

TORRIDGE DISTRICT COUNCILPLANS COMMITTEE MEETINGCaddsdown Business Support Centre - Caddsdown Bideford EX39 3BEThursday, 25 July 2024 - 9.30 am

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

ALSO PRESENT S Dorey - Head of Legal & Governance (Monitoring
 Officer)
 H Smith - Planning Manager
 K Evelyn - Development Manager
 S Chappell - Conservation Officer
 D Fuller - Planning Officer
 T Vanstone - Senior Electoral & Democratic Services
 Officer
 S Cawsey - Democratic Services Officer

Councillor T Tinsley

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. 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.

3. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

4. URGENT MATTERS

There were no urgent matters brought forward, but the Chair informed the Committee that item c) – Application No. 1/0277/2024/FUL - had been withdrawn from the Agenda.

The next Plans Committee meeting has been scheduled for 12 September 2024.

5. PUBLIC PARTICIPATION

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

6. PLANNING APPLICATIONS

(a) Application No. 1/0295/2024/FULM

The following Councillors had attended the virtual site visit:

Councillors: R Lock, K Hepple, J Whittaker, D Bushby, P Hames, C Leather, H Thomas, D Smith and C Wheatley

Application No. 1/0295/2024/FULM - Mixed use redevelopment providing residential units, commercial units (Class E) with public open space, car parking, and associated landscaping, removal of hardstanding, ground preparation and infrastructure works. - Land at and Adjacent To Brunswick Wharf, Barnstaple Street, East-the-Water

Interests: Councillor Thomas declared a personal interest – received sponsorship monies from the applicant for a charity event he is organising.

Officer recommendation: Grant

The planning application had been referred to Plans Committee because it involves land within the ownership of Torridge District Council.

Prior to the commencement of the Presentation, the following verbal updates were given:

“The following additional plans were omitted from the Schedule. Should the application be approved, they will need to be included on the Decision Notice:

- Flood Risk Assessment Existing Site Layout (ref. 11211 – FRA1 P1)
- Flood Risk Assessment Proposed Site Layout Impermeable Areas (ref. 11211 – FRA2 P2)
- Total Defence Strategy (ref. 11211 – FRA 3A P6)
- Proposed Drainage Strategy (ref. 11211 – FRA 3B P4)
- Pedestrian and Vehicular Evacuation Route (ref. 11211 – FEP1 P3)
- Flood Risk Assessment Exceedance Routes (ref. 11211 – FRA4 P2)

- Access Arrangement Key Plan (ref. 10124/200 Revision D)
- Access Arrangements Details Sheet 1 (ref. 10124-201 Revision C)
- Access Arrangements Details Sheet 2 (ref. 10124-202 Revision C)

An Additional Condition recommended by the Environment Agency relating to a detailed scheme for ventilation openings.

Amended wording to the current Condition 7 – updated wording – seeks detailed design for resistant resilient measures.

The Agent and Applicant requested minor amendments to the draft Conditions. The Planning Manager asked that should Members be minded to approve, delegated authority be given to Officers in consultation with the Chair and Vice Chair to make such amendments.

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

Although the Committee acknowledged the amended scheme was an improvement on the extant permission, the following comments/concerns were raised and addressed by Officers:

- Cyclepath does not link up with the Tarka Trail and concerns with tree pits in the middle of the cycleway. The Planning Manager reported that the proposed scheme is supported by Highways and does provide cycling and walking pedestrian access to the frontage of the site
- Impact on the Listed Buildings along Barnstaple Street
- No provision for EV charging within the site
- Viability – no S106 funding to the infrastructure of the area. The Planning Manager explained that Officers are increasingly seeing significant costs on a site such as this – examples of sites that could not reach viability was given.
- Loss of parking spaces particularly during construction – there is a requirement for a Phasing Plan to confirm how the site will be developed.

Councillor Bushby suggested imposing a Bond Condition to ensure the development is completed. The Planning Manager said the imposition of such a condition would not be encouraged and explained the reason for this.

The Devon County Highways Officer addressed all concerns relating to Highway issues.

Members recognized it is a difficult site to develop and were pleased to see the close working between Officers and the Developers.

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

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr K Hames		X	
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D Bushby		X	
Cllr D Smith	X		
Cllr H Thomas	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For 7, Against 2)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report, additional plans as stated above, an additional condition recommended by the Environment Agency and amended wording to Condition 7. Delegated Authority be given to Officers in consultation with the Chair and Vice Chair to make minor amendments to the conditions as requested by the Agent and Applicant.

Mr P Jones, Agent, addressed the Committee in support of the application

Mr S Friend, Applicant, addressed the Committee in support of the application

Councillor T Tinsley, Adjacent Ward Member, addressed the Committee

(b) Application No. 1/0374/2024/FUL

Application No. 1/0374/2024/FUL - Erection of two storey rear extension and additional first floor window - 5 Dane Court, Northam, Bideford.

Interests: Councillors Whittaker and Hames declared personal interests – dual hatted – Northam Town Council

Officer recommendation: Grant

The planning application had been called into Plans Committee by Councillor Hames, Ward Member, for Members to consider the amenity impact of the proposed extension on the neighbouring resident.

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

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

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr K Hames			X
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D Bushby	X		
Cllr D Smith	X		
Cllr H Thomas	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For 8, Abstentions 1)

RESOLVED:

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

(c) Application No. 1/0277/2024/FUL

Application No. 1/0277/2024/FUL - Buildings And Land At Grid Reference 266213 105908, Bondleigh, Devon

Interests:

Officer recommendation: Grant

The planning application had been withdrawn prior to the meeting.

(d) Application No. 1/0411/2024/FUL

Application No.1/0411/2024/FUL - Demolition of existing office building and erection of replacement office building - Ancillary Building At Grid Reference 244555 129799, Follyfoot Equestrian Centre, Sandymere Road

Interests: None

Officer recommendation: Grant

The planning application had been referred to Plans Committee because the applicants are the parents of a Torridge District Council employee.

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

Should Members be minded to approve the application, the Planning Officer recommended a condition be imposed requesting that landscaping details be submitted.

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

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D Bushby	X		
Cllr D Smith	X		
Cllr H Thomas	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 an additional Landscaping condition as stated above.

(e) Application No. 1/0403/2024/FUL

The following Councillors had attended virtual and in person site visits:

Councillors: R Lock, K Hepple, J Whittaker, D Bushby, P Hames, C Leather, H Thomas, D Smith and C Wheatley

Application No.1/0403/2024/FUL - Demolition of existing agricultural barns and erection of 1no. dwelling along with public pedestrian pathway - Building At Grid Reference 245721 120796, Monkleigh, Devon

Interests: None

Officer recommendation: Refuse

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

“The site is integral to the well-being of Monkleigh. It has a central location to the village. The danger from the present agricultural building has potential to do harm. I ask for an actual site visit be conducted by the Planning Committee to appreciate the significance of the application.”

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

When debating the application, comments/concerns raised included:

- No objections from the Parish Council, the school or the Ward Member. An important part of the application is there are no objections from Historic England.
- Theoretically it is outside the settlement boundary, but logically it should be inside.
- The design does not reflect the sensitivity of a very historic site – impact on the church.
- Footpath is of great benefit.
- To continue as an agricultural site would be detrimental to the village.

It became evident during the debate that Members were supportive of the application, stating that the public benefits outweighed any adverse effects.

Planning advice was given by the Planning Manager. Members were informed that their statutory duty starting point was the Development Plan and material considerations are key to this application. Clarification was given on each of the refusal reasons.

The Chair, Councillor Lock, advised Members that should they be minded to approve the application, policies or material considerations would be required.

The Planning Manager gave advice on conditions to be imposed and that the wording be delegated to Officers in conjunction 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 K Hames		X	
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr D Bushby	X		
Cllr D Smith	X		
Cllr H Thomas	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – 8, Against 1)

RESOLVED:

That the application be Granted and for the conditions to be delegated to Officers in conjunction with the Chair and Vice Chair.

Emily Cox addressed the Committee in support of the application
 Mike Kelly addressed the Committee in support of the application
 Christopher Beer, on behalf of the Parish Council addressed the Committee in support of the application
 The Planning Manager read out a Statement received from Councillor Pennington, Ward Member.

(f) Application No. 1/1225/2023/FULM

The following Councillors had attended the virtual and in person site visits:

Councillors: R Lock, K Hepple, J Whittaker, D Bushby, P Hames, C Leather, H Thomas, D Smith and C Wheatley

Application No. 1/1225/2023/FULM

Interests: None

Officer recommendation: Grant

The planning application had been called into Plans Committee by Ward Member, Councillor Lock. No reasons were specified – the Council’s Constitution states none are required.

Prior to the presentation Members were advised of the following updates:

“An additional objection comment was received and is summarised below:

- Nature of development in the countryside
- End of life of solar panels
- Battery storage fire risk
- Impact on tourism, and
- Number of Solar Farms in Devon

Consideration: The above comments have previously been addressed within the Officer’s report or are not material planning considerations. No further comment is required.”

In the absence of the Principal Planning Officer, the Development Manager presented the report and informed Members of the main planning considerations.

Comments/concerns raised during the debate included:

Removal of the mechanism after 40 year lifespan of the development. Removal is covered by conditions 3,4 & 5 set out in the report.

Comments/concerns were made in relation to the Reasons given for conditions 3,4 & 5. The Planning Manager explained that as slight harm had been identified, all relevant documents had been assessed by an Independent Landscape Consultant who confirmed the

landscape was capable of absorbing the solar panel development and acknowledged the scheme would cause a small degree of harm. The key question was whether the landscape could take that harm and the Officers professional view was the benefits outweighed the harm.

Officer Report does not refer to the scale of the development - The Council's Assessment of the Landscape Sensitivity to Onshore Wind Energy & Field-Scale Photovoltaic Development in Torridge District gives details of scales of development – the proposed development is much bigger than “scale large” in that document. The Officer explained the Assessment is a supporting document and not a Policy as Members had stated. Policies are as set out in the Local Plan – Policy is ST16 Renewable Energy.

Land classification 1(f) – refers to intrinsic character and beauty of the countryside, tranquillity and remoteness. A large scale industrial development in the countryside will affect the tranquillity and remoteness of the land classification.

Cumulative landscape impact – already 2 in the area. This has been addressed in the Officers report under 3(b).

Should be encouraging panels on brown field sites and roofs of buildings and not on decent farmland. The Officer confirmed that solar panels on buildings, brown field land etc. are encouraged.

Site largely screened by hedgerows – concern that in winter hedgerows will be sparse and therefore not well screened.

Loss of agricultural land for 40 years.

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

Resolved:

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

(Vote: For – Unanimous)

The consensus from Members was that although supportive of renewable energy, this was not the right location.

The detrimental impact on the environment.

Ecology – Objections from Devon Wild Life because there is no up to date reptile survey. An independent Ecologist had no objections.

Advice and clarification on planning matters was given by the Planning Manager and Development Manager throughout the debate.

It became evident that Members were minded to refuse the application. The Planning Manager strongly advised Members against refusal and highlighted the implications and risks involved in so doing.

Members were advised that should the application be refused, robust refusal reasons would be required, together with the relevant policies.

The material considerations and the reasons for the Officers recommendation of approval were again highlighted to Members.

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

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

A vote was taken on the first motion to refuse.

Councillor	For	Against	Abstain
Cllr K Hames		X	
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock		X	
Cllr D Bushby	X		
Cllr D Smith	X		
Cllr H Thomas	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For 7, Against 2)

RESOLVED:

That the application be refused for the reason that the harm outweighed the benefits.

Mr L Parton addressed the Committee objecting to the application
Mr S Chapman, Agent, addressed the Committee in support of the application

7. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions.

8. COSTS ON APPEALS

There were no Costs on Appeals.

9. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions.

10. PLANNING DECISIONS

RESOLVED

That the Planning decisions for the period 2 July 2024 to 17 July 2024 be noted.

The meeting commenced at 9.30am and closed at 1.10pm

Chair:

Date: