

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 7 January 2015 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
M D Binks, Mrs H Bainbridge,  
Mrs D L Brandon, E G Luxton, R F Radford,  
Mrs M E Squires (Vice Chairman),  
R L Stanley, A V G Griffiths, P J Heal,  
D J Knowles, J D Squire, K D Wilson and  
P F Williams

### **Apologies**

#### **Councillors**

J M Downes and Mrs L J Holloway

### **Present**

#### **Officers:**

Jonathan Guscott (Head of Planning and Regeneration), Alison Fish (Area Planning Officer), Sally Gabriel (Principal Member Services Officer) and Lucy Hodgson (Area Planning Officer)

## 119 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs L J Holloway.

Apologies were also received from Cllr J M Downes to be substituted by Cllr P F Williams.

## 120 **PUBLIC QUESTION TIME (02-16-00)**

Mr Woolley referring to the minutes of the previous meeting and in particular application 14/01452/MFUL, Bowdens Lane asked the following questions:

### **With Reference to Agenda item 3, the minutes of the 5<sup>th</sup> November Meeting.**

Members refused to accept the section of these minutes relating to the debate on the Shillingford Solar Panel application. Members wished the minutes to properly record the discussion and the many reasons for refusal which members raised during the debate and wished their 13 to nil rejection of the proposal to be recorded. Where has the required amendment /addendum to the 5<sup>th</sup> November minutes been published?

The Head of Planning and Regeneration stated that an addendum to the minute of 5 November 2014 would be combined with an amended implications report that Members had requested, the report was being prepared and would be brought before the Committee on either 4<sup>th</sup> or 11 February.

### **With Reference to Agenda Item 3 minutes of the Planning Meeting on 3rd December 2014.**

At the meeting on the 3rd December 2014 Planning Committee Meeting, Members stated they were unhappy with the Planning Officers report prepared for the meeting in that it failed to provide the sought after reasons why the Shillingford Solar Panel application should be refused. They asked for a report to be prepared by a different Officer of MDCC and for this report to be made available ASAP. Can you advise if the paper prepared by objectors for the 3<sup>rd</sup> December Meeting and circulated to Members prior to the meeting was used in the preparation of this report and has this report been produced? If so where is it available for public access? If it has not been prepared yet, when will it be issued and where will it be lodged to provide public access?

The Head of Planning and Regeneration stated that any information received after the previous report had been written would be taken into account when writing the revised implications report.

### **In relation to the meeting on 3<sup>rd</sup> December 2014**

In relation to a Public question on the Agenda for the meeting which noted that the Agenda states that "Members were minded to refuse the application and therefore wished to defer their decision so that a report could be received setting out the implications of the proposed decision". The question noted that this was at variance to what was recorded so asked the planning officer if this was an interpretation of the planning committee's decision to suit what the planning officer recommended; and therefore, was this a case of bureaucracy 'browbeating' democracy?

In response the Professional Services Manager stated that she would review the tape and address the issues raised. Can she provide a statement on the outcome of this review?

The Head of Planning and Regeneration stated that the original report would be attached to the updated report that would be brought before committee. The Professional Services Manager had reviewed the tape and the findings of that review would be contained within the revised implications report scheduled for February.

### **In relation to the meeting on 3<sup>rd</sup> December 2014**

In response to a question on the type of panel being proposed to be used in this scheme, the Professional Services Manager stated that she was not aware of any Government guidance or policy which asks the Planning Authority to look at the type of panel being erected; she would look into this matter. Is she now in a position to advise on the outcome?

The Head of Planning and Regeneration stated that there was no Government guidance with regard to panel preference.

### **In relation to the meeting on 3<sup>rd</sup> December 2014**

I understand there was a site visit on Tuesday 2<sup>nd</sup> December but this was not reported on at the meeting on the 3<sup>rd</sup>. What was the conclusion of the site visit and where can a report be found?

The Chairman and the Head of Planning and Regeneration both explained that there were two different types of site visit: a full Committee site visit which provides Members with the opportunity to see the site of the proposed application, its setting and topography; all Committee Members are invited to attend the site visit; and a Planning Working Group where a selection of Members were sent out to site for a specific purpose and then report back to the Committee via written notes. The site visit on 2 December was a full Committee site visit.

**In relation to Agenda Item 8 'Major Applications with no decision'(item 12 on the published list)**

It has been rumoured that Wessex Solar Energy has referred their application to appeal. Can a comment on the status of this application be given, noting that, as referred to above, there are outstanding actions on MDDC Officers in relation to it?

The Head of Planning and Regeneration stated that an appeal had been lodged against non-determination.

**121 MINUTES OF THE PREVIOUS MEETING (00-12-47)**

The minutes of the meeting of 3 December 2014 were approved as a correct record and **SIGNED** by the Chairman.

At this point Members sought clarification regarding the type of panels that were proposed to be erected on different solar farms and whether bonds could be requested in relation to solar farms. The Head of Planning and Regeneration stated that that there was a provision for bonds in legislation in Scotland but not in England.

**122 CHAIRMAN'S ANNOUNCEMENTS (00-16-25)**

The Chairman informed Members of a special meeting of the Committee that would take place on 11 February 2015. Another special meeting in addition to the ordinary meeting for March was also proposed (date to be confirmed).

**123 DEFERRALS FROM THE PLANS LIST (00-16-25)**

There were no deferrals from the Plans List.

**124 THE PLANS LIST (00-17-08)**

The Committee considered the applications in the plans list \*.

Note: \*List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

**RESOLVED** that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 3 on the Plans List - **14/01851/FULL – Retention of a ground mounted photovoltaic system to generate 6kW of power – Land at NGR 287945 110268 (Middleway) Pennymoor** – grant planning permission subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: The following late information was reported: 15<sup>th</sup> December 2014 Cruwys Morchard Parish Council – no objections.

(b) No 1 on the Plans List (**14/01592/MFUL – Erection of polytunnels (1200 sq.m – Ebear Farm, Westleigh).**)

The Area Planning Officer outlined the contents of the report.

Consideration was given to the upkeep of the polytunnels, an appropriate planting scheme, the hedge on the north east boundary of the site and any impact of the polytunnels on the Grand Western Canal

**RESOLVED** that this application be approved subject to conditions as recommended by the Head of Planning and Regeneration with 3 additional conditions stating:

(i) No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. **Reason:** To ensure that the development makes a positive contribution to the character and amenity of the area and to safeguard the character and appearance of the Grand Western Canal Conservation Area in accordance with policies DM2 and DM27 of Local Plan Part 3: (Development Management Policies).

(ii) The polytunnel hereby approved, shall be used only for agricultural purposes. On its becoming redundant for such purposes, it shall be demolished, and all materials resulting from the demolition shall be removed from the site, within 3 years of the date this occurs.

**Reason:** To safeguard the rural character of the area and the character and appearance of the Grand Western Canal Conservation Area in accordance with policies DM22 and DM27 of Local Plan Part 3: (Development Management Policies)

(iii) The hedge along the north east boundary of the site shall be maintained at a height of not less than 3m whilst the polytunnels are on site

**Reason:** To safeguard the amenity of local residents in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

(Proposed by Cllr K D Wilson and seconded by Mrs H Bainbridge)

Note: The following late information was reported:

The poly tunnel will not have lighting. We work in the day time and at night the doors are shut. There will be a power socket so that we can plug in a night light should there be a problem at night and we need to investigate.

The plants we grow do not get special lights to grow which I believe is what you were thinking of.

We grow Acer Palmatum , small shrubs in 9cm and 3L pots.

a/ I do not own Ebear Farm but am a tennant and moved in last week.

b/ I am hoping to move the business there in April

c/ Ebear Farm has enough outbuildings for us to operate fully so we will be moving the whole business .

I very much doubt the poly tunnel would be visible from the canal, but in the event they are, we would be willing to plant a bund.

(c) No 2 on the Plans List (**14/01670/FULL – Erection of a 2 storey extension (Revised Scheme) – Ash Cottage, Washfield**).

The Area Planning Officer outlined the contents of the report.

Consideration was given to the impact of the proposal on the neighbouring properties, the lack of objection from the neighbours and the Parish Council and the render finish of the proposed extension.

**RESOLVED** that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to produce a set of conditions, to include conditions regarding the colour of the render and that the end panel of the existing extension and the brick extension to the rear to be rendered and painted to match the extension hereby approved.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

Notes:

- (i) Cllr Mrs F J Colthorpe made declaration in accordance with the Protocol of Good Practice for Councillors in Dealing with Planning Matters as she had been involved in discussions regarding the application;
- (ii) Mr Bryant (Agent) spoke;
- (iii) Cllrs Mrs F J Colthorpe and R L Stanley spoke as Ward Members;
- (iv) Cllrs P F Williams and K D Wilson requested that their vote against the decision be recorded.

## 125 THE DELEGATED LIST (01-01-12)

The Committee **NOTED** the decisions contained in the Delegated List \*.

Clarification was sought with regard to the criterion for change of use of an agricultural building to a dwelling house under Class MB(a).

Note: \*List previously circulated; copy attached to signed Minutes.

126 **MAJOR APPLICATIONS WITH NO DECISION (01-07-02)**

The Committee had before it, and **NOTED**, a list \* of major applications with no decision. It was **AGREED** that:

Application 14/01938/MOUT - South View Road, Willand be determined by the Committee and that a site visit to take place.

Application 14/01629/MFUL – Car Park, Tiverton Parkway which had previously been listed as being determined by the Committee be delegated to the Planning Officer.

Application 09/01573/MOUT – Venn Farm, Members agreed that a site visit was not necessary.

Note: \*List previously circulated; copy attached to the signed Minutes.

127 **APPEAL DECISIONS (01-19-40)**

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; copy attached to signed Minutes.

128 **14/01047/MARM - RESERVED MATTERS FOR THE ERECTION OF 273 DWELLINGS, FORMATION OF CHILDREN'S PLAY AREA, LANDSCAPING, OPEN SPACE, AND ASSOCIATED ACCESS AND ROAD AND DRAINAGE INFRASTRUCTURE FOLLOWING OUTLINE APPROVAL 12/00277/MOUT - LAND AT NGR 294586 113569 (FARLEIGH MEADOWS), WASHFIELD LANE, LOWER WASHFIELD DEVON (01-20-00)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Planning Committee had considered the application at their meeting on 22<sup>nd</sup> October 2014 and resolved that planning permission be granted subject to the variation of terms of the S106 agreement pursuant to planning approval 12/00277/MOUT, various conditions and subject to various other provisions, including:

c) That delegated authority be given to the Head of Planning and Regeneration in conjunction with the Chairman and Ward Members consider whether further noise mitigation measures are reasonably necessary to safeguard the living conditions of the occupiers of dwellings proposed close to the A361 and whether any such measures should be secured by an additional condition.

The Chairman informed the meeting that following consideration of the relevant evidence it was not considered that any further specific noise mitigation measures were justified in order to ensure an acceptable residential environment for future occupiers, therefore no further conditions with regard to noise mitigation were deemed necessary.

**RESOLVED** that the report be **NOTED**

(Proposed by the Chairman)

Notes:

- (i) Cllrs M D Binks, R L Stanley and K D Wilson requested that their vote against the decision be recorded;
- (ii) \*Report previously circulated, copy attached to signed minutes.

(The meeting ended at 3.40 pm)

**CHAIRMAN**