

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 9 October 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chair)
S J Clist, G Cochran (Vice-Chair),
F J Colthorpe, G Czapiewski, J M Downes,
C Harrower, B Holdman, M Jenkins, N Letch
and S Robinson

Apology

Councillor

G Duchesne

Also Present

Councillors

R Roberts and G Westcott

Also Present

Officers

Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Jake Choules (Planning Officer), John Hammond (Development Management Manager), John Millar (Area Team Leader), Zoë Lentell (Economic Development Team Leader) and Sarah Lees (Democratic Services Officer)

Councillors

Online

E Buczkowski, J Buczkowski, G Duchesne, A Glover,
S Keable and F W Letch

Officers Online

A Devereux (Planning Officer) and L Woon (Democratic Services Officer)

53 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr G Duchesne who was substituted by Cllr J Downes.

54 PUBLIC QUESTION TIME

Shirley Cork referred to Application No 24/00557/FULL and asked the following question:

I have lived in the area for 20 years. The road is well used by cyclists and walkers. My son, who is in a wheelchair, uses the road frequently. It will become more and

more dangerous for all road users if this goes ahead and the peace and quiet will be gone forever.

How can Highways give their approval for the use of the road (no more than a country lane) to be used by industrial vehicles, lorries, large vans etc. with no passing places or room to pass even for pedestrians?

The Chair advised that the question would be answered when the application was considered on the agenda

55 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:06:00)**

The following interests were declared:

- a) Cllr S Clist made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application 24/01252/FULL (Drop In Centre, Newport Street, Tiverton) in that he was the Cabinet Member for Housing, Assets and Property and this 'asset' fell within his portfolio. He also made further declarations in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application numbers 24/00557/FULL (Venn View Barn, Sampford Peverell) and 24/00746/FULL (Chilton Gate Kennels, Bickleigh) in that he had received email correspondence.
- b) Cllr P Colthorpe made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application 24/00746/FULL (Chilton Gate Kennels, Bickleigh) in that she had had prior discussions with the Ward Member, Cllr R Roberts, regarding the application but that this would not prejudice her decision making in any way.
- c) Cllr B Holdman made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding the planning applications on the Plans List in that he had received email correspondence.
- d) Cllr L Cruwys made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application 24/00746/FULL (Chilton Gate Kennels, Bickleigh) in that he had had a verbal discussion with the Applicant.

56 **MINUTES OF THE PREVIOUS MEETING (00:08:00)**

The minutes of the previous meeting held on 11th September 2024 were agreed as a true record and **SIGNED** by the Chair.

57 **CHAIR'S ANNOUNCEMENTS (00:09:00)**

The Chair had the following announcements to make:

- a) He informed Members of the Committee that the Planning Committee scheduled for 27th November 2024 had been cancelled as all applications would be considered at the following meeting on the 4th December 2024.
- b) He introduced John Hammond to the Committee as the interim Development Management Manager who would be covering for Angharad William's whilst she was on maternity leave.

58 **WITHDRAWALS FROM THE AGENDA (00:09:30)**

There were no withdrawals from the Agenda.

59 **THE PLANS LIST (00:10:00)**

The Committee considered the applications in the *Plans List.

- 1) 24/01252/FULL - Enlargement of window and door openings to the front elevation, replacement of 1 window on the East and South elevations; erection of bike store and pergola and installation of flue at Former Drop In Centre, Newport Street, Tiverton

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

- Photographs of the existing building showing the proposed pergola and openings on the front elevation.
- There had been no objections to the proposals.
- The application did not result in the loss of any additional parking.
- Photographs of the parking area for entry and exit were shown.

Discussion took place regarding:-

- The fact that there had been no concerns raised by the surrounding businesses.
- Tiverton Town Council had had concerns regarding the previous original planning application but not for this application.
- Condition 3 stated that details of a secure cycle storage facility will be provided.

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

(Proposed by Cllr J Downes and seconded by Cllr B Holdman)

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

Notes:

- (i) Zoë Lentell spoke as the Applicant.
- (ii) Cllr B Holdman spoke briefly as one of the Ward Members and stated that he was content with the application.
- (iii) List previously circulated.

- 2) 24/00557/FULL - Change of use of agricultural building to Use Class B2 (General Industrial) at Venn View Barn, Sampford Peverell, Tiverton.

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

- The application had been called in by Cllr G Duchesne.
- It was not within a flood risk or Conservation area.
- It was possible for 'Change of use' to be approved under permitted development rights even if the application was refused so officers considered that a fallback position has been established.
- The alterations were limited and the impact of the noise had been carefully considered.
- Highways had been satisfied that there would be no greater impact on the highway network compared with the previous use.
- 5 formalised parking spaces were proposed.
- A number of photographs were shown of the site including the access.
- There was a typo in Condition 10 which, if Members were minded to approve, would be corrected.
- The principle of development on the site had already been established.

Discussion took place regarding:-

- Policy DM9 in relation to transportation and air quality, had Highways considered the cumulative impact of this? It was confirmed that Highways had visited the site and had considered the width of the road and the number of proposed vehicles using it as well as the number of proposed employees which was stated as being 4.
- It was confirmed that no industrial work activities would take place outside of the building.
- Highways had stated that there would be a 'betterment' in terms of vehicle trip generation should permission be granted and that it wouldn't be as severe as it was currently. The estimation was 2 large vehicle movements a week.
- Concern was expressed that the application did not include a 10% Bio Diversity Net Gain clause and whether this could be included as a condition? It was confirmed that the Local Planning Authority could talk to the applicant about a planting scheme and consider a landscaping condition.
- Officers were not able to confirm at the present time, how many, if any, passing places there were on the road, however, it was reiterated that Highways did not have any concerns and that they saw the proposal as a 'betterment'.
- Officers had considered a condition regarding the number of employees but considered that it would not meet the tests set out in the NPPF.
- Very specific reasons would need to be provided for a site visit of the Committee.

It was **RESOLVED** that planning permission be granted subject to:

- a) Conditions as stated in the report.
- b) Correction of Condition 10 to remove the word 'dwelling' and replace it with the word 'building'.
- c) Delegated authority being given to the Director of Place & Economy to include a landscaping condition.

(Proposed by Cllr S Clist and seconded by Cllr P Colthorpe)

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

Notes:

- (i) Mr Peter Elliott Herrod-Taylor spoke as the objector.
- (ii) Barry James spoke as the agent.
- (iii) Cllr Furmedge spoke as the representative from Halberton Parish Council (online).
- (iv) The Chair read out a statement from Cllr G Duchesne as the Ward Member.
- (v) A proposal to defer the application for a site visit was not supported.
- (vi) Cllrs: Downes, Harrower, Holdman and Jenkins requested that their abstentions from voting be recorded.

- 3) 24/00746/FULL - Conversion of former animal rescue centre to 8 dwellings at Chilton Gate Kennels, Bickleigh, Tiverton.

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

- The application site was in the open countryside.
- There were no listed buildings on the site and it was not within a Conservation Area.
- The buildings were deemed, in the officers opinion, to have little architectural or historical merit and did not 'positively contribute' to the area's rural character.
- The proposed development did not comply with the special circumstances identified in Policy DM9 in respect of the reuse of an existing redundant or disused building and would therefore constitute unjustified development in the countryside.
- There were no concerns from Highways in relation to the access or the local road network, however, if Members were minded to approve, a pre-commencement condition for a Construction Environmental Management Plan would need to be agreed with the applicant.
- An ecological report had been submitted which had concluded that there would be no adverse effects upon protected species, however, if the application was approved a condition would be needed regarding mitigation and enhancement measures.
- Photographs were shown of the buildings on the site including the kennel, cattery and cat isolation building.
- For the reasons given, the officer's recommendation was for refusal.

Discussion took place regarding:-

- Opinion with regard to a building's 'positive contribution' could be considered as subjective.
- If the buildings could not be seen from the road, how could they be judged not to 'positively contribute'?
- The application was usually of the sort that came forward for a town setting.
- The application as it stood did not meet the criteria of the Council's policies and therefore officers were unable to justify recommending approval.

- It was confirmed that the proposed dwellings would not be offered as affordable homes.
- The need for more housing in the district.
- The Chair stated that he had spoken to the nearest neighbour to the site prior to discussion of this item and that he and his family would be the most affected by the site being left to dereliction.

It was **RESOLVED** that planning permission be granted subject to the signing of a S106 Agreement to secure planning obligations towards education and delegated authority being given to the Director of Place & Economy to agree relevant conditions.

(Proposed by Cllr N Letch and seconded by Cllr S Robinson)

Reason for the Decision – The Committee felt that the buildings did in fact positively contribute to the area’s rural character and add value and therefore was policy compliant under Policy DM9.

Notes:

- (i) Robin Furby spoke on behalf of the applicant.
- (ii) Cllr R Roberts spoke as the Ward Member.
- (iii) Cllr P Colthorpe was not present during discussion of this application having left the meeting after the previous application.

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

60 MAJOR APPLICATIONS WITH NO DECISION (01:57:00)

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

The Committee requested that 24/01166/MOUT (Outline application for the development of up to 1,150 residential dwellings at Week Farm & Moorhayes Farm in Cullompton) be brought before Committee.

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

61 APPEAL DECISIONS (02:01:00)

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 4.16 pm)

CHAIR