

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall

PRESENT:

Cllr Harvey Chairman

Cllr Goodwin
Cllr Northam

Cllr Searles
Cllr Smith
Cllr Tait

Cllr Wells
Cllr J Yabsley

In Attendance:

District & County Cllr J Yabsley

Approx. 40 Members of the public
P G Dunn - Clerk

Meeting venue setup in accordance with Government Coronavirus Rules and Restrictions as updated 10/12/21 to include signage for the mandatory wearing of face masks, hand sanitisers at entrance, socially distanced seating plan and open windows & doors for maximum ventilation given expected numbers of residents attending.

1. Public Session (maximum 3 mins per subject overall max. 15 minutes).

The Chairman welcomed all present and invited public questions and requested specifically in respect of planning application 73742 that any issues raised be limited to matters not already raised at the meeting of 02/12/21.

Accuracy of minute 211202/2 seventh bullet point, should read Willow Rise not Cannington Road.

Summary of points raised in respect of planning application 73742 **NOT already raised at the parish council meetings of 02/12/21 (item 10) and 08/12/21 (items 3.2 & 8.5).** Previous minutes available on the [parish council website](#):-

- Appeal that elected County, District and Parish Councillors represent parishioners' views in their response to the application.
- Impact on public rights of way in vicinity specifically the historic Two Moors Way.
- Request for improved communications to keep residents up to date to include those without the internet. The Chairman advised all updates received by the parish council subsequent decisions will be minuted and publish on the parish council website. The clerk advised anyone without internet access requiring a copy of minutes can request a paper copy in the post from the clerk by telephone [Clerk note: best efforts will be made to fit a copy of the most recent draft minutes on the parish noticeboard in the Square and a request to the Rest A While has been made to hold a printed copy for reading during coffee mornings].
- Speed limit and speed of traffic entering the village from Tiverton direction and impact on pedestrians and vehicles emerging from and turning into Willow Rise.
- The clerk reported communication* with the Highways Officer, and advised 15 years ago the parish council had requested the 30mph be moved to just beyond the turning into Chapner and the construction of a village "gateway" to slow traffic down. The clerk also stated the village was in the "queue" for further monitoring of speed limits with a view to making recommendations for action.

[Excerpt*

"...As I write an initial thought that comes to mind from historic discussions when extending the 30mph towards Tiverton was originally requested by the parish council; at the time the parish council requested it be extended to a point beyond the start of the right hand bend entering Witheridge so that at least in theory traffic should be doing no more than 30mph once it is taking the bend. The gradual nature of this bend easily allows traffic to take it at 40+mph with potential serious implications for traffic emerging and entering Willow Rise. Currently traffic queuing to turn right into Willow Rise is blind to traffic emerging from the bend from the Tiverton direction when crossing the opposite carriageway. This would also facilitate traffic turning left and emerging turning right from the B3042. Further traffic turning left into Willow Rise can be kept waiting on the main road just after the bend if waiting for a vehicle to emerge from Willow Rise given the narrow road entry to Willow Rise".

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall

Response:-

“Although I agree in theory that a long extension to a speed limit would be advantageous in terms of speed reduction, our own experiences do not always reflect this. Indeed, I recall a number of either speed limit reductions or extensions that has lead to negative results in attempting to reduce speeds. The greatest ‘cue’ for a motorist is the driving environment they are in; for example, motorists are more likely to temper their speeds where there is obvious urbanisation (such as residential developments, playgrounds etc.) rather than a rural setting, like hedgerows, open fields etc, which offers no obvious reason why the motorists should slow down. Hence, the previously noted location for the speed limit extension was chosen as the most suitable. I’ve also copied in Chris Parkes, Senior Traffic Engineer, who may wish to add further.

I note your comment regarding the width of carriageway at Willow Rise where this meets the B3137; indeed, Councillor Yabsley mentioned this when I spoke to him just before Christmas. I believe the width was to be 5.5 metres wide, which is a standard road layout for residential estates. This should certainly be wide enough for two cars to pass one another when turning in or out. I have asked our Agreements Officer to look into this matter on site and report back”.

End Excerpt]

- Overgrown brambles etc obstructing footpath bordering the Willow Rise Northern Open Space for disabled users.

Cllr Yabsley arrived.

- LPG tanker lorries supplying Willow Rise gas supply tank forced to use one of the shared pedestrian / vehicular spur roads to access the estate gas tank. This leaves no room for pedestrians, pushchairs or wheelchairs to take refuge given planned pavements have been replaced with grass verges. This issue also arise on all the spur roads with the large dustbin and recycling lorries#.
- Given land at Chapner Farm was allocated for future additional sports field provision it made sense to extend the 30mpg beyond the access. Cllr Yabsley explained this allocation of land was included in the Mid Devon Local Plan however funding would be required to purchase it and currently efforts were being made to exchange it for a more suitable allocation.
- Concerns for children walking to school bus with no pavement towards the Triangle and conflict with construction traffic accessing the build site via the inadequate Willow Rise junction.
- Would the proposed development link into Greenslade Road ? Cllr Yabsley that was not included in the current submitted planning application; a pedestrian link is provisioned with Wiriga Way.
- New pavements shown on plans should be tarmac not grass; the ludicrousness of grass verges to support biodiversity gain prioritised over pedestrian safety in the context of the impact of the whole new estate build on a green field site. Residents reported being told by the developer and planners the grass verges were to prevent vehicles parking on pavements and to force pedestrian into the shared pedestrian / vehicular spur roads to force traffic to slow down#. Cllr Yabsley requested copies of correspondence already sent to Highways#.
- The footpath along the main Willow Rise artery road alternates from one side to the other requiring crossing the road several times which is difficult for disabled users.
- Need a physical traffic calming solution to mitigate an accident occurring with traffic coming around the bend from Tiverton and traffic entering and leaving Willow Rise.
- The Section 106 provides £60000 for measures to reduce traffic speeds, moving a 30mph doesn't cost £60000.

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall

- Update requested on sewage issues. South West Water (SWW) unaware of one of the sewer lines in Butts Close. Cllr Yabsley advised SWW were responsible for shared sewer lines and the issue should be taken up with them.

Residents were encourage to submit their own representations to North Devon Council Planning Department.

2. To Approve Apologies for Absence.

Apologies approved from Cllrs Dorow and Martin.

3. Minutes.

3.1. 02/12/21. To sign if approved, minutes of the Council.

RESOLVED: Cllr Goodwin proposed, Cllr Searles seconded and all were in favour approval subject to correction of Cannington Road to read Willow Rise under item 2, seventh bullet point.

3.2. 08/12/21. To sign if approved, minutes of the Council.

RESOLVED: Cllr Northam proposed, Cllr Smith seconded and all were in favour approval.

4. To consider Code of Conduct Matters:-

4.1. Written councillor dispensation requests arising.

None.

4.2. Declarations of Interests not declared in the Register of Interests.

Agenda	Councillor	Type	Reason	Dispensation
5.1 74540	Cllr Harvey	DPI	Applicant's Neighbour	n/a
5.1 74540	Cllr Yabsley	Personal	Applicant brother's tenant.	n/a

5. To consider the following Planning Matters.

5.1. Planning list.

Fire Exit doors closed by a member of the public, patio door retained open.

Cllr Harvey left for application 74540.

The clerk invited members to nominate a Chairman for the item from their number.

RESOLVED: Cllr Wells proposed, Cllr Tait seconded and all were in favour appointment Cllr Searles. Cllr Searles chaired application 74540.

A request to close the patio door was made and when asked if everyone agreed no one objected from the councillors and remaining members of the public (approx..10), therefore the door was closed.

Cllr Harvey resumed the Chair following consideration of application 74540.

See reported appended.

6. To consider Adventure Playground, Witheridge Willow Rise Section 106 Funding:-

6.1. Offer Letter.

6.2. Funding Agreement Terms & Conditions.

6.3. Location Plan.

6.4. Copy of Strategy & Resources S106 Report.

Councillors having reviewed the documents 6.1-6.4 with their meeting papers prior to the meeting had no issues excepting the Location Plan framing the land subject of the grant which omitted the Willow Rise Northern Open Space due to be transferred to the parish council in accordance with the Section 106 agreement.

RESOLVED: Cllr Chairman proposed and all were I favour approval and signing of the agreement by the clerk subject to rectification of the associated Location Plan and verification by the clerk in liaison with the Chairman & Vice Chairman. **Chairman, Vice-Chairman and clerk to action.**

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall

7. Dates of Next meetings recommended:-

7.1. Parish Council – 20/01/22 – agenda deadline noon 07/01/22.

7.2. Parish Council – 03/02/22 – agenda deadline noon 21/01/22.

7.3. Agenda Items for consideration by the next meeting.

Dates noted, no additional agenda items at this time.

Meeting Closed 21:06.

Planning List (Cllrs can access the Local Plan [here](#) , applications [here](#))

Application No.	Description
73742	Residential development of 155 dwellings and associated infrastructure at Land south of Broomhouse Park and west of Willow Rise Witheridge Tiverton Devon EX16 8FD Grid Ref: 280364; 113978 Lead Cllr Report included with councillor papers. Cllrs reviewed the report, copy appended. Amendments*:- If approved then a condition to provide for onsite development parking should be provided. RESOLVED: Cllr Goodwin proposed, Cllr Tait seconded and all were in favour adoption, incorporating amendments listed*, and submitting it to the Planning Authority. Clerk to action. . Report appended. Councillors thanked Cllr Searles for the policy analysis and drafting the report. The clerk recommended implementing a scheme of delegation to submit any additional supporting text that may be required following the parish councillors site meetings scheduled with the North Devon Council Lead Planning Officer & Devon County Council Highways Officer in order to meet the submission deadline. RESOLVED: Cllr Wells proposed, Cllr Smith seconded and all were in favour delegating any additional supporting text requirements to the clerk in liaison with the Chairman and councillors attending the respective site meetings.
74006	Conversion of loft to provide additional accommodation at 6 Broomhouse Park Witheridge Tiverton Devon EX16 8HB Grid Ref: 280231; 114277 RECOMMENDED: No comment.
74494	Extension of existing industrial storage units at Unit 5 Toll Gate Court Witheridge Tiverton Devon EX16 8FE Grid Ref: 280195; 114644. RECOMMENDED: No comment given councillors relationship to the applicant, a fellow parish councillor.
74540	Erection of a permanent rural workers dwelling at New Hole Farm Witheridge Tiverton Devon EX16 8QD Grid Ref: 281830; 115302 BRECOMMENDED: No comment.

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall**Witheridge Planning Application 73742 - Consultation Response**

Further to your invitation to provide a consultation response to the above application dated [], the Parish Council (the Council) invited a member of the planning team to address the Council at a public meeting to explain why the application was being considered despite

- It being outside of the development boundary of Map24 detailed in Policy "WIT01 : Land at Butts Close" and
- It was in contravention of the North Devon & Torridge local Plan adopted on 28 October 2018.

This meeting was arranged by the Council and was held on 2 December 2021 at Witheridge Village Hall and was attended by Maria Bailey – Head of Planning, North Devon District Council, all members of the Parish Council and approximately 150 interested residents of Witheridge. The Developer was invited to but did not attend.

The Council's response to this application is informed by the debate at the meeting and is based upon the comments made both by members of the Parish Council and residents who expressed an opinion at the meeting.

Before making detailed comments, the Council would like to advise the planning authority that at a prior meeting of the Council on 2 September 2021, Maria Bailey advised that this application would likely be coming forward and that although it was outside of the development boundary and would therefore be the subject to the terms of the National Planning Policy Framework (NPPF) for sustainable development, "it would nevertheless still be required to meet all other enforceable policy areas".

To this end the Parish Council would make the following comments:

1. Neil Brant – Transport Statement

Clause 2.2.17 page 10 states

2.2.17 As a consequence of the s106 contributions towards improved pedestrian accessibility and safety along and over the B3137; any historic shortfalls have been subsequently addressed.

Although payments have been made, as yet no improvements have been made and as of today despite many requests to our District Council, the Council have been unable to establish when these improvements will be made by the highway authority despite the fact that the scheme required the developer to make the S106 payments before the occupation of the first dwelling for the 30 MPH scheme and on the occupation of the 15th dwelling for the Bus Stop and School Crossing schemes and were identified before the planning consent was implemented. As these milestones were achieved in 2019 these works are long overdue.

Parish Response

The Parish Council considers that until these improvements are made the potential impacts of an additional 155 houses would have a detrimental impact on the village and would create an unsafe environment for both pedestrians and road users, particularly those related to additional pupils at the school having to cross the main road and a significant number of additional vehicles entering and leaving the village at a potentially dangerous junction.

2. Tumu Consulting Drainage Strategy

5.1 states that surface water will drain to existing connection in Cannington Road as confirmed in Appendix D Appendix D is an exchange of emails requesting the location and level (AOD) of Foul and surface water nearest the proposed location

The response from SWW confirms the location and levels but makes no comment on the capacity available.

5.7 states that correspondence with SWW confirmed that there is capacity within the foul water sewer in Cannington Road, the proposed drainage layout in appendix 7 does not provide any information on available capacity from SWW.

The Capacity Report Check submitted in support of the application does not confirm capacity either, SWW provide great deal of detail on the costs of connection but no evidence of capacity.

Clearly this application will have a major impact on the village sewerage system and is a point made by several people at the meeting as detailed in the public comments summary at the end of this document.

It was assumed by the Council that significant improvements to the local network would be made in accordance with Policy WIT01 (c) as illustrated below

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall

Policy WIT01: Land off Butts Close

*(1) Land south of Butts Close, as shown on Policies Map 24, is proposed for residential development that includes:
(a) about 65 dwellings with an emphasis on providing a mix of housing types, tenures and sizes to reflect local need; and*

(b) provision within the site for physical infrastructure, community facilities and green infrastructure required by the development.

(2) The site will be developed to deliver the following site specific development principles:

(a) vehicular access from Fore Street (B3137) including traffic management measures on roads leading to the site;

(b) an opportunity being safeguarded for future vehicular access to the land west of the site;

(c) adequate contribution towards upgrading the foul and surface water sewers and sewage treatment works to provide additional capacity to enable the development to proceed; and

(d) enhanced landscaping along the southern boundary to ensure the development is integrated into the landscape.

The implication is that this would need doing before implementation of the 65 houses scheme approved under 62777 & 65041

However the Council have been unable to find any public record of improvements having been made since the development or whether there are any planned.

It should also be noted that in application 65041 which dealt with reserved matters for the existing development the Planning Policy unit also queries this lack of capacity and advises in the decision report that

“ therefore, you must again be assured that this development will not cause any adverse problems for Witheridge in terms of surface water and sewage disposal”

Despite this comment from your own Policy Unit this was not conditioned in the approval of that application. A number of residents at the public meeting highlighted the current issues relating to drainage and sewage, all of which have yet to be addressed.

Parish Response

The Parish Council considers that an additional 155 homes would create an intolerable burden on the sewage and waste water system within the village and a plan for improvements must be put in place before any further housing is approved.

3. Affordable Housing

The current application provides for an affordable housing allocation of 12 houses (just 7%) out of 155 planned homes. This allocation is based upon the Local Housing Need Survey (LHNS) included in the application.

The current Joint local plan has adopted the revised guidance to the NPPF at Para 63 as detailed below:

9. The implementation of Policy ST18 (1) will be impacted by the amended thresholds set out in paragraph 63 of the revised NPPF. Clause (1) of Policy ST18 as set out in the adopted NDTLP reads:

(1) Affordable housing provision will be required on residential development proposals on the following basis, with the thresholds for the provision of affordable housing applied unless changed in national policy or guidance:

a. Proposals for 11 or more dwellings, or for the provision of greater than 1,000 square metres (gross internal area) of residential floorspace irrespective of the number of dwellings, will be expected to provide on-site delivery of affordable housing equal to 30% of the number of dwellings (gross) on site:

and

b. In rural areas designated under 157 of the Housing Act 1985, including the North Devon Coast Areas of Outstanding Natural Beauty, proposals for 6 to 10 dwellings will be expected to provide a financial contribution of broadly equivalent value to providing on-site affordable housing equal to 30% of the number of dwellings (gross on site).

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall

c. If the requirement for affordable housing thresholds is removed from national planning policy or guidance then clauses (1)(a) and (1)(b) above will no longer have effect and all residential development proposals that provide for a net gain in open market housing will be required to provide affordable housing equal to 30% of the number of dwellings (gross) on site.

Part (c) above is unequivocal. As already stated the developer has provided a LHNS as part of this application, which if we are to take at face value supports the development of 12 homes that represent the affordable portion required for Witheridge which would mean in policy terms this proposed development should be for no more than 40 homes.

Policy ST19 of the local plan deals with Affordable Housing on exceptional sites and the developer has sought to justify this development on the basis of a local requirement identified in the LHNS however, ST19 states :

Policy ST19: Affordable Housing on Exception Sites

Proposals to deliver permanent affordable housing at Local Centres, Villages and Rural Settlements will be supported, subject to the following:

- (a) the site is well related to or adjoining the defined development boundary; or where the settlement is not subject to a development boundary, the site is well related to the extent of the contiguous built form;*
- (b) the development is proportionate to the scale and nature of the existing settlement;*
- (c) there is an identified local need for affordable housing sufficient to justify the extent and nature of the proposed development;*
- (f) where it can be robustly demonstrated that an element of market housing is required to enable delivery of significant additional affordable housing, it will be supported provided that:*
 - (i) the element of market housing is the minimum amount required to enable the delivery of the proposed affordable housing; and*
 - (ii) the mix of open market dwellings, in terms of type and size, complies with the requirements of Policy ST17;*

Whilst we accept that this application does meet part (a) of this criteria, it fails to comply with all other parts.

Parish Response

The Parish Council notes that Affordable Housing is identified as a strategic priority in the adopted local plan (page 72). The existing development has provided just 17% of affordable homes, which in itself is a departure from the policy, a further development with over twice the number of houses but with less than half of the previous number of affordable homes is unacceptable to the Parish Council. Furthermore, the Developer has failed to justify the local market need for such a large development.

4. Impact on Local Services

As part of the adopted local plan process, the Parish Council considered the wider impacts of future development on the nature of the village. During this process a number of issues were identified that would need to be addressed as follows

- Capacity at the village school and secondary education further afield
- Capacity of the sewerage & water network
- Capacity at the local Doctors and access to complex health care
- Local shops
- Community facilities
- Parking in the village
- Public open space
- Increased traffic
- Lack of elderly care

All of these issues were identified as potential problems as part of a process for agreeing to a 65 unit housing allocation within the existing local plan. Some of these issues will eventually be addressed via the S106 funding agreement for the existing development, but a further 155 homes will add further pressure on already stretched local services. In addition there is limited local employment within the village, which means that additional traffic for work, and access to the nearest supermarkets and services will add further strain to the already inadequate local roads.

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall**Parish Response**

The Parish Council is concerned about the scale of this proposed development and the implications on already stretched local services. The Parish Council is not aware of any impending improvements planned for village facilities outside of those designed to accommodate the existing consented development.

5 Sustainable Development

Sustainable development is at the core of the North Devon & Torridge District Plan and there are several Policies within the document that place the emphasis on developers to conform not only with these policies, but those enshrined within the National Planning Policy Framework (NPPF).

Three of the major policy areas in the Local Plan are Policy ST01 – Principles of Sustainable Development, ST02- Mitigating Climate change and ST05 Sustainable Construction and Buildings. Each of these policies require developers to take heed of the need to meet the challenges of climate change, renewal energy and low carbon development. The proposed application does not address these issues other than a statement referring to car charging points. Other developments within the district have embraced these policies and it is not uncommon to see new developments with solar PV.

Parish Response

The Parish Council is concerned that this development does not sufficiently address the policies of the Local Plan insofar as mitigating climate Change or low carbon development. It would appear that the developer is only proposing the bare minimum despite the application being outside of the development boundary and thus subject to NPPF which has Sustainable Development at its heart.

The Council is also deeply concerned that the current application does not provide for a separate access for construction traffic during development, which would have a further major impact on the local road network.

6. Section 106 Mitigation

As a condition of the approval of the existing development at Willow Heights, the landowner, Devon County Council and North Devon District Council entered into a legally binding agreement under S 106 of the Town & Country Planning act 1990.

This agreement provides for, amongst other things, the payment of sums of money for the improvement to local facilities in mitigation for the impacts of the development.

The developer has proposed a heads of terms for the proposed development, which would normally be negotiated in parallel with the consultation and approval process of the application and at this stage the Parish council does not have a view on this due to lack of consultation.

Whilst the Parish Council acknowledges that this process is appropriate in the normal course of events they are nevertheless concerned that the decisions that are made as to the suitability and application of such payments are not in the hands of the local community or its representatives. Such agreements in the past have been managed by the District Authority with little reference to the Parish Council and have in effect been managed in a “trickle down” process whereby the Parish Council has had little say in how such payments are spent for the benefit of the local community.

Parish Response

The Parish Council are concerned that any S106 agreement adequately reflects the needs of the community affected by this proposed development, and in the event that planning consent should be agreed, that any S106 agreement should involve the Parish Council in conjunction with the residents and that such payments should address the impacts of the development on the local community only..

Minutes of the Council Meeting held 06/01/22, 19:30 at Witheridge Parish Hall

All of the above responses are based upon a review of the application as submitted by the developer and are given in response to the policy issues that the Parish Council has identified as having the most impact on the community. Our comments relating to the proposed development are limited by our capacity to review such a large application with a considerable number of documents.

As stated at the beginning of this document, the Parish Council has sought to engage with the residents regarding this application and at the public meeting on 2 December 2021 a large number of residents expressed their concerns on many of the facets of the application and are summarized below:

[Insert Summary of comments]

In conclusion, the Parish Council is deeply concerned with this proposed development; its scale and impact will have a detrimental effect on the village.

As can be seen from the comments above, there are genuine concerns over the sewage & drainage, road safety, affordable housing and many other aspects of this application and we believe that a significant amount of additional information will be required to establish the sustainability of the proposal.

Whilst we recognize that there is a continuing need to develop new housing, we are extremely disappointed that after all of the effort put into preparing and agreeing a detailed set of policies for the future development of the village for the period until 2031, we now find ourselves in a position where an application for a large number of homes on land outside of that development area is being promoted with little regard to the consequences on the infrastructure and facilities in this community.