

Cllr H Thomas			X
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For - 8, Against – 0, Abstention - 1)

It was proposed by Councillor C Leather, seconded by Councillor J Whittaker and – Resolved:

The Minutes of the meeting held on 25th July 2024 were 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 D Smith	X		
Cllr H Thomas	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For - unanimous)

13. 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.

14. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

There were no Part II items.

15. URGENT MATTERS

The Chair advised a training session would be organised for the changes to the NPPF.

The Planning Manager confirmed that a brief session took place at the recent Local Plan workshop and that the agenda for JPPC would include the draft response to the consultation.

16. PUBLIC PARTICIPATION

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

17. PLANNING APPLICATIONS

(a) Application No. 1/0380/2024/LA

The Councillors who attended the virtual online site visit are listed below:

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

Councillors D Bushby and H Thomas were emailed a copy of the recording.

The Councillors who attended the in-person site visit are listed below:

Councillors: D Bushby, P Hames, C Leather and J Whittaker.

Application No. 1/0380/2024/LA - Erection of building for the provision of vehicle workshop, office & welfare and all ancillary facilities, access and cycle/pedestrian improvements - Land At Grid Reference 246891126041, Manteo Way, East The Water.

Interests: None

Officer recommendation – Grant

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

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

The Principal Planner advised Members of the following updates:

- To add a tree condition
- To add a Landscape Ecology Management Plan (LEMP) condition

A lengthy discussion took place where Members voiced their opinions against and in support of the application however acknowledged the need for new site.

Following comments made by Councillor H Thomas, the Chair and the Head of Legal & Governance (Monitoring Officer) advised to

concentrate, focus and comment on the application presented.

In response to concerns raised the following was advised:

- Horn testing of vehicles – the Principal Planner read an extract from the report advising of noise mitigating measures however the exact testing of horns would be an operational task and he could not confirm if this would be an audible test or if there was a mechanism to test them silently. The Planning Manager contributed that there is a draft condition for a noise management plan.
- The Planning Manager clarified there is a proposal for a construction operational traffic management plan condition which requires measures to regulate the routing of construction traffic.
- The Head of Legal & Governance informed Members that if they were minded to defer the application the Planning Inspectorate would make a determination and it would be exclusively based on the information in the application.
- In response to a question surrounding the trees that had allegedly been reduced, the Planning Manager advised the Local Planning Authority could not comment and there was sufficient information contained within the ecological surveys carried out.

Councillor H Thomas moved to refuse the application, there was no seconder for this proposal.

It was proposed by Councillor C Leather, seconded by Councillor D Bushby 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 H Thomas		X	
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For - 7, Against – 1, Abstention - 1)

RESOLVED:

That the application be Granted subjects to the conditions as stated in the report and the amendments and updates as stated above.

Councillor J Gubb, Ward Member, addressed the Committee.

Mr J MacKenzie, member of the public, addressed the Committee to oppose the application.

(b) Application No. 1/0537/2024/FUL

The Councillors who attended the virtual online site visit are listed below:

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

Councillors D Smith and H Thomas were emailed a copy of the recording.

Application No. 1/0537/2024/FUL - Retrospective application for retention of building as open market dwelling (noncompliance with condition 4 of 5 and planning permission 1/0651/2012/FUL) - The Old Tallet, Hallsannery, Bideford.

Interests: None

Officer recommendation: Grant

The planning application had been referred to Plans Committee as the applicant is the son of a TDC Councillor.

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

It was proposed by Councillor C Leather, seconded by Councillor K 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 H Thomas	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 in the report.

Mr J Pennington, the applicant, addressed the Committee in support of the application.

(c) Application No. 1/0573/2024/FUL

The Councillors who attended the virtual online site visit are listed below:

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

Councillors D Smith and H Thomas were emailed a copy of the recording.

Application No. 1/0573/2024/FUL - Replacement of gas boiler with air source heat pump. - The Cottage, Quayside House, Irsha Street.

Interests: Councillor H Thomas advised he knew the applicant.

Councillors P Hames and J Whittaker declared a personal interest – dual hatted – Northam Town Council.

Offer recommendation – Refuse

The application has been called-in by Councillor Ford due to his belief that the Applicant has provided sufficient evidence regarding the specific heat pump. The Applicant is trying to use the most eco-friendly way of heating his and his wife's property.

The Planning Officer presented the report informing Members of the main planning considerations. It was also advised that due to the noise survey not being carried out a full determination could not be

made as the impact on amenity could not be assessed.

Following the presentation the Chair asked Members for comments and/or questions.

Councillor D Bushby recommended the application be approved.

In response to a request from Councillor P Hames, the Environmental Protection Officer, Tristan Babington-Taylor explained why a noise survey had been requested.

The Committee were reminded of the need for robust conditions and policy reasons to support approval.

The Planning Officer confirmed that air source heat pumps are normally allowed under permitted development, however due to the neighbouring property being a Grade II listed building the survey was required.

In response to a suggestion from Councillor P Hames, the Planning Officer advised the test had been requested from the applicant, but he had refused due to financial implications.

The Environmental Protection Officer confirmed that if the application were granted and, then subsequent complaints were received, an investigation would commence and proceeded to explain the procedure for an investigation.

The Planning Manager emphasised the listed building and character impacts are satisfactory, and it is solely amenity impact and noise that is of concern and clear reasons to approve the application were required.

As the discussion progressed different policies were suggested and debated for approval and the Planning Manager provided further information and guidance on the adequacy of these policies.

It was confirmed that the BS4142 test is site specific.

It became apparent that Members were in support of granting approval, however the Planning Manager urged Members to be cautious in their reasons for approval advising against reliance on future abatement measures as means of mitigation.

It was proposed by Councillor C Leather, seconded by Councillor C Leather 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 H Thomas	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.

Mr M Harris, the applicant, addressed the Committee in support of the application.

Councillor Ford, Ward Member, addressed the Committee.

(d) Application No. 1/0514/2024/FULM

The Councillors who attended the virtual online site visit are listed below:

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

Councillors: D Smith and H Thomas were emailed a copy of the recording.

Application No. 1/0514/2024/FULM - Battery energy storage system (BESS) with associated infrastructure - Land At Grid Reference 230351 101882, Pyworthy, Devon.

Interests: Councillor K Hepple declared a pre-determination as Ward Member, he left the Committee and joined the public.

Officer recommendation: - Grant

Councillor Hepple called the application to Plans Committee as the Case Officer was minded to approve. His reasons were as follows:

- 1) Conflict with declared NDTC planning policy as the proposed development constitutes cumulative impact with nearby consented solar arrays
- 2) Application does not comply with NFFC guidance
- 3) Planning documents submitted are inadequate and in parts contradictory

The Principal Planner presented the report and informed Members of the main planning considerations and the following updates:

Six objections had been received since the publication of the Committee Report. These raise the following points:

- Lack of justification in terms of site selection/need
- Fire Safety
- Cumulative Impacts
- Consultation

The Highways Officer also referred to his previous comments/conditions.

A lengthy discussion took place where the following concerns were raised and addressed:

- Following a question regarding the amount of water required to extinguish a fire the Principal Planner went into great detail on the measures that would be put in place for this, further work that is required and the many conversations he had been part of with Devon & Somerset Fire Service. Reassurance was given that fire safety officer was satisfied with the application.
- Clarification was given that contaminated water would be captured, and this is detailed in the Fire Safety Management Plan.

Councillor D Smith moved to refuse the application, due to the concerns he raised and quoted policy DM14 and DM08a.

The discussion continued with further concerns were raised and addressed:

- Regarding the need for a secondary access, the Principal Planner highlighted the fact that the Fire Safety Officer had not raised any objections.
- An explanation was given why this was the most appropriate site.
- Condition 12 would address de-commissioning costs and the authority has the power to enforce.

- The site would be 3.7 hectares.
- The acoustics report submitted in support of the application used the adjacent Solar Farm as a comparison and it was deemed this application would be either the same or less harmful.

The Chair recommended approval of the application and gave her reasons for this. Councillor H Thomas seconded this proposal.

At 12.30pm and in accordance with the Constitution, it was proposed by Councillor R Lock, seconded by Councillor J Whittaker 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 latter part of the discussion focused on the policies that would be suitable to refuse the application. The Planning Manager advised the Committee, should they refuse the application they would need to articulate justifiable reasons, as the Principal Planner and the report addresses concerns raised. The Planning Manager highlighted reasons why the decision could be appealed if Members were minded to refuse the application and advised strongly against refusing on ST07(4) solely as a matter of principal.

It was proposed by Councillor D Smith, seconded by Councillor C Leather that the application be refused due to conflict with policies DM08A and ST07(4).

A recorded vote was taken.

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

(Vote: For – 6, Against – 2, Abstentions – 0)

RESOLVED:

That the application be refused due to conflict with policies DM08A and ST07(4) arising from landscape harm (including cumulative) and there being no benefits (including to the local community) to outweigh the identified harm.

Ms J Folkard, applicant, spoke in support of the application.
Councillor K Hepple, Ward Member, addressed the committee.

Councillor k Hepple re-joined the Committee following this application.

18. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions.

19. COSTS ON APPEALS

The Committee noted the Costs on Appeals.

20. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions.

21. PLANNING DECISIONS

Following a query on permission granted on another battery storage facility in Pyworthy, it was confirmed that it was determined under delegated powers.

RESOLVED

That the Planning decisions for the period 17.07.2024 – 04.09.2024 be noted.

The meeting commenced at 9.30 am and closed at 1.11 pm

Chair:

Date: