proposals have been considered as they will create privacy issues, as well as the loss of light with adjoining properties.

Also noting that the current proposals do not comply with Building Regulations in respect to Approved Document J and that if constructed as designed would not only be in breach, but it would also incur potential financial costs for the re-siting of existing oil tanks to several adjacent existing properties when they need to be replaced.

Question 5 - Finally, and most importantly, the proposal put forward do not consider the actual boundaries noted on Local Plan Review 2013 – 2033 Adopted July 2020) / Adopted Policies Map: Bampton (July 2020). It can be demonstrated that national boundaries have been introduced as they are not all defined by land ownership or physical boundary, such as hedges, walls, fences, or road. There is a clear 'buffer zone' created with the plan to the existing residential dwellings on Newton Court which would mitigate a number of the points previously raised. It can also be seen that there is sufficient land to the west of the development zone that would accommodate the construction of two dwellings that would be in line with Mid-Devon policies. How will the Committee address this non-compliance of the proposals put forward not being located within the clearly defined residential development are BA1- Development Plan.

44 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:09:51)

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

Cllr L Knight made a declaration of interest in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding Agenda Item 8 - Application No. 20/00876/MFUL in that he was a Ward Member for Cullompton Padbrook and a Cullompton Town Councillor. He was also a Trustee and Treasurer for the Cullompton Community Association Fields.

Cllr S Robinson made a declaration of interest in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding Agenda Item 8 – Application No. 20/00876/MFU in that she was a Ward Member for Cullompton Padbrook and a Cullompton Town Councillor. She was also a Trustee and Treasurer for the John Tullock Centre in Cullompton.

45 MINUTES OF THE PREVIOUS MEETING (00:11:46)

The minutes of the previous meeting held on 20 August 2025 were agreed as a true record and **SIGNED** by the Chair.

46 CHAIR'S ANNOUNCEMENTS (00:12:30)

The Chair thanked Richard March, Director of Place and Economy for his support to the Committee, as this would be his last Planning Committee meeting before he left Mid Devon District Council.

47 WITHDRAWALS FROM THE AGENDA (00:13:13)

There were no withdrawals from the Agenda.

48 THE PLANS LIST (00:13:21)

The Committee considered the applications in the *Plans List.

1. 23/00209/FULL - Erection of 2 dwellings and associated works at Land and Buildings at NGR 295663 122384, Frog Street, Bampton.

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

Question 1 Strategic Policy S1 as laid out in the Local Plan Review Policy 2013-2033 and sustainable development principles refer to environmental impact and protecting and enhancing our environment. As the proposal consists of substantial loss of the existing natural environment replacing it with hard standings and building. Does the Committee consider that the net loss of biodiversity has been mitigated and that as noted on page 15 and clauses S1 L & M of the policy, that it has achieved net gains for nature (bio-diversity net gains and achieved the urban greening factor)?

Answer 1 - As noted in Section 6 of the officer's report, there will be a loss of some existing biodiversity, however the scheme proposes landscaping which would allow for mitigation and some gains. Condition 8 required the provision of a landscaping scheme, which would provide details of biodiversity enhancements. Due to the date of submission, it would not be necessary to provide the mandatory 10% biodiversity net gain (BNG). Members would be able to take a view as to whether they considered the scheme was sufficiently harmful and would be able to provide the necessary landscape mitigation and biodiversity gains.

Question 2 - Does the Committee consider that Policy S1 clause h and Policy S2 clause 2.25, have been satisfied in respect the proposals being sustainable and respect the local character, heritage, surroundings and materials of the surrounding area. That is to say that the designs in terms of scale and aesthetics take into account Bampton's existing heritage and design of existing properties. Noting that these requirements were heavily pushed and conditioned in the Newton Court development in regard to architecture and size of property and that the proposed development in terms of mass and style is out of keeping and do not mirror the properties in Frog Street and Newton Court.

Answer 2 - This question would be one for Members to consider. The proposed dwellings were large, particularly that on Plot 1, however the site was relatively discrete within the conservation area and townscape. These matters were addressed in the Committee report. Whilst the design of the properties were not the same in Newton Court and Frog Street they did have a pallet of materials that included natural stone render similar to those nearby with slate tiles and timber windows.

Question 3 - Strategic Policy S9 has been implemented to protect the environment. Noting that the only ecologic report submitted was highlighted by the author as only considering the existing temporary and brick structures, do the Committee feel adequate ecological reporting and adequate assessments have been undertaken on the full extent of the site and now in the areas of the revised drainage strategy that is proposed to discharge into the watercourse via a headwall satisfy this policy, particularly as there are reports of protected species living in and around the watercourse. Consideration should be given that the report will be nearly 3 years old and the Chartered Institute of Ecology and Environmental Management note that it would now be invalid and a new assessment by a professional ecologist would need to be undertaken.

Answer 3 - The first part of this question was largely addressed in section 6 of the Committee report. The County Ecologist had commented on the application, and they had considered the level of reporting to be satisfactory and sufficient concurring with the findings of the recommendation. It had been mentioned about the potential for headwalls to be included in the drainage provision. This was noted however this was appropriately dated at the time of the application.

The age of the survey was noted; however, this was appropriately dated at the time that the application was submitted. It was not usually the case where additional reports would be provided at a later date where an application had been dragged out. It is important to note that following approval of any application, such a scheme may not commence for nearly 3 years, in which case the survey results may be out of date, however the recommendations took into account the need to consider species or scenarios that may occur during construction.

Question 4 - Does the Committee consider that the requirements of DM 1 have been satisfied which requires a clear understanding of the site and its constraints to be taken into account, with buildings integrated with the surrounding buildings, with Conservation Area Appraisals and Mid-Devon and Village Character Assessment evaluating the settlement being undertaken (as they do not seem to appear in the documents submitted to date). Also, consideration of the adverse effects on the neighbouring properties and amenity of neighbouring properties in regard to architecture, site and scale and massing as the current proposals have been considered as they will create privacy issues, as well as the loss of light with adjoining properties. Also noting that the current proposals do not comply with building regulations in respect to Approved Document J and that if constructed as designed would not only be in breach, but it would also incur potential financial costs for the re-siting of existing oil tanks to several adjacent existing properties when they need to be replaced

Answer 4 - This was largely for Members to consider but these issues were considered within the report.

In respect of the oil tank, this related to oil tanks in neighbouring gardens that would be close to the proposed properties, particularly the bungalow. In terms of safety this was not considered to be an issue by the Environmental Health Officer. The other matter is largely due to building control - it was not a necessary constraint to this development. There was a part within Approved Document J which detailed satisfactory fire protection measures that may be applied where tanks were located within a building, less than 1.8m from a building, or less than 760mm from a building.

Question 5 - Finally, and most importantly, the proposal put forward do not consider the actual boundaries noted on Local Plan Review 2013 – 2033 Adopted July 2020) / Adopted Policies Map: Bampton (July 2020). It can be demonstrated that national boundaries have been introduced as they are not all defined by land ownership or physical boundary, such as hedges, walls, fences, or road. There is a clear 'buffer zone' created with the plan to the existing residential dwellings on Newton Court which would mitigate a number of the points previously raised.

It can also be seen that there is sufficient land to the west of the development zone that would accommodate the construction of two dwellings that would be in line with Mid-Devon policies. How will the Committee address this non-compliance of the proposals put forward not being located within the clearly defined residential development are BA1- Development Plan.

Answer 5 - This question related to the written Committee update, which was as follows:

“Following publication of the agenda for Planning Committee, an email was received from a contributor advising that the area of land in which the house proposed on Plot 2 is sited, is not actually included within the brown area indicated as residential allocation BA1 in the Mid Devon Local Plan map for Bampton, as indicated within the officer’s Committee Report. This is noted as being correct, and as such Members should be aware that the officer’s Committee Report should be read with this in mind. Notwithstanding this however, the site is still within the defined settlement limits of Bampton, and therefore a location where residential development is acceptable in principle, subject of course to consideration of the final details of the scheme against other relevant planning policies and site-specific considerations.”

In addition, the contributor who raised this matter had that the notional boundary was formed to provide a buffer strip for several purposes, including protection of existing properties from issues such as nuisance and loss of privacy. It was not clear why this area was not included in the BA1 allocation, however even if it was for the purpose of protecting neighbouring properties, it did not mean that development within this part of the site was unacceptable in principle.

The whole of the application site was within the defined settlement limits of Bampton. It was however important to give consideration to the impacts of the development, particularly in relation to the neighbouring amenity. This aspect was addressed in the ‘Residential Amenity’ section of the Committee report. Notwithstanding the issue raised regarding the extent of the allocation, the impact was considered to be acceptable. The fact that the property was outside of the allocation was not considered to be in itself, unacceptable. However, it was important to bear in mind the impacts that the properties may have and to ensure that Members were fully aware of this.

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

- The main issues raised included: principle of development; design and impact on the character and appearance of the surrounding area including heritage context; highways, parking and access; flooding and drainage; residential amenity; ecology and biodiversity net gain.
- The allocation was for 5 houses, however the access that was ideally required for the site was no longer available due to being in a separate ownership. This had now proceeded to 2 homes as this was considered the maximum development that could safely use the existing access from Frog Street without causing severe impact on the highway network.
- The material pallets were suitable for the area although they were of a different design to the immediately adjoining properties.

- In relation to fire safety due to the width of the existing access it was unlikely that a fire tender would be able to access the site. This had been covered in the officer's report following further consideration of the distance from Frog Street and the ability to pair that with a sprinkler system, there was an opportunity to provide a safe development for a fire safety point.
- The site was outside of the high flood risk areas. However, due to concerns the applicant had been asked to provide a detailed infiltration test. The proposed use of storage tanks and a controlled flow to the nearby water course was considered to be acceptable in principle with final details to be provided. In terms of the disposal to the water course, that was second on the hierarchy of drainage, after being able to control the water on site. This was an acceptable method which would avoid having water in the sewer networks.
- Plot 2 had been re-designed and would now be a single storey bungalow which was on slightly raised grounds above the neighbouring property however taking into account the design and height it was considered that it would not cause unacceptable impacts.
- Part of Plot 2 was within the B1 allocation, and the other half was outside of the area, however it was still within the development area and the principle of the development was acceptable.

Discussion took place regarding:-

- The National Planning Policy Framework and the Government's changing guidelines in terms of housing supply targets.
- Whether the boundary distances complied to regulations in terms of the distance from the boundary to the overall height of the bungalow. It was explained that there were no specific regulations in terms of heights of the property to the boundary. However, the Committee would have to consider if the height had an adverse overbearing impact on amenity. Overbearing was a combination of levels, proximity, daylight and a feeling of overbearing rather than a specific number calculation.
- Whether the ground was level or elevated near the boundary wall. It was explained that the application site was level, the neighbouring properties were below the site by approximately 1 metre.
- Fire regulations and the access points.
- Suitable drainage on the application site.
- Ecology and the request for an ecology verification report be carried out prior to the commencement of development.
- Affordable housing in the area.

It was **RESOLVED** that planning permission be granted subject to conditions and to include an amendment to Condition 9 – that an ecological verification report should be submitted to the Local Planning Authority prior to the commencement of development.

(Proposed by Cllr G DuChesne and seconded by Cllr S Robinson)

Notes:-

- (i) Cllr F J Colthorpe made a declaration of interest in accordance with the Protocol of Good Practice for Councillors dealing with planning matters in that she had known Mrs Celia Hicks (who was a former Chairman of Bampton Town Council) for many years in her capacity as a District Councillor and a former County Councillor.
- (ii) Mrs Celia Hicks spoke as an objector.
- (iii) Cllrs C Adcock and M Stratton spoke as Ward Members (with Cllr M Stratton's statement read out by the Chair)
- (iv) Cllrs C Harrower, B Holdman and M Jenkins voted against the application.
- (v) Cllrs L Cruwys and L Kennedy were unable to vote as they left the meeting when the application was being considered.

*List and report previously circulated.

49 APPLICATION NO: 20/00876/MFUL - DISCHARGE OF CONDITION 22 (01:42:28)

The Committee considered Application No. 20/00876/MFUL – Discharge of Condition 22 – Land at NGR 302456 107324, Cullompton, Devon.

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

- The condition was imposed by Members of the Planning Committee on 13 January 2021 when planning permission was granted for the construction of the Cullompton Town Centre Relief Road.
- The wording of the condition outlined in the officer's report stated that prior to commencement of the development, a scheme for: the configuration, prioritisation, signing and marking of the junction between Meadow Lane and Exeter Road; and the pedestrian crossing arrangements on Meadow Lane to be submitted.
- The proposal now was a slight widening of the road with the Meadow Lane crossing now having central islands and pedestrian refuge points and the same to be applied to the other junction on Exeter Road, with a pedestrian refuge point and a bollard side to side.
- A signalised junction was not proposed therefore priority would be to continue to enter into Meadow Lane and signage would direct vehicle users in that direction rather than heading through the town centre.
- The proposals offered the best route for cost effectiveness, provided better direct traffic through Cullompton and provided safe access.
- A "puffin" crossing and a "signalised" crossing were considered however it was concluded that a "zebra" crossing would offer the best solution to ensure the safety of pedestrians with additional measures provided on the road to give advance warning to motorists.

Discussion took place regarding:-

- Making sure the additional measures for motorists were clear.

It was **RESOLVED** that the discharge of condition 22 be approved.

(Proposed by the Chair)

*List and report previously circulated.

50 **MAJOR APPLICATIONS WITH NO DECISION (01:52:04)**

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

The Committee agreed the following:-

1. 25/01282/MFUL - Variation of Conditions 7 and 12 of Planning Permission 24/00506/MFUL (Demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works) to allow substitution of approved plans to reflect revised cycle and refuse storage locations, landscaping strategy, and improved vehicular access - Garages and Forecourt at Watery Lane & Land at Elmore Way & Sunningbrook Road Tiverton Devon– to be considered at Committee as per the report.
2. 25/01232/MFUL - Erection of building to provide cover for existing slurry pit (1,100 sq.m) – Land at NGR 279858 111658 Westcott Dairy Witheridge Devon - to remain as delegated as per the report.

Note: *List previously circulated.

51 **APPEAL DECISIONS (01:52.55)**

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

Note: *List previously circulated.

52 PERFORMANCE DASHBOARD QUARTER 1 (01:53:07)

The Group were presented with and **NOTED** the Performance Dashboard for Quarter 1 2025/26.

The overall performance was presented in a pie chart which combined the RAG ratings (Red/Amber/Green). The indicators were presented with the current performance and the annual target to indicate whether or not the Council were on track to meet its target.

The following was highlighted within the report:-

- The performance dashboard for Quarter 1 aimed to give an understanding of how services were performing that related to this Committee.
- Any performance measures that were also part of the Corporate Plan were listed in yellow text.
- Major planning applications determined within 26 weeks and minor and other planning applications determined within 16 weeks were both showing as Amber.
- The associated targets for these had been reduced from 100%, as it had been last year, to 95% for the current financial year.
- The Council continued to perform above the national targets in place.
- The cost of planning appeals showed as Red. In Quarter 1 costs were awarded relating to the Tidcombe Hall Inquiry. It was a partial award relating to the Council prioritising protection of heritage assets over meeting the need to improve housing supply.
- Planning fees income (statutory fees) were shown as Red due to the continuing market conditions.

Discussion took place regarding:

- The quality of Planning Committee decisions and why the Risk Rating was 9. It was explained that the risk had increased due to the increased challenges for decision making.
- Planning appeals and planning fees income.
- Annual targets for planning enforcement. It was explained that it could be possible to show the number of notices served.

Note: * Performance Dashboard previously circulated

(The meeting ended at 4.16pm)

CHAIR