

MID DEVON DISTRICT COUNCIL

MINUTES of the **MEETING OF THE PLANNING COMMITTEE** held on 3 December 2014 at 2.15pm

Present

Councillors: Mrs F J Colthorpe (Chairman), Mrs M E Squires (Vice Chairman), Mrs H Bainbridge, M D Binks, J M Downes, A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas (substituting for Cllr Mrs D L Brandon), E G Luxton, R F Radford, J D Squire, R L Stanley and K D Wilson

Apologies

Councillors: Mrs D L Brandon and P J Heal

Also Present

Councillors: N Way and Mrs N Woollatt

Present Officers: J Clifford (Professional Services Manager), S Trafford (Area Planning Officer), T Maryan (Principal Planning Officer), J Clarke (Planning Enforcement Officer), D Rance (Enforcement Officer) and S Gabriel (Principal Member Services Officer).

Member	Minute No	Type of Interest
Mrs H Bainbridge	112c	Protocol of Good Practice for Councillors
M D Binks	112c 114a	Protocol of Good Practice for Councillors Personal
Mrs F J Colthorpe	112b 112c	Protocol of Good Practice for Councillors Protocol of Good Practice for Councillors
J M Downes	112c 114a	Protocol of Good Practice for Councillors Personal
A V G Griffiths	112c	Protocol of Good Practice for Councillors
Mrs L J Holloway	112c	Protocol of Good Practice for Councillors
D J Knowles	112c	Protocol of Good Practice for Councillors
M A Lucas	112c	Protocol of Good Practice for Councillors
E G Luxton	112b 112c	Personal Protocol of Good Practice for Councillors
R F Radford	111 112c	Protocol of Good Practice for Councillors Protocol of Good Practice for Councillors
Mrs M E Squires	112c	Protocol of Good Practice for Councillors
R L Stanley	112b 112c 114a	Personal Protocol of Good Practice for Councillors Personal

N A Way	114a	Personal
K D Wilson	112c 114a	Protocol of Good Practice for Councillors Personal
Mrs N Woollatt	112d	Personal

107. PUBLIC QUESTION TIME (00-02-43)

Mr Woolley referring to Item 5 on the agenda (Bowdens Lane) stated that whilst not available for the Planning Meeting we notice that an undated paper from Wessex Solar Energy was posted on the web site dated 3rd November and we believe were circulated to members for the meeting. This document entitled 'Response to Public Concerns' once again arrogantly dismisses the valid comments of some 176 objectors and Bampton Town Council. Can I ask the Head of Planning why this document was not made public at the meeting and ask if our response to it has also been circulated to members?

The Professional Services Manager stated that the applicant's paper was made public as it was uploaded on to Public Access. The paper that the objectors put forward was circulated to Members as requested.

Mr Woolley asked another question: in trying to justify why no public consultation had taking place in relation to this application the Wessex Solar Energy 'Public Concerns' document states that their second application is Sept was identical to their first in May. If this is true it raises the question of why objectors were told they had to resubmit their objections. If the documents are the same are you going to add the two sets of objections together making a total of 324 objections to this scheme?

The Professional Services Manager stated that these were 2 separate applications which are standalone applications; representations for each application are recorded and are not carried forward even if the applications are identical.

Mr Woolley continued referring to the minutes of 5 November 2014, having listened to the public recording of the 5th November meeting, I do not believe the minutes fully reflect the actual conclusions of the debate on Shillingford Solar Farm. I checked with the secretary who confirmed that 13 members voted in favour of refusal, this is not recorded. We accept it is for Committee members to decide if the minutes correctly record their intent and wonder if they feel the minutes do so?

Mrs Scott again referring to Item 5 on the agenda (Bowdens Lane) stated that she lived 300 yards from the site. We note that in your Planning Officer's update to the last meeting on the 5th November she included a lengthy response from Devon and Cornwall Police which stated that these sites are 'a magnet to organised gangs of thieves'. It is well known that when thieves go into an area for the specific purpose of theft they are on the lookout for other valuables to steal. Residents do not want a 'magnet to gangs of thieves' placed in our community so can we ask you for your protection?

The Principal Planning Officer stated that this was a standard response from the Police and that they had no objections.

Mrs Scott continued stating that in her report the Planning Officer states that Members must consider the balance of advantages and disadvantages of the scheme but whilst minimizing the disadvantages Members themselves raised at the last meeting she failed to point out that the advantages, namely the production of Solar Energy, were being overstated by up to a factor of 10. How does the planning Officer expect Members to strike the right balance when she has failed to provide the correct information?

The Principal Planning Officer stated that officers looked at installed capacity of any renewable development.

Mr Scott again referring to Item 5 on the agenda (Bowdens Lane) stated that residents are very concerned that the Planning Officers 'Implications Paper' produced in response to an action placed at the last meeting did not provide the information sought by Committee Members. To overcome this shortcoming residents produced a Report which provided the sought for justification for refusal. Can I ask if Committee Members have seen this report? We are concerned that the report prepared by the Planning Officer could encourage the applicant to appeal against the Committee's decision if they refuse this application. The reasons for refusal are robust and well supported so can we ask why the Planning Officer failed to include them in her report? At the planning meeting held on the 5th November I and my colleagues distinctly remember a proposed, and seconded, motion resulting in a 13 to none, decision to refuse the application for this Solar Farm. A second motion agreed that reasons for rejection would be deferred until a site visit had taken place. The agenda here today states that "Members were minded to refuse the application and therefore wished to defer their decision so that a report could be received setting out the implications of the proposed decision" etc. This is at variance to what we heard so can I ask the planning officer if this is an interpretation of the planning committee's decision to suit what the planning officer recommended; and therefore, is this a case of bureaucracy 'browbeating' democracy?

The Professional Services Manager stated that she would review the tape and address the issues raised.

Dr Wickstead again referring to Item 5 on the agenda (Bowdens Lane) stated that the SLR independent consultant's assessment your officer commissioned identifies some seven areas where the application is deficient and three areas of omission. Natural England also asked for more work to be done before this application was considered which has not been done. Approving such a flawed application would, therefore, have been unsafe. Why did the Planning Officer not point this out in her report?

The Principal Planning Officer stated that the the Landscape Sensitivity Study was referred to in the report, it was noted that the original landscape assessment was deficient in several areas. Natural England had not recommended refusal and Devon Wildlife Trust would not respond to requests consultation requests.

Dr Wickstead continued stating that Councilor Stanley asked what types of panels are proposed but the question was not answered. There are three panel types. Mono-crystalline. Poly-crystalline and Amorphous. Some of these use cadmium a highly toxic heavy metal so knowing the type is important both in terms of their efficiency and in relation to disposal. Has the Planning Officer been able to establish which type of panel is proposed?

The Professional Services Manager stated that she was not aware of any Government guidance or policy which asks the Planning Authority to look at the type of panel being erected; she would look into this matter.

Councillor Baker (Bampton Town Council) again referring to Item 5 on the agenda (Bowdens Lane) stated that Committee Members will have seen on yesterday's site visit a pheasant shoot taking place on land immediately adjoining the site. Pheasant shooting and related activities support the existing accommodation, eating and transport facilities. The most comprehensive report in 2005 showed that the activity brought £18M to the local economy, supported 320 local jobs and generated 16,800 local visitor nights. This activity is crucial to Bampton so why does the Planning Officer say in her report that she "does not consider the impact on the rural economy to be significant? The Planning Officer's report says that Committee members have to consider the balance of advantages over disadvantages and yet she has done nothing to quantify the advantages. She could even have misled the Committee into thinking that 5.5MW of power will be generated all day, every day, but the average power output will only be 0.5MW only a tenth of that stated. Is she not aware that this difference between this average and the maximum output will actual compromise the capacity of the grid on which we in the Bampton area depend?

The Principal Planning Officer stated that there was no justification that the solar farm would affect those types of activities to any significant degree.

Mr Harris again referring to Item 5 on the agenda (Bowdens Lane) stated that you will have seen the narrowness of Bowdens Lane, the lack of pavements to the children's play area and how much it is used during your site visit. There will be significant safety risks during construction. Access to existing lay-bys has been refused by the landowner, so where will the 488 heavy Lorries and 30 people transports a day, assemble for the proposed convoy system. It will result in severe congestion and delays on the B3227, a well used main road (bus route). Can you explain how the traffic management plan can be made safe?

The Principal Planning Officer stated that the Highway Authority were consultees on matters of highway safety, if the Transport Management Plan was abided by, then no objection would be raised. She could not recommend refusal on safety grounds if the Highway Authority did not object.

Mr Thorne referring to Item 3 on the Enforcement List (Court Farm) stated that in reading the report and the recommendation not to enforce, who had been consulted and what was their advice?

The Enforcement Officer stated that he had consulted the Area Planning Officer of the original planning application, the Environment Agency, the Professional Services Manager, the Development Services Manager and the Legal Department.

Mr Dean again referring to Item 5 on the agenda (Bowdens Lane) stated that Wessex Solar Energy in their 'Response to Public Concerns' paper state that "there will be no safety risks" to children during construction. How any responsible Company can make such a claim is incomprehensible. Objectors have spelt out the risks and difficulties over access to the site for the over 488 heavy Lorries and 30 people transports per day during the proposed construction. There will be a safety risk and it is the inhabitants that will have to bear it. Can we ask you to protect our children from this irresponsible Company? Yesterday, we were surprised to see that a representative of Wessex Solar Energy was involved with the site visit at Quarterly Farm. Is it usual for the applicant to be involved in a site visit?

The Chairman noted that Mr Dean had left the meeting and accordingly his question was not answered.

Mr Headon referring to item 5 on the agenda stated that your Planning Officers update for the last meeting commenting on the felling of Haynemoor Wood, which provides some screening for the site, included comments from the Forestry Commission referring to this wood as "Ancient Semi Natural Woodland" clearly these comments do not refer to this plantation which is a conifer crop. The SLR report states this plantation will provide some screening of the site so why did Planning Officer say in her update the wood does not provide screening? I spoke at the last meeting explaining that I live at Lower Rill and have lived and farmed here all my life so I have a life time of experience of the land and soil here. My father farmed there before me. Both my own home and Bampton have been flooded recently and are put into further danger by this proposal. Many households, including my own cannot get flood insurance any longer. The land is already too wet to drive a tractor on. My concerns were echoed by the Chairman of Bampton Town Council when he addressed the last meeting. Noting this why does your Planning Officer persist in saying in her report there is no increased flood risk. Can I ask why she thinks that she and her advisors know better than those with the actual local knowledge?

The Principal Planning Officer stated that the Environment Agency were happy with the provision of the swales on the site, the planning application was not able to consider pre-existing planning problems.

108. **MINUTES (00-18-52)**

Discussion took place regarding the minutes of the previous meeting, it was suggested that the policies referred to in discussions during the Bowdens Lane application at the previous committee had not appeared in the resolution, it was also felt that appropriate reasons for refusal were not given and therefore the implications report that was before the Committee today did not contain the appropriate information. Members had sought additional information regarding a possible bond and the types of panels to be erected. It was felt that Members reasons for refusal needed to be incorporated into the implications report so that reasons were sound for appeal purposes.

Therefore subject to:

- a) the withdrawal of minute 100b from the minutes of the meeting of 5 November 2014 and the submission of a fresh minute identifying the various policy numbers and additional information if this formed part of the previous final resolution following review of the audio recording of the meeting; and
- b) an amendment to the resolution of Minute 100(e) (i) removing the words "amendment to" and inserting "additional condition",

the minutes of the held on 5 November 2014 were approved as a correct record and **SIGNED** by the Chairman.

109. **CHAIRMAN'S ANNOUNCEMENTS (00-44-24)**

The Chairman had no announcements to make.

110. **APPLICATION 14/01452/MFUL – INSTALLATION OF SOLAR ENERGY FARM ON 13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY (REVISED SCHEME) AT LAND AT NGR 299298 125070 (EAST OF BOWDENS LANE), SHILLINGFORD (00-44-33)**

The Committee had before it a report * of the Head of Planning and Regeneration highlighting issues raised at the previous meeting when Members were minded to refuse the application. The report set out the reasons and implications of refusing the application.

Discussion took place regarding the events of the previous meeting and the requirement for a comprehensive implications report to be produced with reasons for refusal based on the following policies COR 2; Sections A, B and C, COR 11; Sections A, B and C, DM2; Sections A, B, C and E (ii), DM7; Sections 1.29, DM22; Sections B,C, D and E and DM29 Section B, COR 5, Planning Policy Guidance Statement , bottom of page 77, and DM7. Also discussions that had taken place with the Head of Planning and Regeneration regarding the contents of the implications report,

RESOLVED that the application be deferred to provide the Head of Planning and Regeneration with the opportunity to review both the officers report and the contents of the record of the meeting of 5 November and that a revised implications report be brought before the committee at a future meeting and that an additional report be produced on the purpose and principles of implications reports to ensure that it addresses Members reasons for a contrary decision to officers recommendations and the possibility of implications reports being written by someone other than the case officer.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

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

111. **APPLICATION 14/01207/FULL – ERECTION OF A TWO STOREY EXTENSION AND CONVERSION OF TIMBER GARAGE TO ANCILLIARY ACCOMMODATION, (REVISED SCHEME) AT ROSE COTTAGE, UPLOWMAN, TIVERTON (01-10-02)**

The Committee had before it a report * of the Head of Planning and Regeneration highlighting issues raised at the previous meeting when Members were minded to approve the application. The report set out the reasons and implications of approving the application and suggested conditions in the event that planning permission was granted.

The Professional Services Manager outlined the contents of the report stating that officers had been concerned about the design and size of the proposed extension.

RESOLVED that planning permission be granted subject to conditions as set out by the Head of Planning and Regeneration in the implications report.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes: (i) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had had contact with the applicant;

- (ii) Cllrs Mrs F J Colthorpe and Mrs M E Squires requested that their abstention from voting be recorded.
- (iii) *Report previously circulated; copy attached to signed Minutes.

112. **ENFORCEMENT LIST (01-17-00)**

Consideration was given to a case in the Enforcement List *.

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

Arising thereon:

- (a) No. 1 in the Enforcement List (***Enforcement Case ENF/13/00167/UDUR – without planning permission, an unauthorised development has been undertaken to the rear garden of 48 Cottey Brook, namely the construction of a raised platform, steps and railings – 48 Cottey Brook Tiverton.***)

RESOLVED that delegated authority be given to the Legal Services Manager to take any appropriate legal action including the service of a notice or notices, seeking the removal of the structure from the land. In the event of any failure to comply with the notice served the additional authority to prosecute, take direct action and/or seek a court injunction.

(Proposed by Cllr A V G Griffiths and seconded by Cllr Mrs M E Squires)

- (b) No. 2 in the Enforcement List (***Enforcement Case ENF/14/00162/UNLD – untidy land/building detrimental to visual amenity in contravention with Section 215 of the Town and Country Planning Act 1990 (as amended), The Twyford Inn, 64-66 Bampton Street, Tiverton.***)

The Enforcement Officer started that he had been involved in discussions with the new owners of the site who had also undertaken some remedial work which had a material impact on the requirement of the Section 215 Notice proposal. The heras fencing had been removed from the perimeter of the site and the associated debris had been removed and the road re-opened. The scaffolding contract had been taken on by the new owners and would remain in situ as required. The new owners had met with Environmental Health Officers and pest control experts who had agreed that there was no infestation of rats on the site but that bait boxes would be set up and regularly inspected. A structural engineer and archaeologist had looked at the site and reports would be issued. It was therefore necessary for amendments to be made to step 1 identified in the proposed Section 215 Notice in the report to state that “subsequent inspection of the site shows that the ground floor windows and doors have been boarded appropriately, along with the removal of the heras fencing which now negates step 1 of the requirements listed to be included within the Section 215 Notice. All other elements including the retention of the scaffolding are to be retained within the proposed 215 Notice, it was therefore proposed that step 1 of the notice be removed.

RESOLVED that in the event that acceptable progress is not made by 1 March 2015 to undertake works to address the appearance of the site, the Legal Services Manager to be given delegated authority to take the appropriate legal action including the service of a Section 215 Notice and in the event of a failure to comply with such a notice, consideration of prosecution proceedings and/or direct action, or injunction proceedings. Such a notice requiring that steps should be taken to tidy the land.

(Proposed by Cllr E G Luxton and seconded by Cllr Mrs M E Squires)

Notes: (i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the property was within her County Ward;

(ii) Cllrs E G Luxton and R L Stanley declared personal interests as the new owner was known to them.

- (c) No. 3 in the Enforcement List (***Enforcement Case ENF/14/00096/BRE – Failure to comply with condition 10 of planning permission 09/01115/MFUL failure to maintain attenuation ponds and waterways contrary to Section 187A of the Town and Country Planning Act 1990 – Persimmon Development, Court Farm/Merchants Walk/Raleigh Drive, Cullompton***).

Discussion took place regarding the comprehensive representations that had been received from local residents with regard to the condition of the attenuation ponds and other concerns regarding outstanding issues on the site. It was felt that there were major drainage issues that required attention and the possibility of the lack of rock mattresses in some of the ponds and whether construction methods approved had actually taken place. It was therefore

RESOLVED the enforcement item be deferred to allow for a further report to address a wider scope of the investigation including Conditions 4, 9, 10, 11, 20 and 23 of the original planning permission, to include whether the SUDS scheme had been built in accordance with the appropriate plans with particular regard to levels and provision of the rock mattress features.

(Proposed by Cllr M A Lucas and seconded by Cllr Mrs M E Squires)

Notes: (i) Cllrs Mrs H Bainbridge, M D Binks, Mrs F J Colthorpe, J M Downes, A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, E G Luxton, R F Radford, Mrs M E Squires R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning

matters as they had received correspondence regarding this issue;

- (ii) Mrs Thorne (Local resident) spoke;
- (iii) Cllrs Mrs N Woollatt and Mrs L J Holloway spoke as Ward Members.

- (d) No. 4 in the Enforcement List (***Enforcement Case ENF/11/00115/UNLD – untidy land detrimental to the amenity and in contravention of Section 215 of the Town and Country Planning Act 1990 (as amended). The Firs, 5 Higher Mill Lane, Cullompton.***)

The Enforcement Officer explained that the issue had been deferred from the last meeting so that enquiries could be made with the landowner regarding his personal health issues. In order to discuss these issues the Committee having reflected on Article 12 12.02(d) (a presumption in favour of openness) in the Constitution and having weighed up whether the public interest in maintaining exemption outweighs the public interest in disclosing the information. The Committee agreed that in the view of the health issues to be discussed it was necessary to:

RESOLVED that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

Following discussions regarding the sensitive health issues of landowner, the public were readmitted to the meeting. The works required to tidy the land were identified and it was:

RESOLVED that delegated authority be given to the Legal Services Manager to take the appropriate legal action including the service of a Section 215 Notice (Untidy Land). In the event of a failure to comply with such a notice, the consideration of prosecution proceedings and/or direct action, or injunction proceedings. Such a notice to require that the steps should be taken to tidy the land and to include that priority be given to clearing the access through Higher Mill Lane.

(Proposed by Cllr Mrs L J Holloway and seconded by Cllr J M Downes)

- Notes:
- (i) Cllr Mrs N Woollatt declared a personal interest as she lived in Higher Mill Lane;
 - (ii) Cllrs Mrs N Woollatt and Mrs L J Holloway spoke as Ward Members;
 - (iii) Cllr K D Wilson requested that his vote against the decision be recorded.

- (e) No. 5 in the Enforcement List (***Enforcement Case ENF/12/00027/NUNLD – untidy land, failure to comply with the requirements of a Section 215 Notice contrary to Section 216 of the Town and Country Planning Act 1990 (as amended) Harlequin Valet, 19 High Street, Cullompton***).

During the discussion on this item, the Committee having reflected on Article 12 12.02(d) (a presumption in favour of openness) in the Constitution and having weighed up whether the public interest in maintaining exemption outweighs the public interest in disclosing the information. The Committee agreed that in the view of the commercially sensitive nature (the cost of direct action) to be discussed it was:

RESOLVED that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Proposed by the Chairman)

Following discussion regarding possible direct action the press and public were readmitted to the meeting.

It was therefore

RESOLVED that delegated authority be given to the Legal Services Manager and the Head of Planning and Regeneration to take the appropriate legal action as a result of a failure to comply with a Section 215 Notice, namely:

Direct action under the provisions of Section 219(1) of the Town and Country Planning Act 1990 to allow the Local Planning Authority to enter the land and take those steps, and recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

In the event of direct action costs being incurred, the registering of a charge against the property with Land Registry, and in addition in the interim, under the provisions of the Land Charges Act, the placing of an estimate of the charge that will become due on a property.

The continuation of prosecution proceedings in relation to the land owner for failure to comply with the requirements contained within the Section 215 enforcement notice dated 20th March 2014 contrary to Section 216(2) Town and Country Planning Act 1990 (as amended).

(Proposed by Cllr Mrs L J Holloway and seconded by Cllr K D Wilson)

- Notes: (i) Cllrs Mrs L J Holloway and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence regarding this issue;
- (ii) Cllr J D Squire made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he knew the owner of the public house next door.

113. DEFERRALS FROM THE PLANS LIST (02-34-00)

There were no deferrals from the Plans List.

114. PLANS LIST (02-34-17)

The Committee considered the applications in the plans list *.

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

- (a) No 1 on the Plans List (*14/00830/MOUT – Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space at Land at NGR 284242 99827 (Wellparks), Exeter Road, Crediton*).

The Area Planning officer outlined the contents of the report stating that the application had been deferred from the previous meeting to allow for further information to be provided with regard to the works required to ensure the safe crossing of children and pedestrians to and from the proposed site and how this could be funded out of the amount allocated in the off-site highway works Section 106 agreement and the provision of detailed plans showing the proposed routes and crossing points and information regarding how the proposed percentage of affordable housing had been arrived at. An additional plan had been provided highlighting the proposed crossing points which had been requested.

He outlined the identified crossing points by way of presentation and the updated negotiations that had taken place with the development to increase the amount of affordable housing to 27.5%.

Discussion followed with regard to the need for the inclusion of the plan identifying the crossings to be appended to the Section 106 Agreement.

RESOLVED planning permission be granted subject to the prior signing of a Section 106 Agreement to secure the following matters and subject to the conditions as recommended by the Head of Planning and Regeneration.

- (i) 27.5% affordable housing on site, in terms of tenure and house types the legal agreement should ensure that with regard to the first 25% of the affordable units

35% one bed units (to be provided as predominately 1 bed houses), 50% two bed houses and 15% three bed houses. All these units shall be made available on affordable rent basis. The additional 2.75% shall be provided as 2 bed houses and shall predominately be affordable rent with 20% as shared equity or other form of tenure as agreed by the Council.

(ii) A financial contribution towards providing new and enhancing existing public open space off site: £1,250 per dwelling.

(iii) A financial contribution towards air quality, highway and pedestrian safety initiatives: £124,040.00. (The LDA Access and Movement plan identifying the crossing improvements to be appended to the S106 Agreement).

(iv) Provision of the following off site highway works to be delivered by the site developer:

- Widening of the pavement along Exeter Road adjacent to the site to a minimum of 1.8 metres (specification to be agreed).

- Delivery of the shared footpath / cycleway from the North West corner of the site to Downshead Lane (specification to be agreed).

- Delivery of a pedestrian crossing facility across Mill Street (specification to be agreed).

(v) A financial contribution towards improving Air Quality in the Cridton Air Quality Management Area (off site): £150,000.00.

(vi) A financial contribution towards improving/providing new primary school education facilities at a rate of £2,840.00 per dwelling (excluding one bed units, retirement accommodation and student accommodation)

(vii) A financial contribution of £55,000.00 towards travel plan measures (calculated at £300.00 per house).

(Proposed by Cllr J M Downes and seconded by Cllr Mrs M E Squires)

- Notes:
- (i) Cllr N A Way declared a personal interest as he was a Cridton Town Councillor, a Devon County Councillor and had spoken with residents regarding this application;
 - (ii) Cllrs M D Binks and J M Downes declared personal interests as they had spoken with residents regarding this application;
 - (iii) Cllr R L Stanley declared a personal interest as he knew the agent;
 - (iv) Cllr K D Wilson declared a personal interest as he had had discussions with the agent regarding another application;

- (v) Cllrs J M Downes and N A Way spoke as Ward Members;
- (vi) The following late information was provided: Page 103: Revise clause (i) in the recommendation section of the report as follows: 27.5% Affordable housing. In terms of tenure and house types the legal agreement should be drafted to ensure the following:

With regards to the first 25% of the affordable units: 35% one bed units (to be provided as predominantly 1 bed houses), 50% two bed houses and 15% three bed houses. All these units shall be made available on an affordable rent basis.

The additional 2.75% shall all be provided as 2 bed houses, and shall predominantly be affordable rent with 20% as shared equity or other form of tenure as agreed by the Council.

The grouping size of all the affordable units shall be agreed at the reserved matters stage.

Page 120: Amend last sentence of paragraph 2 as drafted in the report as follows and with the additional sentences as set out:

Reflecting on the off-site costs as set out above (recommendation section) and in particular the off- site education contribution and the commercially sensitive information provided by the applicant your officers consider that 25% (equal to 44 units as per the indicative Masterplan Scheme) affordable housing provision is considered a reasonable and robust approach to adopt for this site. Following further discussions with the applicant since the report was drafted the applicant has agreed to increase the proportion of affordable homes to 27.5% of the total number that is approved. Based on the indicative Masterplan Scheme this would increase the total number of affordable homes to 50.

115. **THE DELEGATED LIST (03-03-24)**

The Committee **NOTED** the decisions contained in the Delegated List *.

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

116. **MAJOR APPLICATIONS WITH NO DECISION (03:03:46)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision. It was **AGREED** that the following be brought before the Committee and that site visits take place prior to determination:

14/01748/MARM – Cummings Nursery, Culm Lea, Cullompton

14/01501/MFUL – Stumpy Cross, Silverton

The Professional Services Manager informed the Committee that since the publication of the agenda for this meeting additional major applications had been forthcoming it was therefore **AGREED** that the following be brought before the Committee and that site visits take place prior to determination:

14/019832/MFUL – Wiseburrow Farm, Burlescombe

14/01984/MFUL – Redhill Farm, Burlescombe

14/01949/MFUL – Stoneshill farm, Willand Road, Cullompton

14/01847/MFUL – Rear of Town Hall, Tiverton

The size of application 14/01780/MFUL be sent to Members so they could consider whether they wish to have it brought before the Committee and if so, whether a site visit was necessary.

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

117. **APPEAL DECISIONS (03-03-46)**

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

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

(The meeting ended at 6.05pm)

CHAIRMAN