

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

24. 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.

25. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

There were no Part II items.

26. URGENT MATTERS

No matters were brought forward.

27. PUBLIC PARTICIPATION

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

28. PLANNING APPLICATIONS

(a) Application No. 1/1179/2023/LA

The following Councillors had attended the virtual site visit:

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

Application No. 1/1179/2023/LA - Erection of Clean Maritime Innovation Centre incorporating office space, workshop space and extension and repairs to quay wall - Middle Dock, New Quay Street, Appledore.

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

Officer recommendation: Grant

This application has been referred to Plans Committee for determination as the applicant is Torridge District Council and the development is located on Council owned land.

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

An additional representation had been received from Natural England highlighting their previous objection. They referred to S28i Part 6 of

the Wildlife and Countryside Act and that if the application were approved a consultation period of 21 days would be necessary.

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

A discussion took place where the Planning Manager and Development Management Team Leader provided further information and advice on concerns raised as follows:

- Cycle parking is on site as detailed in the site plan.
- A condition is in place requesting samples of cladding therefore an informative could be added illustrating a lighter shade may be required, however until samples are seen no judgement can be made.
- The nearest property to the development situated in South Road would have the view of a single storey building, looking across the roof.
- The obscure glazing condition has been put on the Benson building for the closest new build in New Street.
- Reuse of stone – there was an intention to retain material that came from the Benson Building however the quality is questionable therefore has not been retained. The stone may be suitable for the retaining wall.
- The NPPF and Local Plan policy DM08 does allow for loss of priority habitat. Ordinarily this application should be refused however the public and economic benefits outweighs the harm.
- Clarification was given on why officers did not think there was an amenity issue with the first-floor office building view towards the residential properties.
- The Head of Legal & Governance (Monitoring Officer) clarified, from a TDC perspective, that initially there will be two Electric Vehicle charging points on site with the infrastructure for more moving forward, and that TDC's Sustainability & Climate Officer has been heavily involved in the project and the building will be an A** green efficient building.
- The Highways Officer addressed concerns raised by Members that included:
 - Vehicles using the site;

- Parking;
- Section 106
- Cycle way and foot path;
- The site will be gated to prevent residential parking.
- The Head of Legal & Governance (Monitoring Officer) advised of legislative reasons why a S106 agreement could not be made, and planning conditions can only be added to an application if they are necessary for the development.
- There is no condition in the recommendation for a travel plan, however this could be considered in the future once occupiers on the site are known.
- Discharge of conditions would not have to come back committee.

During the discussion Councillor D Bushby moved to approve the application. Following comments on the obscure glazing Councillor C Leather seconded Councillor D Bushby's proposal however asked for a condition to be added that obscure glass be installed to Block A, west elevation, first floor level, Councillor D Bushby agreed to the amendment.

Councillor P Hames proposed an amendment to the current motion, that a traffic and travel management plan be added, the Head of Legal & Governance (Monitoring Officer) confirmed as the amendment to the motion was not agreed by the proposer or seconder it would not be added to the proposal.

It was proposed by Councillor D Bushby, seconded by Councillor C Leather 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 D Smith	X		
Cllr P Pennington	X		
Cllr C Wheatley	X		

Cllr J Whittaker	X		
------------------	---	--	--

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

RESOLVED:

That the application be Granted subject to the conditions set out in the report and the additional condition regarding obscure glass.

The Planning Manager read out statements from both Councillor L Ford as Ward Member and Chris Oliver objecting to the application.

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

The following Councillors had attended the virtual site visit:

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

Application No. 1/0277/2024/FUL – Provision of a new agricultural livestock building - Buildings and Land At Grid Reference 266213 105908, Bondleigh, Devon.

Interests – None

Recommendation – Grant

The application has been requested for call-in by the Ward Member, Cllr Newton, for the following reason:

‘The Constitution of Torridge District Council gives provisions whereby applications for planning permission can be determined by Plans Committee.

Paragraph 22 d) of the Constitution states:-

“Upon the Head of Communities and Place, Chief Executive or Leader of the Council exercising a discretion to refer the matter to the Plans Committee”

Could I please request that you exercise your discretion, on this occasion to refer the matter to Plans Committee for determination.

The reason for my request is that the application site has already been the subject of a Judicial Review against Torridge District Council.

For this reason alone, I believe that the matter should be reviewed, discussed and debated in a public forum by the Plans Committee,

and not determined by an officer under delegated powers.’

The Ward Member call-in was just outside of the required 28-day period. The Council’s Constitution allows for planning applications to be called-in ‘upon the Head of Communities and Place, Chief Executive or Leader of the Council exercising a discretion to refer the matter to the Plans Committee’ (Paragraph 22(d)), and there is no specified timescale for this type of call-in. The Head of Legal & Governance requested that this discretion be exercised due to the site previously having been subject to a Judicial Review and her view that the matter should be reviewed, discussed and debated in a public forum by the Plans Committee, and not determined by an officer under delegated powers.

The Council’s Chief Executive confirmed on the 10th of May 2024 that he was ‘content that this application should be determined by Plans Committee in light of the reason provided.’

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

Following the presentation a brief discussion took place where Members made comment on the application.

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 D Smith	X		
Cllr P Pennington	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For – unanimous)

RESOLVED:

That the application be Granted.

Mr Michael Riordan, spoke on behalf of Mr & Mrs Ward, objecting to

the application.

Mr & Mrs Seabridge, applicant, both spoke in support of the application.

Councillor S Newton, Ward Member, addressed the Committee.

(c) Application No. 1/0661/2024/FUL

The following Councillors had attended the virtual site visit:

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

Application No.1/0661/2024/FUL - Construction of 1 no. dwelling (Self build) - Land at Higher Ashmansworthy, Woolsery, Bideford.

Interests – None

Recommendations – Refuse

The application was called in to be heard at Plans Committee by Councillor James in his capacity as Leader if the application was to be Refused for the following reasons:

- Supporting the Local Economy, providing essential breakdown and maintenance services in the area.
- Retaining young people in the Rural Area providing that service

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

A discussion took place.

The Planning Manager provided advice and guidance to Members on queries raised concerning the application type and potential to re-submit. Further confirmation was given that the proposal cannot be changed as part of the deliberations and if Members were minded to approve the application a condition would need to be applied that whoever occupied the dwelling was associated with the business as this would address the amenity reasons for refusal. The Planning Manager further advised that the consequence of approving the application as proposed would be an open market, unrestricted dwelling.

Councillor C Leather moved approval of the application which was seconded by Councillor D Bushby.

Clarification was given on policy DM24 and the Principal Planner read out the definition of a rural settlement and confirmed this application does not fit that criteria.

The Principal Planner provided the history of the application and reasons why it was not ordinarily submitted as a rural workers dwelling.

Councillor R Lock recommended the application be refused and urged the applicant to resubmit the application as a rural workers dwelling, this was seconded by Councillor P Hames.

It was confirmed there was no pre-application process for this application.

The Planning Manager advised if the application be approved it would be subject to the conditions with final wording being delegated to the Chair, Vice-Chair and Officers to discuss.

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

(Vote: For - 7, Against – 2, Abstention - 0)

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.

As this motion was carried no vote was taken on Councillor R Lock's proposal to refuse.

Ms S Read, spoke in support of the application.
The Planning Manager read out a statement from Mr J Read, applicant, in support of the application.

Councillor S Harding, Ward Member, addressed the Committee.

29. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions.

30. PLANNING DECISIONS

RESOLVED

That the Planning decisions for the period 04.09.2024 to 25.09.2024 be noted.

31. COSTS ON APPEALS

There were no costs on appeals.

32. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions.

33. EXCLUSION OF PUBLIC

34. PART II - CLOSED SESSION

The meeting commenced at 9.30 am and closed at 12.20 pm

Chair:

Date: