

NEWTON POPPLEFORD AND HARPFORD PARISH COUNCIL

Minutes of an Extraordinary Meeting of **Newton Poppleford and Harpford Parish Council** which took place at The Pavilion, Back Lane, Newton Poppleford at 7pm on Thursday, 5th January 2023.

Present: Cllrs. Burhop (Chair), Bilenkyj, Carpenter (Vice Chair), Dalton, Hughes (from 7.15pm), Lipczynski, Tillotson and Walker
Jacqui Baldwin, Clerk to the Parish Council
14 members of the public

Prior to the commencement of the meeting Chair outlined the Fire Regulations and evacuation procedure.

At 7.00pm Chair opened the meeting and stated that, due to the nature of the business on the agenda, the Public Forum would remain open throughout but he reserved the right for Council to go into closed session if deemed necessary.

		Action
EOM23/01	To consider apologies for absence and approve if accepted (LGA 1972 S.85(1))	
	Apologies received from Cllrs. Chapman, Morgan and Tribble were noted and accepted.	
EOM23/02	To receive any Declarations of Interest relating to items outlined in this Agenda	
	No declarations of interest were received but the Chair reminded members that declarations of interest could be made during the business of the meeting if necessary.	
EOM23/03	Planning Matters:	
	<p>Chair stated his intention to deal with the matter of application reference 22/2779/PIP first. Prior to asking for comments on this application Chair advised that a communication had been received from the landowners from which he quoted verbatim:</p> <p><i>“We write to you as Chairman of the Newton Poppleford & Harpford Parish Council in connection with the very recently called Extraordinary Parish Council Meeting that we notice has been arranged to specifically discuss a Planning Application relating to land that we own and control at Down Close, Exmouth Road, Newton Poppleford.</i></p> <p><i>In view of the ongoing contentious unresolved matter that exists between the Parish Council and us in respect of a potential contractual dispute in relation to the former Doctor's Surgery land, we would draw your attention to a paragraph that I included within our letter to you dated 20/11/22 where we stated:</i></p> <p><i>"Finally in view of the contentious nature of the matter outlined above I wish</i></p>	

to put the Parish Council on Notice that in any further matters that might arise in the future which require its comment or consultation, I will be expecting the Parish Council, corporately to formally declare an Interest."

Also the Parish Council will need to give very careful consideration about how any comments they do decide to make are drafted (by whom) and presented bearing in mind the fact that the Clerk to the Parish Council will be directly personally affected by this Planning Application, as she and her husband live directly opposite the land in one of the houses that we originally built."

In view of the possible legal implications arising from any actions taken by the Parish Council in respect of this Planning Application, we would strongly suggest that it seeks legal advice on this matter as soon as possible."

Chair then asked Councillors to consider whether they were able to maintain objectivity and distinguish between these two issues in order to deal with the planning application in isolation. He directed that those who were unable to do so should absent themselves from the meeting. All Councillors present confirmed that they were able to act objectively in this matter.

Chair then stated that the impartiality of the Clerk had been called into question by the landowners as the Clerk was a resident of Down Close and, therefore, directly affected by this application. Chair advised those present that the Clerk's role in these proceedings was to record the business of the meeting and produce the draft minutes for approval by Council. The Clerk was asked whether she was able to do this in an impartial manner, if not she should absent herself from the meeting. Clerk confirmed that she was able to do so.

The Chair therefore stated, for the record, that Council corporately accepted that objectivity on this matter could be maintained.

Chair advised that, in his capacity as Ward Councillor for the parish, he would be commenting independently on both planning applications on this agenda and would, therefore, be abstaining from any vote but declared his intention to continue to chair the meeting.

**22/2779/PIP – Land at Down Close, Newton Poppleford
Permission in Principle Application for the construction of up to 9 dwellings.**

Chair asked whether any member of the public present wished to make a comment on this application. A resident of Down Close stated that the objections against this application were clear from the comments uploaded to the planning portal. Chair then asked Councillors for their comments.

Cllr. Lipczynski stated that although the number of properties had been reduced this new application did not appear to differ from the planning

application considered in 2014 and the reasons given for rejection by the Appeal Planning Inspector in 2015 remained valid.

Cllr. Walker suggested that, regardless of any other changes that may have taken place in the intervening years, the location of the village school had not changed. Access to the school and other village amenities via a safe footpath was impossible rendering any development on the western edge of the village unsustainable.

Cllr. Bilenkyj pointed out the significance of the land's location within the AONB and the potential ecological impact of any development on the site. The land had recently been assessed under the HELAA process and had been declared unsuitable for development by EDDC.

Cllrs. Dalton and Tillotson pointed out that potential development on this site had been carefully considered by Council in 2014 and Council had objected at that time. There was no reason to change that view.

Cllr. Hughes (who joined the meeting at 7.15pm) declared that he is a neighbour of the landowner. Chair stated that this had no bearing as the land in question is not in Venn Ottery. Cllr. Hughes agreed with the previous comments in most part but suggested that the construction of a hammerhead in Down Close when the original properties were built was an indication that the land was a potential development site and it should be no surprise that an application had been submitted. Cllr. Hughes added that it would have been more constructive if the applicant had submitted a detailed application for consideration by Council, 1 to 9 properties being a very broad range.

Cllr. Carpenter stated that he was not a member of Council in 2014 but had read the documentation and considered that all the objections made at the time were still valid. In particular, the footway access to village amenities remained unviable for many and Cllr. Carpenter disputed the applicant's assertion that the 'pedestrian journey' had been improved since 2014.

A resident of Down Close questioned the suggestion made by Cllr. Hughes that there had been a presumption in favour of development on this site for 25 years. If that had been the case why was this argument not put forward by the landowners in 2014? The resident asked Councillors whether they had knowledge of this assertion or any documentary evidence to support it. Cllr. Hughes responded that the information he had was anecdotal and he had no documentary evidence. Cllr. Hughes acknowledged that, in any event, 'intention' and 'permission' were two different things.

Another resident suggested that the hammerhead had been constructed to allow residents, visitors and delivery vehicles to turn as there is no turning circle in the Close. Without it, a number of residents would be forced to reverse out onto the Exmouth Road.

Cllr. Hughes reiterated his view that the application was too broad for Council to properly deliberate as it was impossible to speculate on what the applicant intended to build.

Cllr. Lipczynski suggested that, in that case, it was impossible for Council to support the application because Councillors would have no idea what they were supporting whereas a full application could be assessed on its merits.

	<p>Cllr. Bilenkyj commented that, through the PiP application, the applicant was seeking to have it established that the land was suitable for development. As there are brownfield sites within the parish available for development there is no need to start building on greenfield sites.</p> <p>Cllr. Carpenter proposed that Council object to the application because it does not sufficiently address previous objections to development on that site. Seconded by Cllr. Dalton and resolved with 7 votes in favour and one abstention.</p> <p>Cllr. Carpenter to draft and circulate objection for approval. Clerk to note and upload comment to EDDC planning portal.</p> <p>22/2792/FUL – Woodlands, Higher Way, Harpford – Single Storey Extension to bungalow</p> <p>Cllr. Walker stated that she was happy to see that the proposed extension would be constructed from the same materials as the existing property. Cllr. Lipczynski agreed but stated that it would be helpful if submitted plans could show the impact of extensions on neighbouring properties.</p> <p>Cllr. Walker proposed that Council support this application. Seconded by Cllr. Carpenter and resolved with 7 votes in favour and one abstention.</p> <p>Clerk to note and upload Council’s comment to the planning portal.</p>	<p>Vice Chair Clerk</p> <p>Clerk</p>
EOM23/04	<p>Matters considered as urgent by presiding Chair for discussion only None raised.</p>	

With no further business to consider, the Chair declared the meeting closed at 7.40pm.