

TORRIDGE DISTRICT COUNCILPLANS COMMITTEE MEETINGCaddstown Business Support Centre - BidefordFriday, 4 November 2022 - 9.30 am

- PRESENT** Councillor C Leather (Chair)
 Councillor R Lock (Vice-Chair)
 Councillors R Boughton, M Brown, P Christie, R Craigie,
 R Wiseman and P Pennington (substituting for P Watson)
- ALSO PRESENT** S Dorey - Head of Legal & Governance (Monitoring Officer)
 H Smith - Planning Manager
 L Davies - Principal Planning Officer
 J Jackson - Principal Planning Officer
 M Millichope - Environment Protection Officer
 K Brown - Democratic Services Officer
 S Cawsey - Democratic Services Officer
- Councillor Dart

31. MINUTES

It was proposed by Councillor Leather, seconded by Councillor Lock and –

Resolved:

That the Minutes of the meeting held on 6 October 2022 be agreed as a correct record, subject to the following amendment:

“A lunch break was taken following application 1/0870/2021/FUL and the pm session commenced at 1pm”.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie			X
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D McGeough			
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 7, Abstentions 1)

32. DECLARATION OF INTEREST

The Chair reminded Members to declare their interests when the relevant item was up for discussion. Declarations of interest were made as indicated below and in accordance with the previously agreed arrangements for “dual-hatted” Members.

33. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

There are no Part II items.

34. URGENT MATTERS

There were no urgent matters brought forward.

35. PUBLIC PARTICIPATION

The Chair advised the Committee and members of the public of the details in respect of the Council’s public participation scheme.

36. PLANNING APPLICATIONS

(a) Application No. 1/0467/2022/FUL

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, R Craigie and R Boughton.

The recording was forwarded to the following Councillors who did not attend the virtual site visit:

Councillors D McGeough, R Wiseman, P Christie and P Pennington

Application No. 1/0467/2022/FUL - Development for No.5 dwellings and Associated Works - Land At Grid Reference 238550 121287, Parkham, Devon.

Interests:

Officer Recommendation: - Grant subject to a Section 106 Agreement

The planning application had been called into Plans Committee for consideration by Ward Member Councillor Dart for the following reasons:

“I wish to call the above application to Committee for contemplation

and discussion.

It is a departure from the Local Plan.

It is also being proposed in a village that has had over and above its designated amount of development, and local infrastructure is facing mounting strains.”

The Principal Planning Officer presented the report and advised Members of the main planning considerations.

When debating the application, issues/concerns raised included:

- Outside of the development boundary for Parkham
- Highway comments “no evidence” in June and “inconvenient” in July – changes made without a proper Transport Assessment.
- S106 - Provisions for education infrastructure and secondary school
Transport to Gt Torrington School – it should be raised prior to the S106 being signed that Atlantic Academy is closer to Parkham.
- South West Water – queried as to whether, as stated in the Parkham Strategy Plan, the improvements to the sewage treatment plant had been carried out. The Principal Planning Officer confirmed South West Water had been contacted the response she had received basically stated it will be the responsibility of South West Water to improve the facilities if additional development comes forward.
- Highway issues.
- Unlikely the properties will be affordable housing for local people.
- The need to apply the tilted balance approach and for Members to look at the impact of the development, and to give consideration as to what the adverse impacts are and whether they outweigh the benefits.

It became evident during the discussion that Members were minded to refuse the application. The Principal Planning Officer advised that as the Statutory Consultees had no objections to the proposal, if the application went to Appeal there would be no support from them and evidence would need to be provided.

The Development Manager instructed Members that robust refusal reasons would be required should they be minded to refuse the application.

It was proposed by Councillor Lock, seconded by Councillor Brown that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton		X	
Cllr M Brown	X		
Cllr P Christie		X	
Cllr R Craigie		X	
Cllr C Leather		X	
Cllr R Lock	X		
Cllr D McGeough			
Cllr P Pennington		X	
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 3, Against 5) – the Motion was lost.

It was proposed by Councillor Leather, seconded by Councillor Boughton that the application be refused for the following reasons:

- Conflicts with ST07 - Rural Spatial Strategy
- Two elements of Policy ST21
- DM05 – Highways
- ST03 and DM04 – drainage
- Contrary to PAR

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown		X	
Cllr P Christie	X		
Cllr R Craigie	X		
Cllr C Leather	X		
Cllr R Lock		X	
Cllr D McGeough			
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman		X	

(Vote: For 5, Against 3)

RESOLVED:

That the application be refused for the reasons as stated above.

Mr S Smith addressed the Committee objecting to the application
Councillor Dart, Ward Member, addressed the Committee

(b) Application No. 1/0560/2022/FUL

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, R Craigie and R Boughton.

The recording was forwarded to the following Councillors who did not attend the virtual site visit:

Councillors D McGeough, R Wiseman, P Christie and P Pennington

Application No. 1/0560/2022/FUL - Change of use of redundant amenity building to dwelling - Coastal Cabins, Hartland, Devon

Interests:

Officer Recommendation: - Grant

The planning application had been called into Plans Committee by Ward Member Councillor Boughton for the following reasons:

- Lack of evidence that the existing building is redundant
- Sewage system in the area not being able to cope

The Principal Planning Officer presented the report and advised Members of the main planning considerations.

Councillor Craigie spoke in support of the application commenting that support should be given to rural businesses and she considered there was a need for someone to be living on the site.

It was proposed by Councillor Wiseman, seconded by Councillor Lock that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton			X
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D McGeough			
Cllr P Pennington	X		

Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 7, Against 1)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report.

Mrs M Sheldon addressed the Committee in support of the application

Mr G Townsend, Agent, addressed the Committee in support of the application

Mr G Mather, on behalf of the Parish Council, addressed the Committee objecting to the application

(c) Application No. 1/0740/2022/OUT

The following Councillors had attended the virtual site visit listed below:

Councillors: C Leather, R Lock, M Brown, R Craigie and R Boughton.

The recording was forwarded to the following Councillors who did not attend the virtual site visit:

Councillors D McGeough, R Wiseman, P Christie and P Pennington

Application No. 1/0740/2022/OUT - Outline application for 1 no. dwelling with all matters reserved except for access - Land At Broadgate, Cookbury, Devon.

Interests:

Officer Recommendation: - Grant

The planning application had been called into Plans Committee by Ward Member Councillor Hepple for the following reasons:

- Close proximity of sewage plant to boundary of neighbouring property
- Inadequate road access
- Contaminated land issues

Prior to the presentation Members were informed of the following update:

“One additional representation received from neighbouring property – issues raised were overlooking, additional noise from the future occupiers of the development, the potential for run off from the service water soakaway and the foul drainage and package treatment plant, over development of the site and the dwelling would not be an affordable home for local people.”

The Principal Planning Officer presented the report and advised Members of the main planning considerations. He also reported that Cookbury is not ordinarily a location where open market residential would be supported by Officers, but as the Council cannot currently demonstrate a five year land supply there is a need to apply the tilted balance approach, and for Members to look at the impact of the development, and to give consideration as to what the adverse impacts are and whether they demonstrably outweigh the benefits.

The issues raised during the discussion included:

- Foul and surface water drainage - foul drainage is a Planning matter in terms of the proposed dwelling will need to provide satisfactory arrangements for the treatment and management of foul drainage. The Environmental Protection Officer has considered the arrangements to be acceptable. It does also cross over into Environmental legislation as there is an enforcement notice that relates to the existing drainage.
- Condition of the road – it was acknowledged the road is not in a good state of repair, but as it serves 7/8 properties already it was considered that one additional dwelling would be acceptable.
- Re-siting of overhead wire across the site – this is a matter for the applicant to resolve with the Company.

The Principal Planning Officer addressed all concerns raised.

It was proposed by Councillor Christie, seconded by Councillor Lock that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie	X		
Cllr C Leather	X		

Cllr R Lock	X		
Cllr D McGeough			
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For - Unanimous)

RESOLVED:

That the application be application be Granted subject to the conditions as set out in the report.

The Planning Manager read to the Committee a statement from Mr A Waite objecting to the application
Mr F Scott addressed the Committee objecting to the application
Mr W Wonnacott, Agent, addressed the Committee in support of the application

(d) Application No. 1/0863/2022/LA

Application No. 1/0863/2022/LA - Formation of construction access - Land At Grid Reference 247387 125654, Trapnell Way, Bideford Business Park

Interests: Councillor Christie declared a personal interest – dual hatted – Bideford Town Council

Officer Recommendation: - Grant

The planning application had been referred to Plans Committee as the applicant is Torridge District Council.

The Principal Planning Officer presented the report and advised Members of the main planning considerations.

Following a brief discussion it was proposed by Councillor Brown, seconded by Councillor Lock that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr R Boughton	X		
Cllr M Brown	X		
Cllr P Christie	X		
Cllr R Craigie	X		
Cllr C Leather	X		

Cllr R Lock	X		
Cllr D McGeough			
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For - Unanimous)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report.

Mr Joel Tucker addressed the Committee objecting to the application

37. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decision.

The Planning Manager gave a detailed account of the findings of the Planning Inspector on the Badgers Wood appeal.

Councillor Christie referred to his request for TPO's on the whole of the woodland and asked what the current position was. The Planning Manager agreed to look into this and report back.

The Head of Legal & Governance gave legal advice and clarified concerns raised by Members.

38. COSTS ON APPEALS

There were no Costs on Appeals.

39. DELEGATED DECISIONS - AGMB APPLICATIONS

There were no Delegated Decisions.

40. PLANNING DECISIONS

Councillor Pennington sought advice from the Planning Manager in relation to a Planning Application that had been validated on 2 December 2020, but no decision had yet been made. The applicant has the Environment Agency pushing him to act, but Natural England are saying he cannot do it. How can this matter be taken forward?

The Planning Manager said it is a big issue at the moment. The Environment Agency are pushing requirements on farmers to have certain infrastructure in place

by certain timescales. But requirements under wildlife legislation in terms of protecting sites that Natural England are requiring, habitat assessments and appropriate assessment is an issue the Planning Department are aware of. A meeting took place with Officers and the Environment Agency which was productive. Now looking at how best to inform and work with farmers. She asked that Councillor Pennington let her have details of the application referred to.

RESOLVED

That the Planning decisions for the period 22 September 2022 to 20 October 2022 be noted.

The meeting commenced at 9.30am and closed at 12.00