

TORRIDGE DISTRICT COUNCILPLANS COMMITTEE MEETINGTown Hall - Bridge Street, Bideford, EX39 2HSThursday, 11 July 2024 - 9.30 am

PRESENT Councillor R Lock (Chair)
Councillor C Leather (Vice-Chair)
Councillors P Hames, D Bushby, K Hepple, D Smith, W Lo-Vel,
C Wheatley and J Whittaker

ALSO PRESENT S Dorey - Head of Legal & Governance (Monitoring Officer)
H Smith - Planning Manager
L Davies - Development Management Team Leader
R Steppel - Principal Planning Officer
N McGill - Planning Officer
J Clements - Principal Planning Officer
ME Whalley - Planning Officer
T Babington-Taylor - Environmental Protection Officer
S Chappell - Conservation Officer
T Vanstone - Senior Electoral & Democratic Services Officer
S Cawsey - Democratic Services Officer

Councillors: K James and R Hicks

34. APOLOGY

An apology for absence was received from Councillor Thomas (substituting Councillor Lo-Vel).

35. MINUTES

It was proposed by Councillor Leather, seconded by Councillor Smith and – Resolved:

The Minutes of the meeting held on 6 June 2024 be agreed and signed as a correct record.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby			X
Cllr K Hames	X		

Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr W Lo-Vel			X
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For 7, Abstentions 2)

36. 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.

37. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

38. URGENT MATTERS

The Chair reminded Members of an additional Plans Committee meeting scheduled for 25 July 2024 to be held at Caddstown Business Centre.

Provisional times for site visits are:

- Zoom on Monday 22 July
- In person on Tuesday 23 July

A confirmation email giving times will be circulated in due course.

39. PUBLIC PARTICIPATION

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

40. PLANNING APPLICATIONS

(a) Application No. 1/0394/2024/LA

Application No.1/0394/2024/LA - Change of use of library (Use Class F1) to create a multi-functional sport and fitness facility (Use Class E) - Bideford Library, New Road, Bideford

Interests: None

Officer recommendation: Grant

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

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

Although Members acknowledged the need for the building to be in use, they expressed concerns as to whether the proposal was the best use of the building. Planning advice and legal advice was given in relation to other alternative uses for the building. In terms of submitting this application and use of the building, this had been approved by Community & Resources Committee.

Due to possible noise from the site and the impact this could have on neighbouring properties, Councillor Leather questioned whether a condition could be imposed making it temporary for three years and a further application would then need to be submitted. The Planning Manager advised that the recommendation before Members includes a condition that seeks to mitigate in terms of potential noise and amenity harm and that is closely linked with the comments of the Environmental Protection Officer. A temporary condition for this reason would not normally be imposed and there is no justification for such a condition.

Officers addressed comments from Councillor Hames regarding a Community Consultation due to it being a public building and a policy requiring proof of community need.

The Head of Legal & Governance gave clarification on the ownership of the building and the cessation of the previous Lease by Devon County Council. Clarification was given on the reasons as to why Active Torridge needed more space for their members.

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 D Bushby	X		
Cllr K Hames		X	
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel		X	
Cllr D Smith	X		

Cllr C Wheatley	X		
Cllr J Whittaker		X	

(Vote: For 6, Against 3)

RESOLVED:

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

(b) Application No. 1/0433/2024/FUL

The following Councillors had attended the virtual site visit:

Councillors: R Lock, P Hames, D Bushby, C Wheatley, C Leather, K Hepple and W Lo-Vel

The recording was forwarded to Councillors J Whittaker and D Smith as they were unable to attend the virtual site visit.

The recording of a previous site visit was forwarded to Councillor Hepple who had not been present at that meeting.

Application No.1/0394/2024/LA - Part retrospective application for all weather turnout (Variation of Condition 7 of planning permission 1/0838/2023/FUL) (Amendment to Wording) - Land At Grid Reference 244858 129911, Northam, Devon

Interests: Councillors Hames, Leather, Whittaker and Lo-Vel declared personal interests – dual hatted – Northam Town Council

Officer recommendation: Refuse

The planning application had been called into Plans Committee by Councillor Ford, Ward Member, for the following reason:

“I wish to call in if Officer is minded not to remove Condition 7 as set out. I believe there has been undue time spent on this application and it seems to me mainly in a negative manner.”

The Principal Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

The Planning Manager addressed comments made by the speakers in relation to the conditions imposed on the original application. She

explained the approach taken generally when an application recommended for refusal is overturned at Committee.

Councillor Hames expressed concerns he had with approving the application. The main concern being the impact on the landscape, the environment, the SSSI and the Area of Natural Beauty etc. which at the previous meeting had been supported by the Conservation Officer.

During the discussion it became apparent that Members were supportive of the proposal. Comments included:

- Screening and bunding once in existence structures will not be visible
- Imposition of Condition 7 was unrealistic
- Temporary structures, nothing will be permanent
- This is a successful local business and should be supported
- Style of jumps acceptable

Planning advice was given by the Planning Manager and Principal Planning Officer.

The Planning Manager said it was important to emphasise that Condition 7 is a standard condition and not targeted to this application, it is because of the equestrian use and the harm that could be caused. The suggested wording refers to buildings only – clarification on the definition of the amended wording was given.

The Committee were informed of the implications should they approve the application. The Planning Manager emphasised the need for Members to be mindful of the real importance of the landscaping. Also, if minded to approve, it is really important that Officers consider, discharge, monitor and enforce the current condition to discharge landscaping details.

Members agreed the following reason to support the application:

“That landscaping will mitigate any harm to the landscape.”

It was proposed by Councillor Leather, seconded by Councillor Hepple that the application to vary Condition 7 to remove “jumps, mobile or temporary structures” from the wording be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby	X		
Cllr K Hames		X	
Cllr K Hepple	X		

Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For 8, Against 1)

RESOLVED:

The application be Granted subject to the wording of the condition being delegated to Officers in consultation with the Chair and Vice Chair.

Miss S Jobson-Scott, Applicant, addressed the Committee in support of the application

Mr L Andrews, Agent, addressed the Committee in support of the application

Councillor Ford, Ward Member, addressed the Committee

(c) Application No. 1/0116/2024/FUL

The following Councillors had attended the virtual site visit:

Councillors: R Lock, P Hames, D Bushby, C Wheatley, C Leather, K Hepple and W Lo-Vel

The recording was forwarded to Councillors J Whittaker and D Smith as they were unable to attend the virtual site visit.

Application No. 1/0116/2024/FUL – Erection of a local needs dwelling – The Old Granary, Pyworthy, Holsworthy

Interests: None

Officer recommendation: Refuse

The planning application had been called into Plans Committee by Councillor James if the recommendation was one of refusal. The reasons given are as follows:

- This is a local young couple that has grown up in the area
- Their employment is local
- The site is an infill site in an established settlement that

includes a highly regarded Rural Tourism enterprise which has provided local employment opportunities

The Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

Comments made during the discussion indicated that Members were minded to support the application. The Committee were reminded of the need for robust conditions and policy reasons to support approval.

The Planning Manager highlighted the implications when going against policy and said Members, when going to the vote, must be clear on why conflict with policy is outweighed by material considerations.

Councillor Hepple recommended to vote on the basis that the justification is material considerations, one of which is that it is within a cluster of mixed-use buildings and not isolated, and to impose a condition that there is no composite cladding.

Following further discussion, advice and guidance was given by the Planning Manager should the application be approved, and recommended the following conditions:

- Time condition
- Plans condition
- Recommend removal of permitted development – it is a rural location and would wish to protect the character of the building
- Materials – restricting it so no composite cladding
- Landscaping and hedgerow planning to be secured around the boundaries
- Working hours restricted
- Contamination condition
- Bird and Bat boxes required

There is also a requirement for a Legal Agreement that restricts the proposal as a Local Needs Dwelling.

It was agreed that the wording of the conditions be delegated to Officers in consultation with the Chair and Vice Chair.

It was proposed by Councillor Hepple, seconded by Councillor Whittaker that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby	X		
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – Unanimous)

RESOLVED:

That the application be Granted subject to the conditions as stated above and the wording of the conditions being delegated to Officers in consultation with the Chair and Vice Chair.

Mr L Piper, Agents, addressed the Committee in support of the application.

Councillor James, Ward Member, addressed the Committee.

(d) Application No. 1/0148/2024/OUT

The following Councillors had attended the virtual site visit:

Councillors: R Lock, P Hames, D Bushby, C Wheatley, C Leather, K Hepple and W Lo-Vel

The recording was forwarded to Councillors J Whittaker and D Smith as they were unable to attend the virtual site visit.

Application No. 1/0148/2024/OUT - Outline application for 1no. local needs dwelling with all matters reserved - Land At Grid Reference 240438 106247, Cookbury, Devon

Interests: None

Officer recommendation: Refuse

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

“I wish application 1/0148/2024/OUT to go to Plans Committee should the Officer be minded to refuse, for the following reasons:

- The applicant and partner are local, both from established local farming families
- They have both grown up in the immediate area and by attending local village schools have added to maintaining the fabric of the Rural Communities
- Bradley has built a successful Contracting, earth moving business supporting this dispersed Rural Community (illustrated by local support)
- This type of business and the equipment needed is needed to be based in the area it operates
- Similar successful businesses all have dwellings connected to it
- The Government has woken up to 30 years of Urbanisation that has led to deprivation in Rural areas hence money given to DEFRA to engage Rural Enables
- It complies with 7.11 NPPF DM24
 - Economic objective strong responsive economy
 - Social objective strong vibrant healthy communities
 - Environment objective moving to low carbon economy (ensuring placement in area of need)
- DM24 of the Local Plan”.

The Principal Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

A brief discussion followed, during which Members said that although they would like to support the application, they were unable to do so because insufficient information had been provided with the Outline application.

It was proposed by Councillor Leather, seconded by Councillor Whittaker that the application be refused.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby	X		
Cllr K Hames	X		
Cllr K Hepple	X		

Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – Unanimous)

RESOLVED:

That the application be refused for the reasons as stated in the report

Mr B Ley, Applicant, addressed the Committee in support of the application

Mr J Smale, on behalf of the Parish Council, addressed the Committee in support of the application

Councillor James, Ward Member, addressed the Committee

(e) Application No. 1/0418/2024/OUT

The following Councillors had attended the virtual site visit:

Councillors: R Lock, P Hames, D Bushby, C Wheatley, C Leather, K Hepple and W Lo-Vel

The recording was forwarded to Councillors J Whittaker and D Smith as they were unable to attend the virtual site visit.

Application No.1/0418/2024/OUT - Outline application with all matters reserved for no.1 local needs dwelling - Land Adjacent Higher Thorne Cottage, Buckland Brewer, EX39 5NU

Interests: None

Officer recommendation: Refuse

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

“The proposal is well sited adjacent to this rural community.

Whilst agricultural need could easily be established, especially in this

instance personal problems preclude such a development so that the proposed local needs application is an ideal solution to this extremely difficult problem.”

The Principal Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

A brief discussion followed during which Members expressed their sympathy to the family, however, could not go against policy and recommended that negotiations take place with the Planning Department to ensure an acceptable application is submitted.

It was proposed by Councillor Leather, seconded by Councillor Hames that the application be refused.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby	X		
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – Unanimous)

RESOLVED:

That the application be refused for the reasons as stated in the report.

Mr J Andrew, Applicant, addressed the Committee in support of the application

Councillor Hicks, Ward Member, addressed the Committee

(f) Application No. 1/0254/2024/FUL

The recording of a previous virtual site visit was forwarded to Councillors Bushby and Lo-Vel who had not been present at that meeting.

Application No. 1/0254/2024/FUL - Part retrospective demolition of 1no. dwelling and erection of 3no. dwellings in relation to 1/0172/2022/FUL - Site Of 51 Atlantic Way, Westward Ho! Devon

Interests: Councillors Hames, Whittaker, Leather and Lo-Vell declared personal interests – dual hatted – Northam Town Council

Officer recommendation: Grant

The planning application had been called into Plans Committee by Councillor Hodson and countersigned by Councillor James, for the following reason:

“Given the extreme concern expressed in a high level of objection, this contentious and controversial application needs to be determined by the Planning Committee to demonstrate a clear and transparent decision-making process.”

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

The Planning Manager advised Members of the following updates:

- That Condition 10 be amended to be more specific around side screens for the balcony
- To delegate to the Officer the update of the plan references to ensure they are correct
- To ensure conditions 7, 6 and 9 are correct as they also refer to the plans

Following a brief discussion it was proposed by Councillor Leather, seconded by Councillor Hepple that the application be approved subject to the updates above.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby	X		
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – Unanimous)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report and the amendment and updates as stated above.

Mr M Steart addressed the Committee in support of the application

(g) Application No. 1/0471/2024/FUL

The following Councillors had attended the virtual site visit:

Councillors: R Lock, P Hames, D Bushby, C Wheatley, C Leather, K Hepple and W Lo-Vel

The recording was forwarded to Councillors J Whittaker and D Smith as they were unable to attend the virtual site visit.

Application No.1/0471/2024/FUL - Retrospective change of use of an agricultural building from agriculture to a mixed use of agriculture, agricultural & domestic workshop, domestic storage including domestic garaging and farm & business office - Agricultural Building At Grid Reference 239692 090081, Broadwoodwidge, Devon

Interests: None

Officer recommendation: Grant

The planning application had been referred to Plans Committee as the Applicant is an Elected Member of Torridge District Council.

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

Following comments from Councillor Hames regarding the uses of the building, the Principal Planning Officer advised it is mixed use but primarily domestic. It was agreed that Condition 3 be amended to include the words “.....shall only be used ancillary to Upcott Barton “as a residential property””.

It was proposed by Councillor Bushby, seconded by Councillor Wheatley that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby	X		
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – Unanimous)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report and the amendment to condition 3 as stated above.

(h) Application No. 1/0366/2024/FUL

The following Councillors had attended the virtual site visit:

Councillors: R Lock, P Hames, D Bushby, C Wheatley, C Leather, K Hepple and W Lo-Vel

The recording was forwarded to Councillors J Whittaker and D Smith as they were unable to attend the virtual site visit.

Application No. 1/0366/2024/FUL - Agricultural Building At Grid Reference 251261 121636, Torrington, Devon

Interests: Councillor Smith declared a personal interest – dual hatted – Gt. Torrington Town Council

Officer recommendation: Refuse

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

- The applicant believes that they have sufficient grounds to argue the case for their application to go ahead despite the comments from Environmental Protection around the noise

levels of the nearby wind turbine.

- I believe TDC Officers are compliant of following the policies and guidance given, however I cannot help but feel that the policies themselves make little sense. A development can be granted with sound levels higher if it is built right beside a main road in an estate, compared with a single dwelling in an empty field and a distant wind turbine.
- The sound level inside the building when development is completed will not be an issue (once the mitigations are put in place during the construction phase), it seems to be only the garden space which is of concern.
- The sound levels outside of the development are near the limit of which is acceptable, and if the dwelling was about 50m further away, it may well be acceptable. Because the sound levels are so close to the acceptable limit, and yet still below the noise levels of a road and will simultaneously bring an unused building back into use, this application should be scrutinised further by committee”.

The Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

During the debate, it became evident that Members were in support of the application stating that the applicants are aware of the wind farm and are still happy to fund the completion of the building. They have been given advice but still wish to continue with the proposal.

The Planning Manager explained that although the applicants are wanting to convert the building, Officers have to look at the impact of future occupiers in perpetuity. There is a risk of statutory nuisance complaints in the future which could potentially be a risk to the operation of the wind turbines.

The Environmental Protection Officer addressed comments by Members, and explained why it was considered the existing wind farm would have a detrimental impact on the living conditions of the proposed dwelling.

The Head of Legal gave advice regarding the impact of noise. The statutory protection regime and the planning regime do not marry up – what may be lawful in planning terms is not necessarily lawful in environmental protection terms. The difficulty for the EP Team is that if a complaint is received there is a legal duty to investigate it and if classed at a certain level there is a legal duty to act, serve notices and prosecute.

Following further discussion, the Committee were reminded of the need for robust conditions and policies to support a recommendation of approval.

The Planning Manager stated that the discussion had been mainly around amenity and read to Members the Policy test – DM01 a) and b) – EP Team are saying there would be harm. Reasons are needed to emphasise why Members consider the policy has been complied with or there is a material consideration. Policy being assessed against is harm rather than significant harm.

It was agreed that conditions be delegated to Officers in consultation with the Chair and Vice Chair.

It was proposed by Councillor Smith, seconded by Councillor Hepple that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr D Bushby	X		
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr Lo-Vel	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – Unanimous)

RESOLVED

That the application be Granted subject to the wording of the conditions being delegated to Officers in consultation with the Chair and Vice Chair.

Grace Martin, applicant, addressed the Committee in support of the application

41. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions.

42. COSTS ON APPEALS

The Committee noted the Costs on Appeals.

43. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions.

44. PLANNING DECISIONS

RESOLVED

That the Planning decisions for the period 25 May 2024 – 2 July 2024 be noted.

The meeting commenced at 9.30am to 12 noon and 12.45pm to 1.55pm

Chair:

Date: