

TORRIDGE DISTRICT COUNCILPLANS COMMITTEE MEETINGCaddsdwn Business Support Centre - BidefordThursday, 1 December 2022 - 9.30 am

- PRESENT**
- Councillor C Leather (Chair)
- Councillor R Lock (Vice-Chair)
- Councillors R Boughton, M Brown, P Christie, R Craigie, D McGeough, P Pennington (substituting for P Watson) and R Wiseman
- ALSO PRESENT**
- S Dorey - Head of Legal & Governance (Monitoring Officer)
- H Smith - Planning Manager
- K Evely - Development Manger
- A Massos - Principle Planning Officer
- L Davies - Development Management Team Leader
- ME Whalley - Planning Officer
- T Vanstone - Senior Electoral & Democratic Services Officer
- K Hewlett - Electoral and Democratic Services Officer
- M Millichope - Environmental Protection Officer
- H Cameron - Project Officer
- S Chapple - Conservation Officer
- M Newcombe - Devon County Highways Officer

41. MINUTES

The Minutes of the meeting held on Friday 4th November 2022 were agreed as a correct record, subject to an amendment to item 40 of the agenda Planning Decisions. It was agreed that a question raised under this item would be added to the minutes, along with the officer response.

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			X
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For – 8, Against – 0, Abstentions – 1)

42. 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.

43. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

There were no Part II items.

Members agreed to move application no 1/0547/2022/FUL up the agenda.

44. URGENT MATTERS

There were no urgent matters.

45. PUBLIC PARTICIPATION

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

46. PLANNING APPLICATIONS

47. APPLICATION NO. 1/0969/2022/LA

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

Councillors C Leather, R Lock, R Boughton, M Brown, P Christie and R Craigie

Application No 1/0969/2022/LA – Change of use of existing office building (Class E) to form emergency accommodation (Sui Generis), including installation of solar panels and change of use of adjacent land for the siting of modular housing units, energy centre and bin store.

Interests – Councillor Christie declared a personal interest and stated he was dual-hatted as a member of Bideford Town Council.

Officer Recommendation – Grant

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

The Development Management Team Leader presented the report and advised members of the main planning considerations. The following 2 updates were provided since the publishing of the report:

Update 1

'Additional marketing information has been provided. The site has been marketed for a significant time at a reasonable value, which the LPA has verified by a 3rd party valuation.

3rd party representation claims the sequential test has not been followed. This site is for a sui-generis use (not C3). The site includes an office and therefore complies with the mixed-use test.'

Update 2

'The sequential test is separate from marketing. Even if members consider the site is not mixed use and there is some conflict with DM13, the need for temporary accommodation is so significant that the officer would still recommend approval (based on the significant need as a material consideration).

This proposal is for temporary accommodation (not a dwelling but like a hostel).

There is no need to condition this, as permanent use by residents would result in a change of use.'

When debating the application issues and concerns raised included:

- Sequential Test - clarity was sought regarding the sequential test and policy DM13
- Safeguarding of industrial land (DM13)
- Amenities for the residents
- The possibility of noise complaints from residents in relation to the industrial units.
- Concerns regarding use of shared facilities within the accommodation.
- Lack of play space.
- The continued impact of the housing and homelessness crisis in the district.
- The lack of available accommodation within the district.

The officer responded to the issues raised above and Members were advised that the Environmental Protection Officer and Highways Officer were also present if required.

Whilst discussing the application members queried if a condition could be added regarding the change of use, so if the need for temporary accommodation should cease the building use would return to office accommodation.

During discussion it became evident that some members were of the opinion the application should be refused due to loss of employment land (DM13), and concern regarding amenities (DM01).

It was proposed by Councillor McGeough, seconded by Councillor Brown that the application be refused.

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	X		
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 4, Against 5) – the Motion was lost.

It was proposed by Councillor Christie, seconded by Councillor Lock that the application be granted with the addition of the following condition:

At such a time where there is no longer a need for the building as temporary accommodation, the use of the building return to office use.

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		X	
Cllr P Pennington		X	
Cllr P Watson			
Cllr R Wiseman		X	

(Vote: For 5, Against 4)

RESOLVED:

That the application be granted, subject to the conditions as set out in the report and the additional condition stated above.

Rebecca Fearnley addressed the Committee objecting to the application.

48. APPLICATION NO. 1/0547/2022/FUL

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

Councillors C Leather, R Lock, R Boughton, M Brown, P Christie and R Craigie

Application No 1/0547/2022/FUL – Change of use from agricultural field to allow erection of no 1 dwelling, erection of a store and installation of 10 caravan / motorhome pitches.

Interests - none

Officer Recommendation – Refuse

The planning application had been called in by Councillor Leather for members to determine whether this application supported a sustainable enhancement of the tourism sector.

The Development Management Team Leader presented the report and advised members of the main planning considerations and reasons for refusal.

During discussion the following issues and queries were raised:

- Clarity regarding the access to the site road.
- Possible restrictions regarding the type of vehicle access - in relation to the potential size of some motor homes, caravans and campervans.
- More clarity regarding the proposed storage building and the bottling process for the brewery.
- Ownership of the land in relation to access and the highways requirement on visibility.
- Confirmation of the existing business that is on site.
- The potential for restrictions on turning and site access.
- The potential for restrictions on the length of the vehicle using the roads.
- Further clarity was sought in relation to the status of the proposed dwelling.

The Development Management Team Leader and the Highways Officer (DCC) provided responses to the above queries and clarified the reasons for recommending refusal.

During discussions members asked to defer the application, so that issues in relation to ownership and visibility display could be rectified. The Planning Manager and the Development Management Team Leader both explained why this wasn't possible and why plans needed to be resubmitted. The reasons for refusal highlighted in the report were restated.

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

Members requested that the Agent let the applicants know they supported what the applicants were trying to achieve in principle and looked forward to the application returning.

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		X	
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman			X

(Vote: For 6, Against 1, Abstentions 2)

RESOLVED

That the application be refused for the reasons as stated above and on the understanding that resubmission was encouraged.

Justin Watts addressed the Committee in support of the application.

Committee members had a comfort break at 11.14am. Plans Committee returned back at 11.20am.

49. APPLICATION NO. 1/0958/2022/LA

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

Councillors C Leather, R Lock, R Boughton, M Brown, P Christie and R Craigie

Application No 1/0958/2022/LA – Change of use from office (Class E) to hostel accommodation (Sui Generis)

Interests - none

Officer Recommendation – Grant

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

There were no speakers.

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

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		X	
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 8, Against 1)

RESOLVED

That the application be granted subject to the conditions as stated in the report.

50. APPLICATION NO. 1/0667/2022/FUL

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

Councillors C Leather, R Lock, R Boughton, M Brown, P Christie and R Craigie

Application No 1/0667/2022/FUL – Separation and alteration of existing dwelling into 2 no. dwellings.

Interests – none

Officer Recommendation – Grant

The planning application had been called into Plans Committee by Councillor Manley for the reason stated below:

“Removal of windows at the house and replacing with blank glass adversely affecting an unlisted locally distinctive historic building. The following Local Plan policies apply: DM04 Design Principles, clauses a) (particularly regarding fenestration), b) and d) and DM07 Historic Environment, clause a) regarding traditional windows, and clause 12.56 as follows: ‘Heritage assets by their nature are often locally distinctive and contribute positively to the character of the area. Proposals directly relating to heritage assets should maintain locally distinctive features and materials. Proposals for new development should seek opportunities to draw on the historic environment in order to maintain and enhance local character and distinctiveness.’ NPPF paras 195, 197 and 203 also apply”

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

During discussions members raised the following issues and queries:

- Reasons why the TDC Conservation Officer felt the property should not be listed.
- Whether Permitted Development Rights could be removed.
- The Right of Way – could a condition be added to protect this / whether informative was strong enough.
- Other options aside from Permitted Development Rights that may protect the frontage of the property.
- What would happen if the application was granted and then listed status was granted.
- The addition of a condition to protect the windows and frontage.
- Confirmation was sought that the Public Right of Way will be retained.

The Planning Officer, Planning Manager and Conservation Officer addressed the concerns and issues raised. It was confirmed that recommendation from the officer was that the application would not meet the test required to remove permitted development rights.

It was proposed by Councillor Leather, seconded by Councillor Pennington that the application be granted.

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		X	
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For 8, Against 1)

RESOLVED

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

Councillor Peter Hames, Sara Mendosa and Keith Goodred addressed the Committee objecting to the application.

The Planning Manager read to the Committee a statement from Debbie Newcombe in support of the application.

51. APPLICATION NO. 1/1095/2021/FUL

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

Councillors C Leather, R Lock, R Boughton, M Brown, P Christie and R Craigie

Application No 1/1095/2021/FUL – Change of use of land for secure dog exercise area, formation of stone access track and hard standing and alterations to existing roadside access.

Interests - none

Officer Recommendation – Grant

The planning application had been called in for consideration by the Plans Committee by Councillor Hepple if recommended for approval for the following reasons:

- Insufficient space for the parking and turning of visitors' vehicles;
- Increased traffic movement on the narrowest part of Winterland Land & also onto the dangerous junction with Whimble Hill;
- Visibility splay not considered to meet minimum requirement;
- Lack of consideration to neighbours in terms of noise (dogs barking);
- No obvious way to police number of dogs/customers on site;
- Potential environmental hazard in the field caused by canine excrement & potential pollution to watercourse.

At the start of the item Councillor Pennington advised that he had not been able to view the entire site visit due to IT issues.

The Principal Planning Officer presented her report and advised members of the main planning consideration for the application.

Following a brief discussion it was proposed by Councillor Leather, seconded by Councillor Craigie that the application be granted.

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	X		
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.

Frederick Hoare and Rebecca Porter addressed the Committee in support of the application.

In accordance with the Constitution it was proposed by Councillor Leather, seconded by Councillor Lock and –

Resolved:

That in view of the fact 3 hours had elapsed since the meeting had commenced, that the meeting should continue.

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	X		
Cllr P Pennington	X		
Cllr P Watson	X		
Cllr R Wiseman	X		

(Vote: For Unanimous)

52. APPLICATION NO. 1/1001/2022/FUL

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

Councillors C Leather, R Lock, R Boughton, M Brown, P Christie and R Craigie

Application No 11/1001/2022/FUL – Alterations to dwelling including patio area to front of property and landscaping.

Interests – Councillor Christie declared a personal interest and stated he was dual-hatted as a member of Bideford Town Council.

Officer Recommendation – Grant

The planning application had been referred to Committee because the applicant was an employee of Torridge District Council.

The Planning Officer presented her report and advised members of the main planning considerations.

Following a short discussion it was proposed by Councillor Christie, seconded by Councillor Lock that the application be granted.

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	X		
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.

Councillor McGeough left the meeting at 12:30.

53. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions on pages 72-74 of the agenda.

54. COSTS ON APPEALS

There were no costs on appeals.

55. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions.

56. PLANNING DECISIONS

RESOLVED

That the planning decisions for the period 20 October 2022 to 18 November 2022 be noted.

During review of the planning decisions there was a query in relation to the listing of decisions and the length of time some applications had taken. The Planning Manager addressed the query and advised that members could always contact the team directly with queries to any specific applications.

The meeting commenced at 9.33 am and closed at 12.40 pm