

TORRIDGE DISTRICT COUNCILPLANS COMMITTEE MEETINGTown Hall - Bridge Street, Bideford, EX39 2HSThursday, 2 March 2023 - 9.30 am

PRESENT Councillor C Leather (Chair)
Councillor R Lock (Vice-Chair)
Councillors R Boughton, M Brown, P Christie, R Craigie,
D McGeough, R Wiseman and P Pennington (substitute for
P Watson)

ALSO PRESENT S Dorey - Head of Legal & Governance (Monitoring
Officer)
H Smith - Planning Manager
S Boyle - Development Management Team Leader
M Newcombe - Devon County Highways Officer
S Cawsey - Democratic Services Officer
T Vanstone - Senior Electoral & Democratic Services
Officer
K Brown - Democratic Services Officer

Councillor S Newton

67. MINUTES

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

Resolved:

That the Minutes of the meeting held on 12 January 2023 be agreed.

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 7, Abstentions 2)

68. 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.

69. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

70. URGENT MATTERS

There were no urgent matters.

71. PUBLIC PARTICIPATION

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

72. PLANNING APPLICATIONS

(a) Application No. 1/0556/2022/FULM

The following Councillors had attended the site visit listed below:

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

Application No.1/0556/2022/FULM - Residential development of 77 dwellings with associated infrastructure - Land West Of Townsend Hill , Winkleigh, Devon

Interests: None

Officer recommendation: Grant subject to a Legal Agreement

The planning application had been called into Plans Committee by Councillor Newton, Ward Member, if the Officer is minded to approve, for the following reasons:

‘The land identified in this is application for a further 78 dwellings on Townsend Hill is outside the Development Boundary as defined in the NDTLP Spatial Strategy for Winkleigh (WIN) and so is not available for development. The Development Boundary is not a cursory line drawn around the existing bounds of the village, rather it represents a considered, researched and calculated extent to which the village can viably expand whilst still maintaining the social, community and environmental cohesion essential to a defined rural village of this

size. These requirements are well articulated in the Winkleigh Neighbourhood Plan 2018-2031. The (temporary) legal precedent (NDTLP 5-year Land Supply) nullifying the restrictions of Development Boundaries does not, in any way, remove the justification for such limits which remain just as viable in the case of Winkleigh.

NDTLP Policies relating to the future development of Winkleigh as a Local Centre (ST07) identify a capacity for at least an additional 60 dwellings, of which up to 55 are already allocated (WIN02) within the Development Boundary on land North of Chumleigh Road. Since then, an additional 55 houses are being built on Townsend Hill and planning permission has been granted for a further 70 houses on the Western Barn site (formerly Kingsley Plastics). Although the NDTLP applied no upper limit on the number of future houses for Winkleigh, it is clear that the current approvals and allocation amounting to 180 units are already well in excess of policy expectations and intent – a further 78 units from this application, plus an additional 17-unit uplift to the 55 currently allocated as proposed would amount to 275 new units or a 45% increase in the number of houses in this historic village. Such an increase would be detrimental to the character of the village and the residents who are its community.'

The Development Management Team Leader informed Members of the following updates:

- Additional Plans to be added to the Plans Schedule
- Updated Consultation response from Community Engagement Projects Officer – received 01.03.23
- A further representation letter – received 01.03.23 – no new objections were raised.

The Development Management Team Leader presented the report and advised Members of the main planning considerations.

Following the public contributions, the Planning Manager responded to the comments made by the speakers and Ward Member and provided advice on issues raised, one of which was the status of the Winkleigh Neighbourhood Plan.

Regarding the Winkleigh Neighbourhood Plan, the Planning Manager referred to the guidance set out in paragraph 14 of the National Planning Policy Framework which states:

'If the Local Planning Authority cannot demonstrate a Five Year Land Supply of deliverable housing sites, a neighbourhood plan may benefit from the protections set out in Para. 14 of the NPPF which states that the adverse impact of allowing development that conflicts with the neighbourhood plans is likely to significantly and

demonstrably outweigh the benefits provided by the Neighbourhood Plan.’

A key section applicable to this application is –

For an application to be considered applying the adverse tilted balance, the provisions of national planning policy require all four criteria to be met. In terms of the Winkleigh Neighbourhood Plan it failed on Part 14(b) and Part 14(c) was uncertain. Therefore, housing within the Parish of Winkleigh are not able to benefit from the “adverse tilted balance”.

During the debate issues and concerns raised included:

Neighbourhood Plans – Members noted the concerns/statements from public speakers regarding alleged advice given by Officers to Winkleigh Parish Council during the preparation of the Neighbourhood Plan.

Five Year Land Supply – the Planning Manager confirmed that currently it was unclear what the current supply figures is as the necessary review and monitoring work is ongoing. An updated Annual Position Statement will be published - initially the Council was working towards November 2022, but it is now likely to be April 2023.

Affordable housing – the development proposes a policy compliant level of 30% affordable housing, and this will be secured via a Section 106 Agreement. The Planning Manager explained the process should an amendment to the figure be applied for also notified members of the Committee that the Applicant is delivering 30% on the adjoining site which is currently being developed.

Tilted balance – the Planning Manager advised Members on the need to apply the tilted balance approach (paragraph 11 of the National Planning Policy Framework) and to give consideration as to what the adverse impacts are and whether they outweigh the benefits.

Councillor Craigie proposed that the application be refused. The Head of Legal reminded Members that if minded to refuse the application, clear and robust reasons would be required.

Councillor Christie inquired as to the probability of the Authority losing on appeal and whether the Planning Department were confident with the way in which the application process had been undertaken by them. The Planning Manager reported that the basis for the recommendation was sound and that the Authority could be at risk of costs at appeal if any reasons for refusal were deemed to be unreasonable. She mentioned the tilted balance which is an assessment of benefit versus harm and directed Members to the

benefits as set out in the report.

Councillor McGeough proposed that the application be deferred until the Five-Year Land Supply figures are known.

Legal advice was given by the Head of Legal who stated that the application cannot be deferred on information that may come forward. If an application for non-determination was to be submitted the decision will be taken out of Members hands and there could possibly be significant costs against the Authority.

It became evident during the discussion that Members had concerns with approving the application, but acknowledged the risks involved if the application was to be refused.

The following additional conditions were recommended -

- To submit a detailed scheme on measures to reduce Carbon emissions.
- To reduce commencement time to 12 months

Councillor Craigie withdrew her proposal for refusal and seconded Councillor McGeough's proposal to defer the application.

It was proposed by Councillor Leather and seconded by Councillor Lock that the application be approved.

A vote was taken on the proposal by Councillor McGeough, seconded by Councillor Craigie to defer the application.

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 2, Against 7)

The Motion was lost.

It was proposed by Councillor Leather, 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 | | X | |
| Cllr P Pennington | X | | |
| Cllr P Watson | | | |
| Cllr R Wiseman | X | | |

(Vote: For 7, Against 2)

RESOLVED:

That the application be Granted subject to the two additional conditions as stated above and the conditions as set out in the report and the completion of a legal agreement securing the planning obligations set out in the report.

A Findlay, on behalf of Winkleigh Parish Council, addressed the Committee objecting to the application
 P Warner addressed the Committee objecting to the application
 P Odulinski addressed the Committee objecting to the application
 A Cattermole, Applicant, addressed the Committee in support of the application
 M Bennett, Applicant, addressed the Committee in support of the application
 Councillor S Newton, Ward Member, addressed the Committee

(b) Application No. 1/1000/2022/FUL

The following Councillors had attended the site visit listed below:

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

Application No. 1/1000/2022/FUL - Proposed business premises -
 Chapmans Barn, Stibb Cross, Torrington

Interests: Councillor Christie declared a personal interest – Trustee on Bideford Bridge Trust - Applicant had received a Start up Grant from Bideford Bridge Trust

Councillor McGeough declared a personal interest - he had opened the business when he was Mayor of Bideford.

Officer recommendation: Refuse

The planning application had been called into Plans Committee by Councillor McGeough for the following reason:

“Economic benefit for rural enterprise – Rural Employment”.

The Development Management Team Leader presented the report and advised Members of the main planning considerations and the reasoning for the recommendation of refusal.

During the discussion the following comments were made:

- Small scale economic business
- The need to do more for rural enterprise
- Well designed new building
- Applicant advised majority of his customers are in the countryside
- No adverse effects on landscaping

Councillor Christie agreed with the Officer’s recommendation, his reasons being - it is not a countryside business, customers having to travel to Stibb Cross and other businesses would move to the country if this application were to be Granted. He therefore said he could not support the application and proposed it is refused. There was no seconder.

The Planning Manager advised the Committee that should they be minded to approve the application contrary to the recommendation, clear reasons including policies would be required together with recommended conditions.

Following an enquiry from Councillor Pennington, the Planning Manager clarified the use class for the proposal.

Councillor Leather suggested the proposal meets with the following policies and should therefore be approved:

NPPF Paragraph 85, Policies DM14, ST07 and ST11 of the NDTLP.

The Case Officer suggested conditions relating to the following should be included on any decision: standard time, approved plans,

submission of a landscaping scheme, restriction of use to Class E, visibility splays, disposal of surface water and samples of materials.

Councillor Lock recommended that PD Rights be removed.

It was proposed by Councillor Leather, seconded by Councillor McGeough 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 | 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 wording of the conditions being delegated to Officers in conjunction with the Chair and Vice Chair.

Mr J Gifford, Applicant, addressed the Committee in support of the application.

73. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions.

The Planning Manager asked Members to note the Authority's success on recent appeals, both through Plans Committee and Delegated Officer decisions. The Planning Manager emphasised the hard work that goes in to defending appeals by both individual Case Officers and through the support of the Development Manager. She further emphasised the endorsement given by these Inspectors' decisions give in respect of the robustness of the NDTLP policies.

74. COSTS ON APPEALS

The Committee noted the Cost on Appeal.

75. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions for the period 03.01.2023 – 16.02.2023.

76. PLANNING DECISIONS

That the Planning decisions for the period 03.01.2023 to 16.02.2023 be noted.

The meeting commenced at 9.30am and closed at 12.15pm.