

**Draft Minutes of the Meeting of Clawton Parish Council held in the Parish Hall on Monday 15<sup>th</sup> January 2018 at 7.30pm.**

**These minutes are subject to amendment at the next meeting.**

**Present:** Parish Cllrs: Roger Mitchell, Alison Sharp, Irene Ellis, Nigel Stacey, Adrian Mitchell  
District Cllr Peter Watson, Barry Parsons

Sally Whitehead,

Also Present Mark Kemp Architect, All residents of Lane with regard to West Park Planning Application, Anita Fisher, Sue Westlake, and 2 friends

**1. Apologies:** Paul Grafton, Anthony Barriball

**2. Minutes of the last meeting:** Minutes of the meeting of November 6<sup>th</sup> 2017 were agreed and signed by the Councillor Alison Sharp

**3. Matters Arising**

**3.1** Clerk to write letter to Solar Park to ask for money towards Car Park

**4. Police.** Crime report received from PCSO Raquel Rowe and read out

**5. Planning**

**5.1 Lower Langdon Farm – letter from Jane read out** , council agreed that clerk should speak to the Planning Enforcement Officer and Explain to Jane that the Parish Council have no authority over planning issues and that she too should contact the Planning Enforcement Officer and if she feels it is necessary to consult a solicitor.

**5.2 West Park** – Architect from Parkes Lees attended a publicly announced session to answer all questions from councilors and residents, open meeting timed for 7.45. In short most of the discussion revolved around the access, after some lively discussion the following points were clarified.

Due to Torridge not having enough land to achieve their 5 years housing development plan, new planning applications that fall outside any village building line are now all considered individually, they no longer automatically refuse them, this applies to the West Park Planning application and the clerk read out a statement from the planning officer explaining this new ruling. (See appendix 2)

In answer to the concerns on the ecological impact question, it is answered within the outline planning application document and reads as follows

Part of the hedgerow qualifies as "important" with regards to the Hedgerows Regulations 1997, also the Appraisal does identify the hedgerow as a priority habitat in response to the NERC Act 2006. In Devon, the target for hedgerows is no net loss.

The Appraisal recommends that no further habitat surveys are necessary but that the hedgerow is only removed outside the nesting season and that any loss of hedgerow should be offset by the creation of at least an equivalent length of new hedge bank elsewhere which should be a species-rich mix. The illustrative plan shows a reforming of the existing hedgerow along the new visibility splay or replacement with new fenced mixed native species fruiting hedge mix, therefore this should be the subject of a planning condition to ensure that this is implemented. On this basis, it is considered that the proposal would comply with Policies ENV1, ENV10 of the TDLP and the ecology legislation.

All agreed the new access was betterment

Residents were asking for clarification on the legal process to ensure residents of the lane can be assured of their right of way over the new access road in perpetuity, they were advised to consult a solicitor to ensure their legal rights were protected.

There were no questions or comments about the plans for the actual house

The architect explained why the planned access from the main road was in its current position. Highways had insisted on an increased visibility splay, the tree officers refused to allow any of the established trees to be cut down thus limiting the access points. The same issues were also considered when deciding where the new access joins the original track. The new access road now joins the track very near a school access, however the gate does not seem to appear on the plans.

Pete Watson and the architect said that highways were asked to make comment and said it approved of the junction where the new access joins the original track but in fact their comments had no legal standing about a junction on a private road.

One of the main concerns of the residents is the safety of this new proposed junction, the new access comes from the road as a 2 lane access, it joins the original track at a right angle, going into a single lane track, opposite one of the school gates. It will be impossible to see up the lane due to the hedgerow. Children from the school, groups of visiting children to the wildlife area and any pedestrians will be invisible to entering cars until their car is in the lane. Vans already speed up the original lane, if they sped around the corner there is nowhere for the pedestrians to go to get out of their way, this is considered by the residents to be a very big problem. Elaine Green expressed her concern as she regularly escorts children from the school to the wildlife area and explained that there is nowhere to get a group of children off the road and with the junction as it is designed so close to the school gate it has the potential be very dangerous, drivers speed with no thought to pedestrians. Some of the new access will be tarmacked, the residents thought that this would be even more likely to encourage speeding

The residents asked if the access was improved if it would open the floodgates for other planning permissions be granted on other parcels of land near the lane. Councilor Watson replied that it was unlikely.

Clerk was to contact planning to ask for another extension of time.

See Appendix 1 for architects report on meeting

## **6. Highways**

**6.1** All notifies road closure notices are pinned to village notice board

Members should PLEASE continue to report problems with local roads and potholes, the number to call is **0345 155 1004**

## **7. Finance:**

**7.1** Tap payment report sent to St Giles requesting Park Bench for Green area near New Car Park

**7.2** Tap payment new rules

Cheques were signed for:

Clerk's salary and expenses  
Staceys for Christmas tree lights

## **8. Correspondence**

Torrige etc.  
Devon Council

Christmas Greetings  
Magazines

**10. Date of the next full Parish Council meeting Monday 23<sup>rd</sup> April 2018 at 7.30pm**

**These minutes are subject to amendment at the next meeting.**

## **Appendix 1**

Dear Mr Clements

Further to your email below I attended the PC meeting on 15th January.

You will obviously be receiving the PC's consultation response to the Reserved Matters application [1/0931/2017/REM] but I was pleased to note this met with no adverse comments.

As you would expect after having seen the list of questions, discussion focussed mainly around the access road approved at outline stage [1/0546/2016/OUT] and I attempted to answer the questions tabled as well as those that came from the floor.

I explained to the committee and public in attendance, the drawings and details we supplied with our application to discharge the conditions from that outline approval [application ref 1/0906/2017/DIS].

After much discussion, it was acknowledged that there remained disquiet over two points:

1. the legal process to ensure residents of the lane can be assured of their right of way over the new access road in perpetuity; and,
2. the connection between the new access road and the existing track.

I understand one of the councillors present was intending to enquire further over point 1 above. I suggested it would be usual to anticipate a S.106 agreement between the

council and the applicant wherever it was required to cement an obligation – it is possible this instrument could be used to agree this point.

Regarding 2, the key concern was how to improve the visibility – this has already been expressed in a letter from the school signed by Mrs Skinner on 27 November 2017 and although it is included on TDC's planning website in the documents list of the reserved matters application [1/0931/2017/REM], is perhaps pertinent to our application to discharge conditions [1/0906/2017/DIS].

After a lot of debate possible adaptations to the design were discussed. However, as the design submitted was agreed by Highways on 19 October 2017, is there a requirement on the applicant to do any more?

I should be pleased to discuss this further with you to agree a solution either straight away or once you have received the PC's consultation report.

Yours sincerely

MARK KEMP RIBA

## **Appendix 2**

Statement from James Clements planning officer

Further to our telephone conversation regarding 5 year land supply:

The National Planning Policy Framework (NPPF), at Paragraph 47, requires local planning authorities to supply 5 years' worth of land, (5YHLS) in which to build enough houses to meet its identified housing requirements. The Council has confirmed that it has not identified an adequate supply of suitable land to meet its housing need. There is therefore a district-wide need for new housing, and although the majority of this need will be met in strategic centres, it is appropriate that some of this need be met on suitable sites adjacent to rural settlements.

Policy DVT2 of the Torridge District Local Plan is therefore no longer the main basis upon which to establish the principle of the development. Where a 5YHLS cannot be demonstrated, para. 49 of the NPPF states:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

When decision making, para. 14 of the NPPF gives a clear steer: where the development plan is not up-to-date planning permission should be granted unless the

NPPF as a whole indicates otherwise and the harm from the proposal outweighs the benefits. As such the NPPF becomes a primary consideration in determining applications.

It is necessary, however, to look at each application site on its own merits, and not to apply a blanket approach to all villages and settlements across the district. It does not mean any development proposal, even with the lack of a 5 YHLS, will be supported.

The decision must be therefore be one of planning balance, taking into account the unique characteristics of each particular site, and assessing the proposal within the context of the presumption in favour of sustainable development. The NPPF, in paragraph 7, defines three dimensions to sustainable development: economic, social and environmental.