

TORRIDGE DISTRICT COUNCILPLANS COMMITTEE MEETINGCaddsdwn Business Support Centre - BidefordThursday, 12 May 2022 - 9.30 am

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

ALSO PRESENT S Dorey - Head of Legal & Governance (Monitoring Officer)
S Harrington - Planning Manager
K Evely - Development Management Team Leader
T Blackmore - Development Management Team Leader
S Boyle - Principal Planning Officer
T Ojikutu - Legal Services Manager
T Vanstone - Senior Electoral & Democratic Services Officer
S Cawsey - Democratic Services Officer

Councillors J Hutchings and P Pennington

124. MINUTES

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

Resolved:

That the Minutes of the meeting held on 14 April 2022 be agreed and signed as a correct record.

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 Watson		X	
Cllr R Wiseman		X	

(Vote: For 8, Abstentions 1)

125. 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.

126. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

127. URGENT MATTERS

There were no urgent matters brought forward.

128. PUBLIC PARTICIPATION

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

129. PLANNING APPLICATIONS

(a) Application No. 1/1133/2021/REMM

Application No. 1/1133/2021/REMM - Reserved matters application for details of appearance, landscaping, layout and scale in respect of a proposal for 274 no. dwellings, associated infrastructure and open space pursuant outline planning permission 1/0039/2014/OUTM (Amended Plans) - Land To The South Of Clovelly Road, Bideford, Devon

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

Officer recommendation: Grant

The planning application had been called into Plans Committee by Councillor Langford to consider highway safety on the surrounding area.

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

The primary concerns raised during the debate were:

- the proposed closure of the Littleham Road junction with traffic being directed through the new estate
- the potential noise and smell from the adjoining High Park Farm.

The Devon County Highways Officer addressed the highway concern and explained the reasoning behind the closure of the Littleham Road junction.

Councillor Watson referred to discussions held at the Outline application stage when he thought it had been agreed the road would be open to take farm traffic and heavy vehicles. The Highways Officer explained there is no legal mechanism that would allow just farm traffic through and not all traffic.

Councillor McGeough commented on the adverse impact the development would have on the farming family at High Park Farm. The Principal Planning Officer explained that a Condition had been included at the Outline application stage and a noise and smell scheme had been submitted with this application. Many discussions had taken place with the Environmental Protection Team regarding the scheme and was considered to be acceptable.

The Principal Planning Officer explained in detail why fencing on the boundary would not alleviate the noise issue. The existing trees, which are to be protected, cannot be relied upon for mitigation, so the mitigation is devised from the distance to the farm and the mechanical ventilation.

The Public Health & Housing Manager addressed all noise and smell issues raised by the Committee and confirmed how noise measurements are taken and the results from that process.

The Principal Planning Officer advised that at the Outline Planning permission stage it had been determined that smell was not a statutory nuisance on this site, so therefore was not an issue that moved forward onto this application.

It was highlighted that the Local Plan is very supportive of local businesses.

Additional concerns/points raised during the discussion included:

- Councillor Christie stated that the reason for the narrow vote (5 – 4) to approve the Outline Planning application had been due to noise and smell issues. Examples of other applications refused on smell and noise issues were given.
- This proposal is for 550 houses the estate to the north is for 750 houses and there is a school site proposed on one of these sites. Not been advised on which site.
- Health and safety concerns with children being expected to cross the busy Clovelly Road to get to the school. Councillor

Christie had suggested at the previous meeting that a bridge be put across Clovelly Road. He expressed his dissatisfaction that once again there is a S106 highway contribution towards Heywood Road roundabout. Devon County Officers at a recent meeting had said it was for Councillors to decide on the S106 monies. He therefore suggested that no money be given towards the roundabout but instead a bridge be put across Clovelly Road, or the monies be put towards more affordable housing. The Committee were advised by the Principal Planning Officer that the S106 Agreement cannot be reconsidered under this application.

The Planning Manager advised that the S106 had been signed as part of the Outline application and the Developer can apply for a Deed of Variation. A formal request can be made to Devon County Council outlining Member preferences.

- An update was requested as to what was happening with the school site – Outline permission has been granted on the South site and the North site. The Planning Manager informed Members that an update had been sent to all Plans Committee Members in March regarding the issues for the school sites and what has been secured by the S106 Agreements on different sites.
- No complaint to be received for a number of years – Members were informed cannot enforce someone not to make a complaint.
- No objections from Statutory Consultees.

Councillor Lock referred to a comment made by a speaker and questioned why no boundary fencing had been erected to protect stock. The Principal Planning Officer advised a condition can be recommended to add stockproof fencing.

Councillor Leather expressed his concerns in relation to the closure of the Littleham Road and traffic being diverted through a housing estate, particularly farm traffic. He acknowledged that although a condition cannot be imposed, he asked that it be noted Members are absolutely opposed to the closure of the road. The Principal Planning Officer said it could be added as an informative.

The Devon County Highways Officer to update Officers when an application is received to close the Littleham Road to allow Members to comment on the road closure.

It was proposed by Councillor Lock, seconded by Councillor Watson that the Application be approved, subject to the additional condition for stockproof fencing to be erected and for the wording to be

delegated to Officers in conjunction with the Chair and Vice Chair of Plans Committee.

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 Watson	X		
Cllr R Wiseman	X		

(Vote: For 4, Against 5)

The motion was lost.

Following further discussion, the Planning Manager advised that the application can be refused, but robust refusal reasons would be required, or to defer the application to allow for issues to be addressed.

It was proposed by Councillor Leather, seconded by Councillor Brown that the application be deferred.

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 Watson		X	
Cllr R Wiseman	X		

(Vote: For 7, Against 2)

RESOLVED:

That the application be deferred to allow for issues raised to be addressed.

Mr A Hockridge addressed the Committee objecting to the application.

Mr P White addressed the Committee objecting to the application.

Mr R Smith, Agent, addressed the Committee in support of the application.

Councillor Langford, Ward Member, addressed the Committee.

(b) Application No. 1/1017/2021/REMM

The following Councillors had attended the site visit listed below:

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

Application No. 1/1017/2021/REMM - Application for reserved matters of layout, landscaping, scale and appearance for 40 no. dwellings, along with provision of new strategic footpath/cycleway, informal public open space and associated works pursuant to Outline Planning Permission 1/0906/2015/OUTM (Amended Plans) - Land To The Rear Of Amberley, Limers Lane, Northam.

Interests: None

Officer recommendation: Grant

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

- Lack of play provision and open space
- Attenuation scheme inadequate
- Layout detrimental to amenity of existing neighbours
- Out of character with the area
- Vehicular and pedestrian conflicts

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

Two additional objections received:

Oakridge – Property and garden will be overlooked.

Cleave Moorings – overdevelopment, lack of affordable housing, traffic, not enough employment (all issues dealt with in committee report)

Conditions -

The agent has requested that condition 2 is made 'prior to

occupation' instead of pre-commencement. This is considered reasonable.

Typos-

Condition 11 – Should read 'Waste Audit Statement' not 'Waste Audit'

Condition 13 – Reads 'fundings' – should be 'findings'

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

Councillor Christie raised the following concerns:

- Play area being so near to the A39 road.
- Visibility and access. The Devon County Highways Officer confirmed he is satisfied there is acceptable visibility and access to the site.

Councillor Lock also raised concerns regarding the play area and recommended a condition be imposed screening the play area off from the road. The Principal Planning Officer advised there will be a fence surrounding the area and is a condition to be delivered.

Additional concerns/points raised included:

- Affordable housing – not pepper potted around the site as stated in the report. The Principal Planning Officer advised the Strategic Enabling Officer had no objections to the scheme.
- Outline application previously determined – access to the site had been approved under this application. Concerns also expressed as to the transparency of the Granting of the Outline application raised by one of the speakers. The Planning Manager clarified the position and confirmed no evidence of concerns regarding determination of the application had been seen.
- DM04 – Impact on amenities – overlooking neighbouring properties. The Principal Planning Officer stated that reason for refusal on amenity could not be upheld on Appeal.
- Access to Muddy Boots Nursery – The Principal Planning Officer advised access will remain to the Nursery and will provide them with a safe cycleway and walkway.

It was resolved by Councillor Lock, seconded by Councillor Watson 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 Watson	X		
Cllr R Wiseman	X		

(Vote: For 8, Against 1)

RESOLVED:

That the application be Granted subject the conditions stated in the report and an amendment to condition 2 as detailed above.

The Planning Manager read out a statement submitted by Mr Geoff Evans objecting to the application.

Mr B Mitchell addressed the Committee objecting to the application.

Mr B Richardson, Applicant, addressed the Committee in support of the application.

(c) Application No. 1/1185/2021/FULM

The following Councillors had attended the site visit listed below:

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

Application No. 1/1185/2021/FULM - Restoration of nuclear bunker to provide a tourist attraction and change of use of land for the stationing of holiday lodge caravans, creation of a new access, associated internal roadways, landscaping and drainage. - Land Adjacent To Windmill Road, Holsworthy, Devon

Interests: None

Officer recommendation: Refuse

The planning application had been called into Plans Committee by the following Councillors:

Councillor Hepple if the Officer is minded to approve the application and notes the following:

“Inappropriate development of a greenfield site; contrary to Local Planning Policies; plus highways and environmental issues”.

Councillor Hutchings if the Officer is minded to refuse the application and notes the following:

1. The proposal is sustainable development in that it provides economic benefits
2. The proposal supports a prosperous rural economy in accordance with criteria c and d of Paragraph 84 of the NPPF
3. The application is supported by Local Plan Policy ST13
4. The proposal for new tourism accommodation also accords with Local Policy DM18

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

Councillor Lock, at the site visit, had asked for further information as to whether the proposal was for lodges or caravans. Following the site visit, the Development Management Team Leader had been advised by the applicant that they are lodges and had been designed to meet the definition of a caravan.

The following points/concerns were raised during the debate:

- A nuclear bunker as a Tourist attraction – the description is misleading and is only to create an attraction for the holiday lodges. The Devon County Highways Officer confirmed it would only be an information Board.
- Parking issues if, as stated, a significant number of people go to look at these types of attractions.
- Prominent site – detrimental because of the visual impact.

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 Watson	X		
Cllr R Wiseman	X		

(Vote: For - Unanimous)

It was proposed by Councillor Watson, seconded by Councillor Leather 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 Watson	X		
Cllr R Wiseman	X		

(Vote: For - Unanimous)

RESOLVED:

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

The Planning Manager read out a statement received from Mrs Liz Ledster objecting to the application

Mr Lyndon Piper addressed the Committee objecting to the application

Mr Ian Strudwick, Applicant, addressed the Committee in support of the application.

Councillor James, Ward Member, addressed the Committee.

(d) Application No. 1/0271/2022/FUL

The following Councillors had attended the site visit listed below:

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

Application No. 1/0271/2022/FUL - Erection of detached dwelling and detached garage (Resubmission of application 1/1093/2021/FUL) - Koversada, Diddywell Road, Appledore

Interests: None

Officer recommendation: Refuse

The planning application had been called into Plans Committee by Councillor Hames if minded to approve and Councillor Ford if minded to refuse for the following reasons:

Councillor Hames

1. Impact on character, appearance and tranquillity of Undeveloped Coast
2. Site is outside Development Area
3. Contributing to coalescence between Appledore and Northam (ref LP Policy NOR Spatial Strategy)
4. Design of new dwelling incompatible with adjacent house and street scene
5. Impact on amenity of Koversada
6. Highways implications of more traffic on narrow lane

Councillor Ford

I believe there is a balance to be struck reference social gain and to provide a family support network. Surely me/or the Committee could impose conditions or ties (new house and existing must go together should future use or sale happen).

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

The following update was given:

“Amendment to Refusal Reason 2 – The site lies WITHIN the

designated Coast and Estuary Zone.”

During the debate the following comments/points were made:

- No detrimental impact on the open countryside because development is within the curtilage of another property.
- If approved could a condition be imposed attaching the two properties? The Planning Manager advised a condition could not be imposed, but PD Rights could be removed.
- Considered it to be sustainable development and does not impact on Koversada as proposal is within the curtilage of that property.
- The site was not thought to be isolated.

Councillor Christie considered the application should be refused as the proposal is for an open market dwelling, although the applicants claim it is for a local needs dwelling.

Following an enquiry from Councillor Watson, the Principal Planning Officer confirmed the applicants could come back with an application for a local needs dwelling, but the application for determination today is for an open market dwelling. Although not a rural settlement the development is in the open countryside.

It became evident from comments made during the debate that Members were supportive of the application. The Planning Manager gave advice to Members should they go against the recommendation of refusal by the Principal Planning Officer. If the application was to be approved, he advised that a landscaping scheme be submitted, and that Members discuss conditions to be imposed with the Officer.

It was proposed by Councillor McGeough, seconded by Councillor Craigie 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 Watson		X	
Cllr R Wiseman	X		

(Vote: For 7, Against 2)

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 James McEldon addressed the Committee in support of the application

Mr Shorne Tilbey addressed the Committee in support of the application

Councillor Hames, Ward Member, addressed the Committee

(e) Application No. 1/1388/2021/FUL

The following Councillors had attended the site visit listed below:

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

Application No. 1/1388/2021/FUL - Conversion of redundant agricultural building into a one bedroom dwelling (AMENDED DESCRIPTION AND PLANS) - Cleave Farm, Lower Cleave, Northam

Interests: None

Officer recommendation: Grant

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

“On site turning and parking issues and inadequate amenity space. Effect of the proposed development on the public right of way and neighbouring properties”.

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

Following a brief discussion it was proposed by Councillor Lock, seconded by Councillor Watson 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 Watson	X		
Cllr R Wiseman	X		

(Vote: For 7, Against 1, Abstentions 1)

Councillor McGeough left the room during the public participation and therefore abstained from the vote.

RESOLVED:

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

K Hunter addressed the Committee objecting to the application
 G Scott addressed the Committee objecting to the application
 L Bennett, Applicant, addressed the Committee in support of the application
 D Somerville, Agent, addressed the Committee in support of the application

130. APPEAL DECISIONS SUMMARY

There were no Appeal Decisions.

131. COSTS ON APPEALS

There were no Costs on Appeals.

132. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions from 31 March 2022 to 28 April 2022.

133. PLANNING DECISIONS

The Committee noted the Planning decisions for the period 31 March 2022 to 28 April 2022.

The meeting commenced at 09.30am and closed at 14.05pm