

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 14 February 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
S J Clist, G Cochran (Vice Chairman),
F J Colthorpe, G Czapiewski, G Duchesne,
M Farrell, B Holdman, M Jenkins, S Keable
and F W Letch

Apologies

Councillor(s)

R Gilmour and N Letch

Also Present

Councillor(s)

D Broom, E Buczkowski, J Buczkowski, C Harrower,
S Robinson and D Wulff

Also Present

Officer(s):

Maria De Leburne (Director of Legal, HR & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Angharad Williams (Development Management Manager), Christie McCombe (Area Planning Officer), Daniel Sims (Planning Officer), Yvonne Dale (Planning Officer), Helen Govier (Principal Planning Officer), Magdalena Halls (Planning Officer), Angie Howell (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

A Glover and L Knight

72 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:27)

Apologies were received from the following:-

- Cllr R Gilmour with Cllr S Keable substituting.
- Cllr N Letch with Cllr G Czapiewski substituting.

73 PUBLIC QUESTION TIME (00:03:56)

Andrew Lloyd referred to Application 23/01615/FULL

- 1) As depicted in the photographic evidence submitted the proposed planned area for a micro energy facility is not an unused area of this residential car park. Larger vehicles use this area (others include council vehicles with trailers when conducting work in the surrounding area, recovery vehicles to recover vehicles from the car park). Unfortunately, due to the timescale I was unable to gain photographs of these.
 - a) Why does the Council believe that a car park in Copplestone, a residential village which relies on this car park for off road parking for residents and parents using the local primary school as the surrounding roads are not adequately equipped for on street parking and flow of traffic is the correct setting for this micro energy facility? Considering that Copplestone is a residential area and not industrial / commercial.
 - b) Does the Council accept that if this micro energy facility is approved that it is due to a monetary advantage gained from a sale to a private company and not the welfare of the residents of Copplestone?
- 2) If the fire safety procedures fail or are not adequate (as these seem to be a first aid firefighting capability from the response given) then does the council feel that the nearest fire assistance being Crediton (an on-call service) is an appropriate provision and acceptance of risk in a residential area considering it is surrounded by a) residential properties b) vehicles c) trees and other combustible materials d) a high voltage substation?
- 3) Has the Council considered the wider impact if the micro energy facility is approved to the increased area required for the initial construction a) how much of the car park will be lost during this phase b) increased noise and disruption to the residents c) timeframe?
- 4) Why was the planning notice not sighted to allow the maximum number of residents within the surrounding area, for example at the entrance of the car park itself? Instead, it has been sighted in the bottom corner where it is obstructed due to the very reason stated in a previous question, almost as if to avoid it being noticed.

The Chair advised that the questions would be answered when the application was discussed.

74 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:08:18)

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

- Cllr S Keable referred to Plans List 1 Application No. 23/01875/FULL as Cabinet Member for Planning and Economic Regeneration he declared an ORI and would not vote.
- Cllr M Jenkins referred to Plans List 3 Application No 23/01615/FULL and Plans List 5 Application 23/01251/MFULL as he had received correspondence and declared a Protocol of good practice in planning matters.

- Cllr S Clist referred to Plans List 2 Application No. 23/01513/FULL and declared that he had an ORI and it was his Cabinet portfolio area but had not been involved with this application.

75 **MINUTES OF THE PREVIOUS MEETING (00:09:50)**

The minutes of the previous meeting held 10 January 2024 were agreed as a true record and duly signed by the Chairman.

76 **CHAIRMAN'S ANNOUNCEMENTS (00:10:09)**

The Chairman announced the following:-

- He congratulated Jake Choules, Principal Planning Officer who had passed his Assessment of Professional Competence with the Royal Town Planning Institute which meant he was now a Chartered Planner.
- He reminded Members of the Battery Storage Briefing taking place on Wednesday 28 February at 2.15pm.
- He introduced and welcomed two new Planning Officers, Magdalena Halls and Yvonne Dale who would be presenting reports to the Planning Committee today.

77 **WITHDRAWALS FROM THE AGENDA (00:12:01)**

There were no withdrawals from the Plans List.

78 **THE PLANS LIST (00:12:14)**

The Committee considered the applications in the *Plans List.

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

- a) 23/01875/FULL - Temporary siting of 12 swan sculptures as part of the sculpture trail along the Grand Western Canal and Tiverton town Centre between 1st March 2024 to 30th November 2024 at Grand Western Canal Basin, Lowman Green, Fore Street, Phoenix Lane, Beck's Square, Angel Hill, Westexe North, Westexe Recreation Ground, Park Hill, Peoples Park, Market Walk, Bampton Street

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The main objective of the project was to promote Tiverton town centre and visitor attractions connected with the town and the Grand Western Canal.
- Swans were chosen as they migrate to Devon for the season.
- The sculptures were made of fibreglass which would then be decorated by local artists with acrylic paints and placed on concrete plinths.
- The Highways Authority and the Environment Agency had raised no objections.

Discussion took place regarding:-

- The robustness of the sculptures and the plinths that would be used for mounting the sculptures.
- The duration of the display which was confirmed as being from 3rd April until the end of November.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

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

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr S Keable abstained from voting and wished this to be noted.
- b) 23/01513/FULL - Erection of a dwelling at 5 Exon Buildings, Exeter Road, Cullompton

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The new dwelling would form part of Mid Devon District Council's housing stock.
- The accommodation would comprise of a lounge, dining area, kitchen, 3 bedrooms and a bathroom.
- There would be 6 solar panels on the front roof slope.

Discussion took place regarding:-

- Car parking problems in the area and the use of public transport.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by the Chairman).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr S Robinson spoke as the Ward Member.
- c) 23/01615/FULL - Construction and operation of micro energy storage facility at Car Park, Fernworthy Park, Coplestone.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The facility was located to the south east corner of the site and the location of the sub-station was just behind as they needed to be within 50 metres of each other to work effectively.
- The surrounding fencing would be 2.4 metres high.
- The main issues raised related to parking provision, impact on neighbouring community and fire risks/safety.
- The applicant had revised the siting which demonstrated acceptable distance to the nearest parking space and retained flow through the car park.
- Public Health had been consulted and had no initial concerns regarding noise
- An internal short circuit detection system, temperature sensor and built in current and voltage sensors provided early warnings of a malfunction which would permit automatic shutdown. The units were also equipped with fire suppressors.
- The site would be visited twice a year by the applicant's operational and maintenance teams as part of the standard preventative maintenance schedule.

In response to the public questions received from Andrew Lloyd the Planning Officer answered as follows:-

In response to the use of the area of the car park, whilst photos had been submitted showing vehicles to this area, there were no designated parking spaces to this area of the site. As demonstrated in the submitted block plan and discussed within the presentation, the proposed development would not result in a loss of designated parking within the car park, with sufficient space to the nearest parking space to maintain flow around the car park.

As members would have been aware from the briefing session, these facilities were designed to be provided in urban areas close to existing substations, where larger facilities would not be appropriate. The development was not considered to be excessive in scale or massing, measuring 6m x 4.29m and not exceeding 2.4m in height. It would have a utilitarian appearance, however given its scale and siting within the car park it was considered that it would have limited impacts to the character and appearance of the wider area and was considered to be acceptable.

This was not considered to be a planning matter and we cannot take this into account with the application assessed against relevant national and local policies which were covered within the officer report.

The applicants have provided additional information regarding fire safety procedures for these facilities, to which Public Health had not raised concerns. The following fire safety procedures and measures were covered within the presentation:

The systems included battery management system that monitored the BESS 24 hours a day. An internal short circuit detection system, temperature sensor and built in current and voltage sensors provided early warning of a malfunction and permitted automatic shutdown. The system included inbuilt heat sensors that measured the temperature of the battery units that automatically shut down in the unlikely event that thermal runaway was detected.

The equipment also automatically shuts down once it reached the limits of its safe operating parameters. This equipment was designed to operate at altitude and in more extreme weather conditions, the UK climate was well within its safe operational envelope. The units were also equipped with fire suppression, specifically a hot aerosol spray. The Battery Box also had an internal short circuit detection system, built in current and voltage sensors all of which provided early warning of a malfunction and permitted automatic switch off.

Devon and Somerset Fire and Rescue had been consulted on the application but did not provide a response.

As outlined within the submitted information and the officer report, during the 2 week construction period a total of 6 HGV movements were expected to the site. The BESS was operated remotely and therefore during the operational phase traffic movements to the site were only anticipated in relation to a fault or maintenance activities. On this basis, it was considered that the proposal was unlikely to result in any significant impacts to the local highway network and any minimal impacts regarding noise were considered acceptable during the short construction phase.

In regards to the site notice, this matter was also raised by the Parish Council and addressed within the officer report. It was considered that the site notice had been displayed within the public car park near to the proposed development site. This application had also been advertised in The Gazette and through neighbour notifications which alone would satisfy the Councils obligations regarding advertising of planning applications.

Discussion took place regarding:-

- Whether trees and over hanging branches would cause a fire hazard.
- The safety of the generators.
- The noise levels to nearby residents.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr G Duchesne).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Ben Wallace spoke as the Applicant
- (ii) Cllr F Letch abstained from voting and wished this to be noted.

d) 23/01923/FULL - Construction and operation of a micro energy storage facility at Land at NGR 282446 100921 (Playing Field), Avranches Avenue, Crediton.

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The main issues raised related to the siting of the development, the potential impact on trees and fire risk/safety.

- The surrounding fencing would be 2.4 metres high.
- Following concerns raised by Crediton Town Council there was a revised siting for the development to move it away from the position of the beacon which was lit in the park on commemorative occasions.
- The Tree Officer had been consulted and had no objections subject to conditions
- An internal short circuit detection system, temperature sensor and built in current and voltage sensors provided early warnings of a malfunction which would permit automatic shutdown. The units were also equipped with fire suppressors.
- The site would be visited twice a year by the applicant's operational and maintenance teams as part of the standard preventative maintenance schedule.
- No objections had been received.

There being no discussion on this item it was **RESOLVED** that planning permission be granted subject to conditions.

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

Reason for the Decision – as set out in the report.

- e) 23/01251/MFUL - Variation of conditions 3, 16, 22 and 23 and removal of condition 18 of planning permission 19/01679/MFUL (Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure) to allow amendments to internal roads, access to southern parcel, battery stations, layout of solar PV arrays and fence lines, redesign of substation area, removal of proposed gantry and replacement with point of contact mast and addition of 4 (temporary) construction compounds at Land at NGR 303437 103555, East of Langford Mill & Tye Farm, Langford.

The Area Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- Condition 9 on the Application would be amended to read:-
Prior to the commencement of the proposed development, the site access roads shall be formed in a sound bound material for the first 20.00m back from its junction with the public highway and drained to prevent any surface water entering onto the public highway. The site access roads shall be hardened, surfaced, drained and maintained and thereafter hardened, surfaced, drained and maintained.
REASON: The revised wording would provide greater clarity to ensure that surface water did not enter the public highway.
- The application sought to vary conditions 3, 16, 22 and 23 and to remove condition 18 of an existing 2019 planning application.
- This would allow amendments to the internal roads, access to the southern parcel, battery stations, layout of solar pv arrays and fence lines, redesign of the substation area, removal of the proposed gantry with the replacement of a wooden gantry pole and the addition of 4 temporary construction compounds.

- The proposed infrastructure would be set up within the existing field pattern with all margins and vegetation retained.
- Fencing would be 2.4 metres in height ensuring the fencing was not outwardly visible.
- Noise and visual impacts were minimised and all locations had been accepted by Public Health.
- The communications mast had been removed and instead a 16 metre wooden gantry pole was proposed. This also removed the need for the 15 metre communication tower. No issues had arisen from the Conservation Team.
- Concerns from the Highways Authority regarding the safety and suitability of the roads had been removed as traffic would now re-routed away from Plymtree.
- There was a grammar error within the report relating to paragraph 1.1 – the 2019 Planning application was approved through an appeal with costs awarded AGAINST the Council and not TO the Council.

Discussion took place regarding:-

- Clarity on the comments made by Parish Councils.
- The possible use of the land once the solar panels were removed and the land decommissioned.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and as per the amendment to condition 9 as stated above.

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

Reason for the Decision – as set out in the report.

Notes:-

- (i) Gigi Morales Amroe spoke as the Applicant.

79 MAJOR APPLICATIONS WITH NO DECISION (01:34:54)

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

The Committee agreed that the applications remained as per the report.

Note: *List previously circulated, copy attached to the minutes.

80 APPEAL DECISIONS (01:35:59)

The Committee had before it, and **NOTED**, a list of appeal decisions.

Note: *List previously circulated, copy attached to the minutes.

(The meeting ended at 3.54 pm)

CHAIRMAN