



WILLAND PARISH COUNCIL

Clerk to Parish Council Mrs D Bird
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22 August 2023

Customer Services – By email and copied into Adrian Devereaux
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Enf/23/00002/INFO - Meadow Park Development - Potential breach of condition 17 23/01018/NMA Non-Material Amendment for Planning Permission 18/00175/MOUT

Stage 1 complaint ref: MDCMS-6463, Request to escalate to Stage 2

Willand Parish Council has considered the letter dated the 7th August 2023 from Mr Adrian Devereaux, Area Team Leader which he considers to be a Stage 1 response to a formal complaint submitted by Willand Parish dated 17th July 2023 . Willand Parish Council remain dissatisfied in that the complaint has not been properly considered or addressed and would wish the complaint to be progressed to a Stage 2 complaint.

Briefly the reasons for deciding to progress this complaint to Stage 2 are as follows:

1. It is felt that the detail of the complaint has not been properly considered. The summarised comments and concerns of Willand Parish Council set out at the beginning of the letter of response do not correctly detail the complaint and therefore the bulk of the following portion of the letter is considered irrelevant and a diversion from the main facts.
2. The description of the application on the Public Access site is:

*23/01018/NMA | Non Material Amendment for Planning Permission 18/00175/MOUT to amend condition 17 from 'No dwelling shall be occupied until the off-site highway improvements to widen the footways along the B3181, shown on drawing number A-012 Rev: P1, have been carried out in accordance with details which shall have been first submitted to and approved in writing by the local planning authority' **to allow a number of dwellings to be occupied prior to the works being completed** in October | Land at NGR 303288 110467 Adj Meadow Park Silver Street Willand Devon."*
3. The application form states:- *"Condition 17 of the outline planning permission states that 'No dwelling shall be occupied until the off-site highway improvements to widen the footways along the B3181, shown on drawing number A-012 Rev: P1, have been carried out in accordance with details which shall have been first submitted to and approved in writing by the local planning authority'. We wish to amend the wording of the condition **to allow a number of dwellings to be occupied prior to** the works being completed in October."*
4. The application form gives the reason for needing amendment to be: *"The reason for the works not being completed on time is due to number of factors; During discussions between highways, there was some confusion as to the timescales*

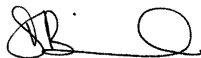
*relating to the application. It was originally believed that road space for the works could be applied for prior to a S278 legal agreement being in place, this was not the case. As there are drainage works to be completed in the same area on Silver Street, we believed it would be beneficial to combine the works in one go. Therefore, a section 50 for the new drainage apparatus has been sought, causing further delays. As well as the above delays, the approved S278 design requires 4 new streetlights and one disconnection. The new streetlights carry with them a 12-16 week call off, something which was not apparent when we started the scheme. **Following positive discussions with the planning officer and highways, it was agreed that a number of plots can be occupied prior to works being completed.***

5. The Stage 1 letter states: "I can confirm that application 23/01018/NMA has not yet been determined by the LPA." The Parish Council accept that a decision notice has not been issued **BUT** the marked statement from the applicant in paragraph 4 above clearly says that '**it was agreed that a number of plots can be occupied prior to works being completed.**'
6. The Enforcement Officer and now the Stage 1 letter refer to an agreement for 15 houses. Where is that in any documentation? The Stage 1 letter refers to it providing much needed affordable housing but no where is there any evidence or indication that these **number of plots** or **15 dwellings** are to all affordable. Anyone commenting on the application will be unaware of the full detail.
7. We note that explanations are given as to the cause of delays "when it came to light that there were delays". The complaint from Willand Parish Council is that Cllr Warren had been raising the Condition 17 issue with officers for well over a year, both as our Chairman and our District Councillor, and various explanations were forthcoming but no positive action until very recently. Willand Parish Council knows from experience that delays occur when dealing with DCC Highways and feels that positive action in the first instance would have avoided the current uncertain position.
8. The Stage 1 response fails to comply with the Aims and Objectives as set out in Section 5 of the MDDC Complaints and Feedback Policy October 2021.

We wish to therefore escalate the complaint to Stage 2.

I look forward to hearing from you.

Yours Sincerely,



Debbie Bird
Clerk to Willand Parish Council