



191. URGENT MATTERS

None received.

192. PUBLIC PARTICIPATION

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

193. PLANNING APPLICATIONS194. APPLICATION NO. 1/0567/2025/LA

The Councillors who attended site visit were: Councillor Bushby, Councillor Leather, Councillor Lock, Councillor O'Rourke, Councillor Pennington, Councillor Smith

A recording of the site visit was sent to: Councillor Hames, Councillor Kenneally, Councillor Whittaker

**Application No. 1/0567/2025/LA** - Change of use of library (Use Class F1) to create a multi-functional sport and fitness facility (Use Class E) and associated alterations, including the installation of 3no. air source heat pumps and roof mounted solar panels. Torridge District Council, Town Hall, Bridge Street, Bideford, Devon, EX39 2HS

**Interests:** None

**Recommendation:** Grant

**Discussion**

The Principal Planning Officer presented the application, noting it was deferred from the November committee for further consideration in relation to the impact of renewable energy provisions on residential amenity and heritage assets. Members were advised the application remained unamended.

Following the public speakers, the Chair opened discussion to Members.

Members voiced their disappointment that the application had returned to Committee unamended and that solar panel alternatives had not been explored. There was also concern that if there was an issue with noise following the installation of heat pumps they would not be removed.

Councillor Bushby recommended refusal of the application recommendation to grant.

Members went on to highlight the building and its historic setting should be prioritised, and other locations for climate measures explored in the local area.

There was then Member discussion regarding the importance of measures like these to address climate change and there was support for the officers' work, noting the reason for the Conservation Officer's recommendation for solar, work to offset the potential noise of heat pumps, and the Environmental Protection Officer's assessment.

Councillor Hames proposed the application recommendation to grant and this was seconded by Councillor Kenneally.

Members went on to support the recommendation of Councillor Bushby, noting their disappointment the application had not changed. There was discussion on integrated solar panels and concerns were raised regarding heat pumps noise, the noise assessment report was referenced. It was asked why electric boilers were not considered. The impact of installing heat pumps was also noted.

Councillor Leather seconded Councillor Bushby's recommendation of refusal. The Principal Planning Officer was unaware if electric boilers had been explored, but noted heat pumps are generally considered more efficient and carbon-reducing.

Members continued to raise their concerns regarding the noise generated by the heat pumps once installed and their concern regarding the impact of installing solar panels. There was clarification from the Principal Planning Officer on the times of use and scale of use of heat pumps.

Members reflected on the reasons for the application being deferred at the last Plans Committee, it was suggested that the recommendation to grant the application could be strengthened by adding to Condition 16, specifying a decibel figure and requiring an independent assessment of any complaint (not Torridge District Council - TDC) to ensure objectivity and resident confidence.

The Planning Manager confirmed this could be added and wording agreed by the Chair / Vice Chair in consultation with the Environmental Protection Team. However, concerns were raised around requiring an independent assessment, due to potential delays and costs. Members were advised of the requirements and professional codes within which the Environmental Protection Officer at TDC must act meaning any investigation should be carried out objectively.

Members in support of the application asked if an amendment for integrated solar panels would be possible, noting the current proposal was for surface-mounted. The Conservation Officer advised she had recommended approval for surface-mounted panels, noting integrated panels would be more harmful to the building fabric and more costly long-term. Members also raised concerns about integrated solar panels leaving holes in the roof if removed, it was felt more important to prioritise watertightness and heritage value.

Following further member discussion it was stated by some Members they would be minded to approve the application if Condition 16 were strengthened with specific decibel levels and the requirement for independent assessment. Though there was still some concern regarding the effectiveness of measures for mitigation once heat pumps were installed.

It was proposed by Councillor Hames, seconded by Councillor Kenneally and Resolved:

That the application be approved, with the amendment to Condition 16.

A recorded vote was taken

COUNCILLOR	For	Against	Abstain
<b>Cllr D Bushby</b>		X	
<b>Cllr P Hames</b>	X		
<b>Cllr N Kenneally</b>	X		
<b>Cllr C Leather</b>		X	
<b>Cllr R Lock</b>	X		
<b>Cllr K O'Rourke</b>			X
<b>Cllr P Pennington</b>		X	
<b>Cllr D Smith</b>		X	
<b>Cllr J Whittaker</b>		X	

(Vote: 3 For, 5 Against, 1 Abstention)

**Resolved** – Motion to approve lost.

**Speakers:** Mark Simmons – Local Resident (Against), Paul Metcalf – Local Resident (Against), Adrian Redwood – TDC Officer (For), Councillor Tinsley (Ward Member)

195. APPLICATION NO. 1/0568/2025/LBC

The Councillors who attended site visit were: Councillor Bushby, Councillor Leather, Councillor Lock, Councillor O'Rourke, Councillor Pennington, Councillor Smith

A recording of the site visit was sent to: Councillor Hames, Councillor Kenneally, Councillor Whittaker

**Application No. 1/0568/2025/LBC** - Change of use of library (Use Class F1) to create a multi-functional sport and fitness facility (Use Class E) and associated alterations, including the installation of 3no. air source heat pumps and roof mounted solar panels. Torridge District Council, Town Hall, Bridge Street, Bideford, Devon, EX39 2HS

**Interests** None

**Recommendation** Grant

**Discussion:**

The Principal Planning Officer briefly presented the listed building consent application, noting its association with the previous planning application and covering internal and external works.

Chair noted that public speakers were no longer present at the meeting and opened discussion up to Members.

Members noted positive change regarding the internal doors (purpose-made, fire-rated). Questioned the listed building consent noting the previous application, arguing it should not be granted due to the impact on the listed building.

The Planning Manager confirmed the application covered all internal and external works to the listed building, the material considerations being the impact on the listed building including internal works.

It was proposed by Councillor Leather, seconded by Councillor Bushby and

Resolved:

That the application be refused due to harm to the listed building in conflict with Local Plan policies ST15 and DM07, and Section 16 of the NPPF

A recorded vote was taken

COUNCILLOR	For	Against	Abstain
<b>Cllr D Bushby</b>	X		
<b>Cllr P Hames</b>		X	
<b>Cllr N Kenneally</b>		X	
<b>Cllr C Leather</b>	X		
<b>Cllr R Lock</b>		X	
<b>Cllr K O'Rourke</b>			X
<b>Cllr P Pennington</b>	X		
<b>Cllr D Smith</b>	X		
<b>Cllr J Whittaker</b>	X		

(Vote: 5 for, 3 against, 1 abstention)

**Resolved – Refusal** citing damage to the listed building by the proposed alterations, conflicting with policies ST15, DM07, NPPF Section 16, and the statutory duty to preserve the listed building.

**Speakers** None present.

196. APPLICATION NO. 1/0064/2025/FUL

The Councillors who attended site visit were: Councillor Bushby, Councillor Leather, Councillor Lock, Councillor O'Rourke, Councillor Pennington, Councillor Smith

A recording of the site visit was sent to: Councillor Hames, Councillor Kenneally, Councillor Whittaker

Application No. 1/0064/2025/FUL - New children's day nursery and associated external works. Land at Grid Reference 242796 122694, Buckland Brewer, Devon

Interests: Councillor Pennington advised he was Ward Member and called in the application, stating he had come to Committee with an open mind.

Recommendation: Refuse

### **Discussion**

The Planning Officer first advised of a further consultation response received yesterday from Historic England in relation to the site of the nursery, members were advised this had been uploaded to the Planning Portal and a slide providing further detail was shared. The Planning Officer went on to provide a detailed presentation on the application and the reasons for recommending refusal.

After hearing from the public speakers Chair opened up the discussion to Members.

During discussion members noted the following:

- Members noted the open countryside site, and raised concern about use of cars. It was asked if the provision designed to cater for village or wider area. It was confirmed car travel would be necessary, the scope of the provision was felt to be the Nursery decision.
- The Planning Manager advised that officers had been pragmatic in applying the principle of development under DM15 (farm diversification), despite not complying with ST22 (community facilities in settlements) – the work on this was referenced in the report.
- There was acknowledgment of the heritage concerns but members questioned the extent of curtilage in this case. The complexities of curtilage / setting and their definitions were highlighted by the Planning Manager who explained the decision-making stages members needed to go through.
- The Conservation Officer explained the legal and policy tests in detail for members, the distinction between curtilage and setting was clarified and the statutory duty to protect heritage. She detailed the test for curtilage (an object or structure within the curtilage / part of land at 1948).

- The existing changes to Orleigh Court and the Lodges were also noted. This was addressed by officers during the meeting. Orleigh Court's Grade I listed status (one of eight Grade I buildings in Torrington) and early listing (1952) was also noted, along with the role of the Lodges as a clearly identify gateway to an important estate.
- In terms of setting this was explained as wider than curtilage and dependent on public perception – the officer referred to the presentation slides.
- It was asked if there was a need to add a condition to restrict use to nursery provision and what could happen to the building if the nursery ceased operation. The Planning Manager advised on policy and why a condition may be advisable if members were minded to approve together with consideration of requiring the building to be removed if the nursery use ceases.
- During discussion members noted their support for the design and location of the site, noting the experience of the applicants in terms of their farmland and their work on the application to date.
- In terms of location Members shared their satisfaction that the applicant had considered alternative locations – noting this was a working farm, and the surrounding flood zones.
- In support of the application members felt the application fitted the farm diversification scheme and ST 22 and DM15 were noted.
- Members referenced NPPF 214 – The Planning Manager advised of the policy tests required for the application and noted NPPF 212 and 213, explaining the reasoning.
- Following a query it was confirmed by the Planning Manager that, if approved, a legal agreement would be needed to tie the nursery to the farm business (as per DM15 justification) and to secure off-site highway works.
- In terms of harm the Conservation Officer advised it would be considered "less than substantial" but at a "higher level of less than substantial" due to the Grade I listed building and the permanence of harm to its setting. Further detail was provided in terms of the grading of harm from Historic England.
- Members recognised the concern around the setting throughout their discussion, but referenced the tilted balance and balancing the local need for this type of provision and the benefits for the community.

Councillor Leather moved to approve the application and this was seconded by Councillor Bushby.

During discussions the Planning Manager sought clarification on the reasons for approval and advised of the legal and policy tests required to lawfully approve the application. The decision-making process was emphasised for members – it was explained members would need to determine if the site was in the setting/curtilage, and if so, justify the proposed location, then assess the level of harm, and then balance on the public benefit. Relevant NPPF policy was referenced for members information – NPPF 212 and 213.

Following a member query regarding timescales for the application the Planning Officer clarified the application restarted due to red line changes (highways visibility) at the applicant's request, the requirement for a heritage impact assessment, and biodiversity net gain issues.

Members thanked the public speakers for their contributions.

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

Resolved:

That the application be approved with the legal agreement tying to the farm and off-road highway works and conditions to be agreed with Chair and Vice Chair.

A recorded vote was taken

COUNCILLOR	For	Against	Abstain
<b>Cllr D Bushby</b>	X		
<b>Cllr P Hames</b>			X
<b>Cllr N Kenneally</b>	X		
<b>Cllr C Leather</b>	X		
<b>Cllr R Lock</b>	X		
<b>Cllr K O'Rourke</b>	X		
<b>Cllr P Pennington</b>	X		
<b>Cllr D Smith</b>	X		
<b>Cllr J Whittaker</b>			X

(Vote: 7 For, 2 Abstentions)

**Resolved – Approved**, citing policies DM15, DM01, ST22, ST11(3), DM07(2), and NPPF 215, with a legal agreement to tie the nursery to the farm business and secure off-site highway works and conditions to be agreed with Chair and Vice Chair.

### **Speakers**

Councillor Staveley (Parish), Councillor Hicks (Ward), Rosemarie Beer, and Rebecca Fernley all spoke in support of the application.

197. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions. Councillor Kenneally declared a pecuniary interest, as one applicant was his Landlord.

198. COSTS ON APPEALS

There were no costs on appeals.

199. DELEGATED DECISIONS - AGMB APPLICATIONS

The Committee noted the Delegated Decisions.

200. PLANNING DECISIONS

Chair reviewed page by page with member and the following was raised:

1/0703/2025/FUL – Following a query on the planning in principle decision the Planning Manager provided reasoning.

The Planning Manager advised members on ‘deemed permission’ and ‘non-permitted development’ following a request for clarification from members.

RESOLVED

That the Planning decisions for the period 22/11/2025 and 26/11/2025 be noted.

The meeting commenced at 9.30 am and closed at 12.05 pm

Chair:

Date: