

TORRIDGE DISTRICT COUNCILPLANS COMMITTEE MEETINGCaddstown Business Support Centre - BidefordThursday, 6 October 2022 - 9.30 am

- PRESENT** Councillor C Leather (Chair)
Councillor R Lock (Vice-Chair)
Councillors R Boughton, M Brown, P Christie, D McGeough,
R Wiseman and P Pennington
- ALSO PRESENT** S Dorey - Head of Legal & Governance (Monitoring
Officer)
H Smith - Planning Manager
K Evely - Development Management Team Leader
R Steppel - Planning Officer
T Vanstone - Senior Electoral & Democratic Services
Officer
S Cawsey - Democratic Services Officer
- Councillor Hames

APOLOGIES – Apologies were received from Councillor Watson, Councillor Pennington substituting and Councillor Craigie.

21. MINUTES

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

Resolved:

That the Minutes of the meeting held on 28 July 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			
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, Abstentions 3)

22. 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.

23. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

24. URGENT MATTERS

There were no urgent matters brought forward.

25. PUBLIC PARTICIPATION

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

26. PLANNING APPLICATIONS

(a) Application No. 1/1015/2014/OUTM

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

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

Application No. 1/1015/2014/OUTM - Outline Planning Application for the construction of up to 750 dwellings including affordable housing, 50 bed care facility, a local centre, a primary school, new highway infrastructure including new access points onto Abbotsham Road and the A39, areas of formal open space, green space and landscaping, drainage and attenuation infrastructure (amended drainage, highways, ecology, EIA position, S106 heads of terms) - Land North Of Clovelly Road, Abbotsham, Devon

Interests: Councillor Christie declared a personal interest – dual hatted – Bideford Town Council
Councillor Pennington declared a personal interest – Abbotsham village is included within his Ward

Officer Recommendation: - Grant subject to a Legal Agreement

The planning application had not been called into Plans Committee but had been referred at the discretion of the Planning Manager. It

had previously been considered by the Council's Plans Committee in 2016. As set out in the report, the application remains undetermined and given the passage of time and change in planning policy context, it is now brought back for Members to reconsider.

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

- "Amendment to Condition 2 – timescale for submission of all reserved matters extended to ten years
- Amendment to wording on Condition 11 – 'commencement of any use within a non-residential building on that site'
- Late request from Devon County Highways regarding the Heads of Terms attached to the report. They would like flexibility as to how they spend the contribution monies, and to have the opportunity to direct the monies towards improvements to the Heywood Road roundabout." The Planning Manager advised Members of her concern that such a flexible approach would not meet the CIL Tests for planning obligations.

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

When debating the application concerns/issues raised included the following:

- Highways – left in and left out onto the busy A39 - The Devon County Highways Officer addressed this concern and confirmed this is what had been proposed by the applicant and previously approved by Committee.
- S106 contributions – the Highways Officer explained the reasoning behind the requests made.
- 30% affordable housing – to ensure that the 30% will be delivered and not reduced by the Developer. The Planning Manager informed Members of the Planning Legislation in relation to amendments to the S106 Agreement.
- Delivery of the proposed school by Devon County Council – The Planning Manager advised this site would be an alternative option to the site south of Clovelly Road. An update was given on information received from the Education Authority regarding pupil admissions. There is no date as to when a school will be built.

- Biodiversity net gain – as requested, the Planning Manager provided further information.
- Flooding and drainage – responsibility of South West Water.
- Foul sewage – concerns as to whether South West Water are able to provide foul sewerage services to cope with additional sewerage from this large development. Councillor Leather expressed concern at the lack of detail on planning applications from South West Water.
- Abbotsham Village highway works – trigger point prior to occupation of 200 dwellings. Members suggested this could be amended to 100 dwellings however the Planning Manager advised that there would not be a robust justification for this earlier trigger. This to be discussed with the applicant when negotiating the S106.

Advice was given by the Planning Manager and County Highways Officer throughout the debate.

It was proposed by Councillor Lock, seconded by Councillor Brown 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			
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 1)

RESOLVED:

That the application be Granted subject to an amendment to Conditions 2 and 11 and the conditions as set out in the report.

The following statements were read out by the Head of Legal and Governance:

S Lavendar objecting to the application

A Grabis objecting to the application

Mr M Kerton addressed the Committee in support of the application

(b) Application No. 1/0136/2022/OUT

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

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

Application No. 1/0136/2022/OUT - Outline application for 2 no. dwellings with all matters reserved - Land At Chasty Prior, Chasty, Devon

Interests: None

Officer Recommendation: - Grant

The planning application had been called into Plans Committee by Councillor Hepple if the Officer is minded to recommend approval. The planning reasons for the call-in are as follows:

- *The proposed development would represent building in the open countryside which is against policy.*
- *The proposed development would not qualify as in-fill.*
- *The visibility splay as depicted on the plans appears inadequate since it is not of the required length.*

The Development Manager presented the report and advised Members of the main planning considerations.

Councillor Pennington sought clarity on the comments made by Holsworthy Hamlets Parish Council that the land in question is subject to a “local needs” requirement. The Development Manager verified that this requirement relates to the applicants dwelling only and not to the site.

When debating the application, Councillor Christie raised a concern with the location of the development. The Planning Manager addressed this concern and referred to the Authority’s lack of a five year housing land supply. He clarified the planning rules and regulations in relation to this issue and why it had been necessary to undertake a tilted balance assessment. Members would need to look at the impact of the development, and to give consideration as to what the adverse impacts are and whether they outweigh the benefits.

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			
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.

Mr Gareth Short, Agent, addressed the Committee in support of the application.

(c) Application No. 1/0748/2022/FUL

Application No. 1/0748/2022/FUL - Erection of single storey extension and internal alterations to existing club house - Pollyfield Changing Rooms, Pollyfield Playing Field, Avon Road

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

Officer Recommendation: - Grant

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

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

It was proposed by Councillor McGeough, seconded by Councillor Christie 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			
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.

Mr Samuel Stephens addressed the Committee in support of the application.

(d) Application No. 1/0349/2022/OUT

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

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

Application No. 1/0349/2022/OUT - Outline application with all matters reserved 1 no. local needs dwelling - Halfpenny Land, Dolton, Winkleigh

Interests: Councillor Lock declared a prejudicial interest – predetermination –and took no part in the debate and decision making.

Officer Recommendation: Refuse

The planning application had been called into Plans Committee by Councillor Lock if the Officer is minded to refuse for the following reasons:

“Accords with Policies ST01, DM01, DM24, ST10 and DM05. Would provide a local needs dwelling for young local person who has grown up in the village and if granted with a local needs SEC 106 would remain so.”

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

It became evident from comments made during the debate that Members were supportive of the application.

The Planning Manager suggested the following conditions be imposed should Member be minded to approve the application:

- Standard time condition for outline applications and submission of reserved matters
- Standard plans condition
- Environmental Protection Officer has recommended a condition restricting hours of construction
- To tie the dwelling to the business.
- Full contamination condition
- Foul drainage scheme
- Access, parking and manoeuvring to be in place prior to occupation
- Development to be carried out in accordance with the ecology report
- For the removal of permitted development rights

The Committee agreed that the wording of the conditions be delegated to Officers and circulated to the Committee.

The Planning Manager recommended a Unilateral Undertaking to restrict the dwelling as a local needs dwelling and to tie it in with the business.

It was proposed by Councillor Leather, seconded by Councillor Christie 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			
Cllr C Leather	X		
Cllr R Lock			

Cllr D McGeough	X		
Cllr P Pennington	X		
Cllr P Watson			
Cllr R Wiseman	X		

(Vote: For - Unanimous) – As stated above Councillor Lock did not take part in the decision making.

RESOLVED:

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

Mr H Jennings, Applicant, addressed the Committee in support of the application.

Councillor Lock, Ward Member, addressed the Committee

(e) Application No. 1/0870/2021/FUL

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

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

Application No. 1/0870/2021/FUL - Demolition of existing bungalow and erection of two no. dwellings with two no. double garages (Revised Plans) - Glen Cottage, Glengarth Close, Northam

Interests: None

Officer Recommendation: - Grant

The planning application had been called into Plans Committee by Councillors J Manley and C Leather if the officer is minded to approve. The reasons for the call-in are as follows:

“amenity space, potential overlooking, drainage, overdevelopment and out of keeping with the local vernacular”.

Prior to the presentation Councillor Leather confirmed the call-in from Councillor Manley was if the officer was minded to grant, Councillor Leather’s call in was as a member of the Plans Committee not showing whether in favour or opposed.

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

During the debate the following concerns/issues were raised:

- Major impact on the community in the area - amenity
- Over development and not in keeping in the area
- Biodiversity in the area being obliterated
- Access
- Principle of Design
- Drainage

It became evident during the discussions that Members were minded to refuse the application.

The Committee agreed the following refusal reasons:

“The proposal being unacceptable in terms of design, comprising a cramped form of overdevelopment of the site, causing harm to neighbouring amenity in conflict with Policies ST04, DM01 and DM04 of the North Devon and Torrington Local Plan and Part 12 sub sections 127 and 128 of the NPPF”.

It was proposed by Councillor McGeough, seconded by Councillor Christie that the application be refused for the reasons as stated above.

The wording of the reasons to be delegated to Officers and circulated to the 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			
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 refused, and the wording of the reasons be delegated to Officers.

Mr I Venables addressed the Committee objecting to the application
 Mr H Gully addressed the Committee objecting to the application
 Mr K Bluett, on behalf of the Applicant, addressed the Committee in support of the application
 Councillor Hames, on behalf of Northam Town Council, addressed the Committee objecting to the application

(f) Application No. 1/0252/2022/OUTM

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

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

Application No. 1/0252/2022/OUTM - Outline application for the erection of up to 400 dwellings, amenity open space, footpath links, associated landscaping and infrastructure works with all matters reserved except access (Affecting a Public Right of Way) - Land Off Cornborough Road, Westward Ho! Devon

Interests: None

Officer Recommendation: Grant

The planning application had been called into Plans Committee by Councillor Hodson if the Officer is minded to approve.

Reasons for the call-in:

- *Failure to comply with DM04: Design principles with specific reference to density of scheme proposal layout appearance, provide safe and appropriate highway access and incorporate adequate well integrated car parking and cycle routes.*
- *Failure to comply with DM05: Highways Need to demonstrate plans to provide more than a single access and exit point for the entire estate, notwithstanding exits are onto a narrow road.*
- *DM06: Parking Provision; Proposals seem to locate visitor and additional household vehicles to on street parking thus compromising further the only access and exit route on the*

estate.

- *DM09: Safeguarding Green Infrastructure Green corridor for public footpath but further green recreational space identified.*

Prior to the presentation the Planning Manager gave the following update:

- 31 additional representations received since the publication of the original report in September. The report has now been updated to reflect this.
- Devon County Highways requesting flexibility as to how to spend the contribution monies, and to have the opportunity to direct the monies to improving Heywood Road Roundabout.

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

When debating the application, concerns/comments made included the following:

- Infrastructure & Highways – the Devon County Highways Officer gave an update on future projects and alterations being proposed to roads, footpaths and junctions within this area.
- On-site provision of 30% Affordable housing – to ensure this will be delivered and not reduced by the Developer.
- Councillor Christie asked if there had been any contact with Ministry of Defence as the corner of the site is 400m away from Lomas Helicopters where military helicopters refuel. He emphasised how serious this matter is.
- Response from South West Water saying “no problems”. It was recommended that more information is requested at the Reserved Matters stage to confirm whether the service can cope with increased flows of sewerage.
- Strong Response from the AONB. The Planning Manager addressed this concern and suggested to Members that an amendment to Condition 5 be made to include mitigation strategy in terms of landscaping and density for the more sensitive parts of the site.
- Biological field – The Planning Manager responded stating this will be secured by the S106 Agreement and would be required for a 30-year period.

Councillor McGeough and Councillor Lock, who had proposed and seconded the application, agreed to an amendment to Condition 5

and for Highway flexibility.

It was proposed by Councillor McGeough, 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			
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 1)

RESOLVED:

That the application be Granted subject to amendment to S106 Agreement to allow Highway flexibility, an amendment to Condition 5 as stated above and the conditions as set out in the report.

The Head of Legal & Governance read out statements from the following:

- B. Chalmers objecting to the application
- J & P Freeman – general letter
- Councillor Hodson, Ward Member

G Easton addressed the Committee in support of the application
Councillor Hames, on behalf of Northam Town Council, addressed the Committee objecting to the application

27. APPEAL DECISIONS SUMMARY

There were no Appeal Decisions.

28. COSTS ON APPEALS

There were no Costs on Appeals.

29. DELEGATED DECISIONS - AGMB APPLICATIONS

The Delegated Decisions for the period 14 July 2022 to 22 September 2022 be noted.

30. PLANNING DECISIONS

RESOLVED

That the Planning decisions for the period 14 July 2022 to 22 September 2022 be noted.

The meeting commenced at 9.30am and closed at 14.45pm