

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 12 August 2020 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
J Cairney, Mrs C P Daw, R F Radford,
E J Berry, S J Clist, F W Letch,
D J Knowles, S J Penny and B G J Warren

Apologies

Councillor(s)

L J Cruwys

Also Present

Councillor(s)

R Evans, Mrs S Griggs, D F Pugsley and
C R Slade

Present

Officers:

Eileen Paterson (Group Manager for Development), Maria De Leiburne (Legal Services Team Leader), Adrian Devereaux (Area Team Leader), Alison Fish (Area Team Leader), John Millar (Principal Planning Officer), Daniel Rance (Principal Planning Officer), Chris Shears (Economic Development Officer), Greg Venn (Conservation Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

40 **REMOTE MEETING PROTOCOL (00.03.59)**

The *Remote meeting protocol was **NOTED**.

Note: *Remote meeting protocol was previously circulated and attached to the minutes.

41 **APOLOGIES AND SUBSTITUTE MEMBERS (00.04.13)**

Apologies were received from Cllr L Cruwys who was substituted by Cllr J Cairney.

42 **PUBLIC QUESTION TIME (00.04.45)**

Mr Roderick Crawford referring to Item 1 on the Plans List (Shortacombe Lane) stated that: the report that was developed for 19/01118/FUL refers solely to flood risk from the sea and rivers, the Council and LPA were sent video evidence of flooding caused by rain water, I would like to know why the LPA did not undertake a flood risk assessment at the site, given that they had this evidence. The site is officially

categorised by DEFRA as being at risk of flooding and both DEFRA's and your own guidance state that an assessment must be undertaken for sites in Flood Zone 1 when a change of use in development type is for a more vulnerable class, e.g. in this instance from agricultural to residential where the site could be affected by sources of flooding other than by rivers and the sea.

James Hudson referring to the same application stated: we have lived in Binneford for about 16 years we came for the tranquillity of the place and for the outstanding natural beauty. We came for dark skies and we came for a real sense for the seasons changing and in relation to the seasons changing it is very apparent in Binneford. In the winter, it can be really sharp and there are many times when we have been snowed in for 3 or 4 days and even with a 4 wheel drive, you still slither around. I take an interest in the weather and I check the temperatures every morning. The coldest that it has been here, since I have lived here was minus 15 degrees Celsius which felt very cold and this leads me on to ask. The LPA's report is materially misleading, it fails to mention that the proposed site is located on a high ridge line plateau, exposed to high winds, dangerous flash flooding and falling mature trees. When it freezes or snows, the site is regularly cut off in winter, often for days. So why is the Council choosing to discriminate between gypsy travellers by placing them in a dangerous unsustainable location?

Mr Crane referring to Items 2/3 (Blackborough House) on the Plans List stated that: these applications have been with the planning department for over two and a half years and have come across so many of the planning rules and regulations with little concern and regard to the actual building which is in a declining state of dereliction and will not survive much longer without positive intervention. This is a golden opportunity to both restore a once magnificent Grade II listed building and to add something special to Blackborough. I believe that I can work with the residents of the village with regard to issues which will no doubt arise and together we can move forward to provide more facilities and amenities for Blackborough. Having lost one significant asset in the village with the destruction of All Saints Church, lets not make any similar mistake with Blackborough House. My question relates to the Temple Group report which was commissioned at a very late stage by the Planning Authority to review other reports. Although given sight of the report, I as the applicant was not given enough time to respond to any criticisms made and was indeed told that I would not be asked to respond under regulation 25 of the Town and Country Planning regulations 2017, such was the haste of Mid Devon to bring these applications to committee. The decision to recommend refusal was therefore pre-determined before the planning process had been completed, so surely there is a flaw in the planning system that allows an abrupt finish to what should be a democratic process that is fair to all parties.

Mr Jeremy Penfold again referring to the Blackborough House application stated: that the officers report presents a very balanced view of the application and the submissions made by various parties including BACO. The Temple report commissioned by MDDC highlights that the applicants Environmental Statement is deficient on traffic matters, amongst other issues and that in the absence of additional information they state in para 1.2.4 that the ES is incomplete and hence the application should be refused.

With that in mind, if the committee were minded to go against the well reasoned planning officers recommendation for refusal is it considered likely that the

application would be called in by the Secretary of State and what would be the next steps ?

Mr Awcock again referring to Blackborough House stated that: I have been advising for many years on the development at Blackborough House and working with Mr Crane and looking at the traffic impact in particular and I wanted to draw your attention to the fact that the analysis that has gone on there has taken place over many years and to question why the Temple Report hasn't taken any considerations of the consultation that has been taken out by Devon County Council and in particular to bring the members attention to no objection from Devon County Council given their detailed consideration of the scheme.

Mr Adam Watts again referring to the Blackborough House application stated that: I understand that the Economic Development Officer at Mid Devon DC was very supportive of the scheme at Blackborough House. Is that still the case, and how much weight has been given to the economic case for the site, bearing in mind the adopted Mid Devon Economic Strategy for tourism and the food & drink industry?

There seems to be conflict between the Council's recommendation and the adopted economic policies, which seek to encourage and grow tourism, hospitality and the food and drinks sectors in Mid Devon. Based on these economic policies, would the Economic Development Officer agree that this is the type of development that the Council should be striving to support to boost the local economy?

Finally, would the Economic Development Officer agree that with there being nothing comparable to Blackborough House and the application proposal in the area, this would provide Mid Devon with a huge USP, creating a promotional and brandable 'flagship' destination, which is at the heart of Mid Devon's economic policies? Again, how much weight has the promotional opportunity that this scheme would provide for Mid Devon's tourism industry as a whole been given?

Sasha Scougall-Knight referring to Item 1 on the Plans List Shortacombe Lane stated: in their report for Her Majesty's Government entitled Impact of Insecure Accommodation and the living Environment on Gypsies, the traveller movement outlines the impact on gypsy travellers, who they acknowledge as being the least healthy segment of our society, of being placed in sites with poor access to health care. Again why is the council seeking to discriminate against gypsy travellers by placing them in a site, 1 hour and 45 minutes by public transport from any A&E and a site that cannot be accessed by emergency services at certain points in the winter?

Mr Graham Knight again referring Shortacombe Lane stated that: vortex water treatment plants must run continuously 24/7 by means of electric power to avoid contaminating the landscape. The proposed solar panels will only operate during daylight hours, there is no reference to the required battery storage in the applicants plans, furthermore the proposed vortex system will not have the capacity for 3500 litres of water produced by 18 people each day. Again this will lead to contamination of the landscape. Would the LPA care to comment on why they have omitted these points in their report?

Lisa -Jayne Steadman again referring to Shortacombe Lane stated: one of the 15 conditions in the LPA report states that the caravan including the static caravan must move on the public highway in one piece. According to the plans the applicant's static

caravan is 12 ft wide and 28 feet long. A transportation expert has independently verified that it will be impossible to bring this static caravan onto the site on a legally approved low-loader due to the sharp twists and turns of the narrow lanes. Could the LPA explain therefore how this caravan can be brought into the site except perhaps by the use of a commercial helicopter?

David Pearson again referring to Shortacombe Lane stated that: the LPAs report talks of one car generating seven daily incremental vehicular movements within the community with negligible impact to the roads, road safety and the environment. 18 people can live at this site. 18 adults with 18 cars would therefore generate 126 movements each day. Clearly, this would have a terrible impact on the roads, road safety and the environment given that Highways describes the lanes as sub standard road without footway, lighting and with limited passing. Can the LPA confirm why they omitted this eventuality from their report?

Mrs Pugh referring to Item 10 on the Plans List and referring to the application for Tidcombe Hall stated that she was representing the views of over 200 residents from 'Local Voices against the Tidcombe Hall Canal Side' application: I will focus on the principle of the development and access arrangements and I will ask 3 questions: the committee will be aware that the Tidcombe Hall application is deeply controversial, Land Value Alliance have chosen to submit their application in the midst of the Covid 19 emergency, the timing of this public consultation period given the restrictions of social distancing threatens to undermine our democratic right to lodge an effective opposition. We wrote in the Gazette last November that once the application was submitted, we proposed an open public meeting with all parties, residents, councillors and representatives from Land Value Alliance. Such a meeting cannot take place during a pandemic, indeed we cannot meet in groups of more than 6 to plan our opposition. Planning meetings held by Zoom undermine the democratic right of residents unable to access that technology. My question is, will the Council defer the application until the restrictions regarding attendance of all meetings are relaxed?

Secondly the Local Plan has now been adopted, at least 9 or 10 sites have been allocated for residential development and the number of houses they are scheduled to deliver meets the Council's 5 year target. Part of this site is allocated as a contingency, but in the modified document, zero housing is given to Tidcombe Hall canal side development. In asking the Local Plan to be adopted, the argument was given that it would protect the area from speculative planning applications which fall outside of the plan, is this such an application?

Thirdly, access, we believe that a number of assessments need to be carried out before this application comes before the Planning Committee. Firstly all councils have a statutory duty to make areas immediately outside their schools as safe as possible. We believe that the Council has yet to carry out their own risk assessment for Tidcombe Primary School in the light of this application, such a risk assessment will need to demonstrate that the applicant's plans around Tidcombe School such as the gateway features and contrasting surfacing are adequate to counter the impact of the extra traffic from 179 houses. Councillors will be aware that there has been a near miss incident involving a child outside the school in recent months.

The Chairman stated that the Tidcombe Hall application would not be discussed at the meeting, all that was to be discussed was whether the committee wished to determine the application.

Answers to other questions would be provided during the debate on the specific applications.

43 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00.26.35)

Members were reminded of the need to declare any interests when appropriate.

44 MINUTES OF THE PREVIOUS MEETING (00.26.51)

The minutes of the meeting held on 15th July 2020 were agreed as a true record.

45 CHAIRMAN'S ANNOUNCEMENTS (00.27.48)

The Chairman made the following announcements:

- That she was delighted that the Local Plan review had been adopted on 29th July 2020. She reminded members that the planning policy numbers referred to in today's reports are from the previous Local Plan and may not coincide with the planning policy numbers under the new plan.
- As Members of the Planning Committee may be aware the virtual public inquiry for the refusal of planning permission for 60 dwellings at Higher Town , Sampford Peverell, was due to start on Tuesday 11th August. The virtual inquiry has been postponed as result of the third Inspector, being appointed to hold the Inquiry, being unable to meet the agreed timetable of dates to hold the Inquiry over 6 consecutive days. The Planning Inspectorate would now review available dates of all parties to the appeal. It is anticipated that the virtual inquiry would now be held in October 2020.

46 ENFORCEMENT LIST (00.29.58)

There were no items on the enforcement list.

47 DEFERRALS FROM THE PLANS LIST (00.30.01)

No items had been deferred from the plans list.

48 THE PLANS LIST (00.30.17)

The Committee considered the applications in the *Plans list.

Note: *List previously circulated and attached to the signed minutes.

- a) 19/01188/FULL - Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family at Land at NGR 276600 96594 (North of Shortacombe Farm), Shortacombe Lane, Yeoford**

The Planning Team Leader addressed questions asked at public question time:

- The Environment Agency and the Public Health team were consulted in regard to drainage. The site was not within a functional flood plain or within flood

zones 2 and 3 and our records show it is not within a surface water area where flooding of 1 in a 1000 years is expected and so it was decided to use the Environment Agency standing advice in regard to the type of drainage required. The proposals started out as a reed bed system which was then altered to a packaged treatment plant preferred by the Public Health team.

- In regard to the location it was not a site that the applicant had been told that they needed to go to, it was an application that they had submitted and that this is where they wanted to be.
- Location and impact to services would be covered in his presentation.
- With regard to the power to the drainage system it must be noted that this was not for 18 people it was for a mother and son, one family pitch. They have outlined a portable solar panel for electricity and they may require additional battery back up power.
- With regard to delivery of the caravan on site, the caravan needed to be legally transported along the highway but that didn't prevent it from being delivered in 2 parts.
- The Highways Authority did not raise the number of vehicle movements for one family as an issue and noted the slight increase from the comparable agricultural use of the site.

He then outlined the contents of the report by way of a presentation highlighting the location, site layout, elevations, proposed shed, visibility splays and photographs of the site.

He explained that SP14 allowed for gypsy and traveller accommodation within the countryside subject to meeting other criteria such as persevering and where possible enhancing the character, appearance and biodiversity of the site. He stated that the applicant met the criteria of gypsy and show travellers.

He reminded members of Section 149 of the Equality Act 2010 that local authorities had to have regard to discrimination and their public sector equality duty.

He explained that the application was to approve a site for a mother and son gypsy and traveller family and that policy DM7 of the Local Plan Review indicated that planning permission would allow for new sites within the countryside. He explained that there were currently no gypsy or traveller sites available to the family in this part of Mid Devon and no alternative location had been identified by the applicant. He further explained that the family had been known to the Gypsy Traveller Service of Devon County Council for 11 years.

Policy DM7 stated the need for 35 pitches to be available for gypsy and traveller families within the district between 2014-2034 but these would be provided by large developments in Tiverton, Crediton and Cullompton which were some time away from completion. An appeal decision issued in November last year allowed traveller accommodation in a countryside location where the Planning Inspector commented that the most significant factor in favour of the appellant's case was down to the degree of doubt over the delivery of sites put forward for the windfall allowance and within the urban extensions. Whilst the Local Planning Authority would now state that a five year allocation for pitches has been identified, there is still the issue of delivery and that of previous under delivery.

Consideration was given to:

- Number of vehicle movements stated by the Highways Authority
- No objections had been received from any of the consultation agencies
- The right of the applicant to cut back or remove the hedge to allow access to the site
- Actual number of people who would live on the site and if this could be controlled
- Definition of a gypsy and traveller pitch
- Existing hard standing on the site
- Advice given during the pre application process
- Landscaping and fencing proposals
- Waste and recycling arrangements for the site
- The applicants desire to live on the site had not been imposed by the Local Authority
- If there was adequate drainage on the site
- The views of the objector who stated that the site was not safe and due to high winds would be a risk to life if the caravans were not tethered and the risk of unaccompanied children being swept away during flooding instances. That she felt it was unfair that the family were being dumped on the site by the Local Planning Authority which was not adequate for disabled people
- The views of the applicant who stated she had searched for 10 years for a suitable site for her and her son. That she had listened to the Parish Council and the Case Officer and had made amendments to the application. That the site had good access to schools, dentists and health facilities for her and her son. That the site design would compliment the local area
- The views of the Ward Member who felt that the site could accommodate up to 20 people. That there were flood issues with the site, children could not play on the site in the winter and it was an unacceptable landscape. There were bats and ancient woodland in the area and there was no ditch system on site.
- Concerns that the applicant would allow more people to move onto the site and it would not just be for her and her son
- Caravans being squashed by trees during high winds
- Accessibility of the site during snowy conditions

It was therefore:

RESOLVED that:

Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- Policy Planning for Traveller Sites - Section 14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
- Policy DM7 A, Space for children's Play
- Policy DM7 -C, unacceptable landscape or ecological impact
- Policy DM7 -E, safe and convenient access to local facilities.
- Policy DM2 -High quality design

- Policy DM2 – Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets
- Policy DM2 - Visually attractive places that are well integrated with surrounding buildings, streets and landscapes
- Policy DM2 - Appropriate drainage including sustainable drainage systems

(Proposed by Cllr S J Penny and seconded by Cllr S J Clist)

Notes:

- i) Cllr Mrs F J Colthorpe, , Cllr J Cairney, Cllr Mrs C P Daw, Cllr E J Berry, Cllr S J Clist, Cllr D J Knowles, Cllr F W Letch, Cllr S J Penny, Cllr R F Radford, Cllr B G J Warren declared an interest in accordance with Protocol of Good Practice for Councillors dealing with planning matters as they had had communication from the objector
- ii) Cllr Mrs F J Colthorpe, Cllr J Cairney, Cllr Mrs C P Daw, Cllr E J Berry, Cllr S J Clist, Cllr D J Knowles, Cllr F W Letch, Cllr S J Penny, Cllr R F Radford, Cllr B G J Warren declared a personal interest as the knew the Ward Member
- iii) Cllr R F Radford did not participate in the vote in line with the Protocol of Good Practice for Councillors dealing in planning matters, due to a loss of internet connection part way through the debate of the application
- iv) Stephanie Crawford (objector) spoke
- v) Ms Tyrer (applicant) spoke
- vi) The following late information was provided via the update sheet:

This committee report was written prior to the adoption of the Mid Devon Local Plan Review which was adopted at an extraordinary meeting of the Full Council held on 29th July. As a result the Mid Devon Local Plan Review 2013-2033 replaces the Core Strategy, AIDPD and Development Management policies that make up the previous Local Plan and are no longer in force.

Therefore the relevant policies and material considerations for this proposal are as follows:

Mid Devon Local Plan Review 2013-2033

S3 - Meeting housing needs

S8 - Infrastructure

S9 - Environment

S14 - Countryside

DM1 - High quality design

DM4 - Pollution

DM5 - Parking

DM7 – Traveller sites

DM28 - Other protected sites

‘Planning policy for traveller sites’ produced August 2015 by the Department for Communities and Local Government

The National Planning Policy Framework (“the NPPF”)

One additional representation received objecting as follows:

We understand that this application has already received numerous objections for a wide variety of reasons, most importantly being that it does not comply with the criteria for Gypsy sites, i.e public transport and local amenities. In addition to this the vehicular access and nature of the plot would appear to be unsuitable for permanent residence.

As newcomers to this area we wanted to assist the Binneford community with objecting to this application but understand that no public meeting will be allowed. We are unsure if we will be able to join the Zoom meeting on the 12th August due to very poor internet speed. Please ensure that in our absence our objection to this application is noted for the records.

b) 17/01904/MFUL - Change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house at Blackborough House, Blackborough, Cullompton.

The Conservation Officer outlined the content of the report by way of a presentation highlighting the location, site location plans, external and internal photographs, roof plans, and floor plans and a 3D model of the proposed development.

The Principal Planning Officer then outlined by way of a presentation the proposed passing bays and the advice received from Historic England.

He then addressed the questions asked at public question time:

- Application had been with the authority for 2.5 years and in that time it was likely that some further decay had occurred to the building. Officers felt that there were considerable deficiencies in the environmental study and the request for additional information would elongate the process even further. Officers felt that they had sufficient information to come to a determination on the application. Members should be advised that the applicant has a duty of care towards the building and the officer would seek to work with the applicant to complete remedial works to prevent further decline
- Should members be minded to approve the application officers would need to provide members with a further report in due course for planning committee to consider. Once the deficiencies in the environmental statement and other outstanding issues had been resolved it could go forwards
- The response of the Highway Authority
- The weight that had been applied to economic benefits and the local economy in the Mid Devon area as set out in the report. Officers had concluded that the economic benefits did not outweigh the identified harm

The Principal Planning Officer explained that the proposal was contrary to Local Plan policies and that the enabling development of 7 houses in open countryside did not outweigh the benefits of the proposed development.

He stated that the house was in a poor condition and that there was a substantial shortfall in funding for the development of it. He informed members that Historic England had serious concerns with the proposed scheme.

Consideration was given to:

- Alternative roads leading to and from the property
- The possible outcome for the building if the application was refused
- The advice received from Public Health concerning contaminated land
- The views of the objector who stated that BACO had formed in response to the application but had never been against development. The developer had never engaged with the local community and highlighted the objections from Historic England. That she felt the scheme was not financially viable and would have a negative impact on the local community and traffic movements.
- The views of the agent who had not worked on any project with this amount of significant opposition. Officers had supported the application and the applicant had continued to make improvements. The scheme would provide employment and a leisure business for the local area. The applicant should be regarded as a white knight for the community and this was the last chance to save the building
- The views of the Parish Council who were concerned about the current contamination of the site. its future viability and the ability of the applicant to sell off parts of the site
- The views of the ward member who questioned the suitability of the road network as main access to the site would be through the village. Concerns about horse riders and children who had to use the roads which had no pavements and the effect of 1000's of houses due to be built in the adjoining valley
- The application would provide the ANOB an opportunity to promote the area
- The need to preserve the building for economic reasons
- The houses were not in keeping with the area
- A site visit was requested by Members but this was not possible due to current Government restrictions

It was therefore:

RESOLVED that: Planning Permission be refused as recommended by the Head of Planning, Economy and Regeneration

(Proposed by Cllr F Letch and seconded by Cllr S J Clist)

Notes:

- i) Cllr Mrs F J Colthorpe, , Cllr J Cairney, Cllr Mrs C P Daw, Cllr E J Berry, Cllr S J Clist, Cllr D J Knowles, Cllr F W Letch, Cllr S J Penny, Cllr R F Radford, Cllr B G J Warren declared an interest in accordance with Protocol of Good Practice for Councillors dealing with planning matters as they had had communication from the objectors and applicant
- ii) Cllr R F Radford did not participate in the vote in line with the Protocol of Good Practice for Councillors dealing in planning matters, due to a loss of internet connection part way through the debate of the application
- iii) Joanne Talling (Objector) spoke

- iv) Nigel Bird (Agent) spoke
- v) Nicholas Allen spoke on behalf of the Parish Council
- vi) Cllr David Pugsley spoke as ward member

c) 17/01905/LBC - Listed Building Consent for the change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house at Blackborough House, Blackborough, Cullompton

The Conservation Officer outlined the content of the report by way of a presentation highlighting the location, site location plans, external and internal photographs, roof plans, and floor plans and a 3D model of the proposed development.

The Principal Planning Officer then outlined by way of a presentation the proposed passing bays and the advice received from Historic England.

He then addressed the questions asked at public question time:

- Application had been with the authority for 2.5 years and in that time it was likely that some further decay had occurred to the building. Officers felt that there were considerable deficiencies in the environmental study and the request for additional information would elongate the process even further. Officers felt that they had sufficient information to come to a determination on the application. Members should be advised that the applicant has a duty of care towards the building and the officer would seek to work with the applicant to complete remedial works to prevent further decline
- Should members be minded to approve the application officers would need to provide members with a further report in due course for planning committee to consider. Once the deficiencies in the environmental statement and other outstanding issues had been resolved it could go forwards
- The response of the Highway Authority
- The weight that had been applied to economic benefits and the local economy in the Mid Devon area as set out in the report. Officers had concluded that the economic benefits did not outweigh the identified harm

The Principal Planning Officer explained that the proposal was contrary to Local Plan policies and that the enabling development of 7 houses in open countryside did not outweigh the benefits of the proposed development.

He stated that the house was in a poor condition and that there was a substantial shortfall in funding for the development of it. He informed members that Historic England had serious concerns with the proposed scheme.

Consideration was given to:

- Alternative roads leading to and from the property
- The possible outcome for the building if the application was refused
- The advice received from Public Health concerning contaminated land

- The views of the objector who stated that BACO had formed in response to the application but had never been against development. The developer had never engaged with the local community and highlighted the objections from Historic England. That she felt the scheme was not financially viable and would have a negative impact on the local community and traffic movements.
- The views of the agent who had not worked on any project with this amount of significant opposition. Officers had supported the application and the applicant had continued to make improvements. The scheme would provide employment and a leisure business for the local area. The applicant should be regarded as a white knight for the community and this was the last chance to save the building
- The views of the Parish Council who were concerned about the current contamination of the site. its future viability and the ability of the applicant to sell off parts of the site
- The views of the ward member who questioned the suitability of the road network as main access to the site would be through the village. Concerns about horse riders and children who had to use the roads which had no pavements and the effect of 1000's of houses due to be built in the adjoining valley
- The application would provide the ANOB an opportunity to promote the area
- The need to preserve the building for economic reasons
- The houses were not in keeping with the area
- A site visit was requested by Members but this was not possible due to current Government restrictions

It was therefore:

RESOLVED that: Listed Building Consent be refused as recommended by the Head of Planning, Economy and Regeneration

(Proposed by Cllr F Letch and seconded by Cllr S J Clist)

Notes:

- i) Cllr Mrs F J Colthorpe, , Cllr J Cairney, Cllr Mrs C P Daw, Cllr E J Berry, Cllr S J Clist, Cllr D J Knowles, Cllr F W Letch, Cllr S J Penny, Cllr R F Radford, Cllr B G J Warren declared an interest in accordance with Protocol of Good Practice for Councillors dealing with planning matters as they had had communication from the objectors and applicant
- ii) Cllr R F Radford did not participate in the vote in line with the Protocol of Good Practice for Councillors dealing in planning matters, due to a loss of internet connection part way through the debate of the application
- iii) Joanne Talling (Objector) spoke
- iv) Nigel Bird (Agent) spoke
- v) Nicholas Allen spoke on behalf of the Parish Council
- vi) Cllr David Pugsley spoke as ward member

49 MAJOR APPLICATIONS WITH NO DECISION (02.46.45)

The Committee had before it, and **NOTED**, a list of major applications with no decision.

It was **AGREED** that:

- Application 20/01174/MOUT (Tidcombe Hall, Tidcombe Lane, Tiverton EX16 4EJ) be brought before the committee for determination if the officer recommendation was minded to approve

Note: *List previously circulated and attached to the minutes

50 **APPEAL DECISIONS (02.50.20)**

The Committee had before it, and **NOTED**, a list of appeal decisions providing information on the outcome of recent planning appeals.

Note: *list previously circulated and attached to the minutes.

51 **19/01156/FULL - Land at NGR 302839 111143, Lloyd Maunder Road, Willand (Installation of a 24MW Reserve Power Plant with associated infrastructure) (02.52.18)**

At the Planning Committee meeting on 12th February 2020, Members advised that they were minded to refuse the above application and invited an implications report for further consideration. The Committee therefore had before it an implications report of the Head of Planning, Economy and Regeneration setting out the implications of refusal.

The Group Manager, Development Management explained the implications report highlighting the reasons for refusal that members had identified at the previous meeting:

- In the open countryside
- Not producing renewable energy
- Not an energy efficient measure
- Not in accordance to policies COR5, DM5 or COR18 (f) of the Local Plan
- Cumulative impact with other Devon renewable energy plants in the area

The officer reminded members of the application by way of a presentation highlighting the site location, site plans, tree & pipeline, proposed elevations and a current container.

In response to questions from members she advised:

- There was an extension of time on the application due to constraints of virtual committees
- The Council could enforce the conditions attached to the application
- Officers considered the application a renewable energy facility

Consideration was given to:

- Members unwillingness to pursue reason for refusal B

- Taken together with other energy facilities in the locality, the proposal would have an adverse impact on the visual and general amenities of the area, contrary to Policy DM2 of the Mid Devon Local Plan
- Traffic movements in the area
- Members felt that the application was contrary to the National Planning Policy Framework

It was therefore:

RESOLVED that the application be refused for the following reason:

The proposed development would result in the creation of a power plant in the open countryside, which would not generate renewable energy. As such, the proposal does not meet the criteria for acceptable development outside settlement limits and is contrary to Policy COR18 of the Mid Devon Local Plan and was contrary to the National Planning Policy Framework

(Proposed by Cllr R F Radford and seconded by Cllr B G J Warren)

Notes:

- i.) Cllr B G J Warren declared a personal interest as Chairman of Willand Parish Council and made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence with regard to this application
- ii.) Cllrs R F Radford and B G J Warren would represent the Council should the application be appealed;
- iii.) *Implications report previously circulated and attached to the minutes

52 19/01862/FULL - Land and Buildings at NGR 299326 114323, Bradford Farm, Uplowman (Change of use of farm buildings to mixed B1/B8 use and retention of external works)(03.16.37)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration following the submission of an appeal to the Planning Inspectorate against non-determination, the report requested members to advise how they would have determined the application.

The Principal Planning Officer outlined the application by way of a presentation highlighting the location and site plans. He advised members that in the officer's opinion the reason for refusal A was not applicable to the application and should be avoided.

He further explained that the applicant had withdrawn support for condition 8 for the provision of an acoustic fence and replacement of the car park surface as it had not been a requirement of the Environment Agency.

He explained that none of the original reasons for refusal were reasonably defensible but provided members with 2 alternative reasons.

Consideration was given to:

- Members felt that the building did not comply with policy DM11
- Members were disappointed that the applicant had withdrawn their support for condition 8

It was **RESOLVED** that had the committee had the opportunity to determine the application then it would have refused the application for the following reason:-

The proposed retention of the shipping container to be used for the storage of bee-keeping equipment and agricultural use, and the gravelled car park, by reason of their siting, layout, scale and appearance, represent incongruous features on site, which fail to respect or relate to its character and rural context. As such they would have a detrimental impact on the visual amenity of the locality due to its failure to demonstrate a clear understanding of the characteristics of the site, its wider rural context and the surrounding area. The proposal is therefore contrary to policies COR2, COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 of the Local Plan Part 3 (Development Management Policies) policies S1, S9, S14 and DM1 of the Mid Devon Local Plan Review 2013-2033: Pre Adoption Draft and the aims and objectives of the National Planning Policy Framework.

(Proposed by Cllr B G J Warren and seconded by Cllr E J Berry)

Note:

- i.) Cllrs S J Clist and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to the application;
- ii.) Cllrs R F Radford and D J Knowles declared a personal interest as the objector was known to them
- iii.) *report previously circulated and attached to the minutes

Update Sheet

(The meeting ended at 6.19 pm)

CHAIRMAN