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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 9 March 2016 at 2.15 pm

Present Councillors

Mrs H Bainbridge, K Busch, Mrs C Collis,
Mrs F J Colthorpe, J M Downes, S G Flaws,
P J Heal, D J Knowles, F W Letch,
B A Moore, R F Radford, J D Squire and
R L Stanley

Apologies Councillor(s)

Also Present Councillor(s)

Present Officers:

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Daniel Rance (Principal Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Member Services Manager)

122 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

123 **PUBLIC QUESTION TIME**

Mr Sanderson referring to Item 11 (Tollgate Farm) on the agenda raised concern about the explosion of AD plants in the area. Is the Committee aware that as well as the outstanding 3 poultry units at Tollgate and Gibbet Moor there is permission granted for poultry units at Menchine and Edgeworthy, which are all in close proximity and will have a cumulative effect as well as an increase in HGV movement together with traffic movement at Menchine, which will have an immediate impact on local residents.

Miss Coffin referring to Item 11 (Tollgate Farm) on the agenda asked whether Councillors were aware of the many disease and health hazards to both humans and other livestock associated with chicken manure (especially industrial factory farmed chickens). We ask if the Council has considered the full cumulative effect of this and all the recent chicken farm applications already granted or under review as well as

the already existing chicken farms within a geographical radius. Has full and thorough consideration been given to the potential consequential effect on the local and wider environment, tourism and other farmers livelihoods as well as direct and associated potential loss of existing employment. Surely it is a question of balance, where is the gain in creating a few jobs at the expense of many more?

We therefore ask that should you decide in favour of this application you condition that a proper waste management plan be determined and adhered to, this should include:

- A specified alternative AD site to take the waste in the event of any non-operational periods at Menchine farm and in view of any potential commercial changes to either business.
- We also ask for an undertaking from the applicant (whom we understand to be a global multinational company with their own environmental policy) that the waste from the industrial chicken houses will not be stored as compost on any unlicensed agricultural land that does not hold the required compost licence.
- Contingency plan in the event of any notifiable animal disease outbreak and the consequential movement restrictions which includes the waste?

Mr Steele representing Dr Bell and referring to item 14 on the agenda (TIVERTON Eastern Urban Extension - junction of new highway junction to A361) stated:I refer to item 14 on your agenda concerning Mrs Clifford's note to the Committee about resident's revision to the design and construction of the new left-in, left out junction with the A361.

We question Mrs Clifford's claim in the conclusion of her note that our revisions to the scheme are undeliverable. We also question a number of the statements in her note to you.

The aim of our presentation to be given by Mr Dennis Cook today is to challenge Mrs Clifford's conclusion and to ask you, once again, to support existing and future residents' right to have their health and well-being protected in the most practical and effective way for the next 100+ years over and above modest financial considerations.

The LILO is the more significant section of the whole cloverleaf junction that will adversely affect the lives of generations of the residents who will be exposed to the traffic-related pollutions arising from its use.

Devon County Council Highways Department and Mid Devon District Council Planning Department have sought to put a price of £3 million and a little time on the health and well-being of these generations of local residents. This has to be an unacceptable reason for denying residents a more acceptable and effective junction layout and construction for securing a healthier environment for generations to come rather than the one they currently face.

We know you have the will to support us, please help us to the way to see our scheme delivered.

We ask you please, through this meeting, to provide your support for continuing to secure our health over cash solution for now and the future.

124 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10 February 2016 were approved as a correct record and signed by the Chairman.

125 **CHAIRMAN'S ANNOUNCEMENTS (00-11-00)**

The Chairman reminded Members that the next meeting of the Committee would take place on Wednesday 6 April.

126 **DEFERRALS FROM THE PLANS LIST (00-12-02)**

There were no deferrals from the Plans List.

127 **THE PLANS LIST (00-12-08)**

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 application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 2 on the Plans *List (15/01993/TPO – Application to carry out works to 2 Oak trees protected by Tree Preservation Order 02/00005/TPO – footpath rear of 3 & 4 Aspen Way, Willand)* be approved as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

(b) No 1 on the Plans *List (15//01871/FULL – Erection of a two storey extension – 1 Aspen Way, Tiverton.*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed elevations of the proposed extension, the distance between the proposed extension and the neighbouring properties and her concerns regarding the design imbalance with other properties in the area and overbearing issues for the neighbouring properties. Members viewed photographs of the street scene which identified the design of roofs in the locality.

Consideration was given to:

- The number of hipped roofs in the area.
- The previous application which had been deemed too high and therefore the revised scheme had introduced a hipped roof.
- The impact on the neighbouring properties.

RESOLVED that:

- a) the application be approved on the following grounds: that of an acceptable impact on adjacent properties and in keeping with the character of the area; and
- b) delegated authority be given to the Head of Planning and Regeneration to provide a set of conditions for the decision notice.

(Proposed by Cllr R L Stanley and seconded by Cllr D J Knowles)

Notes:

- (i) Cllrs Mrs H Bainbridge, K I Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, J S Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the agent;
- (ii) Cllr D J Knowles declared a personal interest as he had had contact with the agent;
- (iii) Mr Bryant (Agent) spoke;
- (iv) Cllr D J Knowles spoke as Ward Member;
- (v) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against the decision be recorded.

128 THE DELEGATED LIST (00-32-40)

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

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

129 MAJOR APPLICATIONS WITH NO DECISION (00-33-08)

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

It was **AGREED** that application 16/00015/MFUL Multi-Storey Car Park, Phoenix Lane, Tiverton be determined by the Committee and that a site visit take place.

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

130 APPEAL DECISIONS (00-34-27)

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.

131 APPLICATION 15/01622/FULL - ERECTION OF AN AGRICULTURAL WORKS DWELLING AND AN AGRICULTURAL LIVESTOCK BUILDING AT LAND AT NGR 316711 110152 (TEN OAKS FARM) CLAYHIDON (00-35-14)

The Committee had before it an * implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application. Members were informed that an appeal for non-determination had been lodged with the Inspectorate and therefore they were requested to indicate the decision they would have made on the application if they had the ability to determine the application.

The Principal Planning officer outlined the contents of the report highlighting the proposals and explaining possible reasons for refusal and whether they could be substantiated.

Consideration was given to:

- The lack of information provided by the applicant.
- Local residents objections.
- Whether the size of the holding was sufficient to sustain the level of agricultural activity.
- Financial information in support of the application.

RESOLVED that had the Local Planning Authority had the power to determine the application, it would have approved planning permission.

(Proposed by the Chairman)

(Vote 7 for: 6 against)

Notes-:

- (i) Cllr R L Stanley declared a personal interest as he had had conversations with the objectors;
- (ii) A proposal to refuse the application was not supported;
- (iii) Cllrs Mrs C Collis, P J Heal, R F Radford and R L Stanley requested that their vote against the decision be recorded;
- (iv) *Implications report previously circulated, copy attached to minutes.

132 APPLICATION 15/01808/MFUL ERECTION OF 3 REPLACEMENT POULTRY BUILDINGS (8071SQ.M) FOLLOWING DEMOLITION OF EXISTING AND PROVISION OF ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS AND HARDSTANDING AT LAND AND BUILDINGS AT NGR 285916 112907, TOLLGATE FARM NOMANSLAND ((00-58-59)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report stating that the proposal sought to replace the existing 4 poultry units with 3 units which would bring the total of 7 buildings on site following a previous

permission. She explained the number of chicken proposed to be housed on the site and that the site would be managed in line with an Environment Agency environmental permit. Members viewed the existing and proposed plans, the site location plan along with proposed elevations and photographs from various aspects of the site.

She addressed the question posed in public question time regarding the existing and proposed poultry units in the area, the applications had either been before committee or would do so in the near future. With regard to the spreading of waste, there was no control via the environmental permit but there was other legislation that would deal with the issue, each application had to be dealt with on its merits and that a waste management plan could be conditioned.

Consideration was given to:

- The impact of the proposal on the amenity of local residents specifically at clean out time
- The viability of the proposal
- Specific legislation which covered the spreading of waste
- The impact of the proposal on the local road network and the Highway Authority's opinion
- Proposed additional conditions regarding waste management and additional landscaping
- The number of poultry units in the area and the amount of waste to be disposed of
- The need for local residents to be protected
- The cumulative effect of all the poultry units on the local road network
- The hours of operation
- The capacity of vehicles entering and exiting the site.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with the following additional conditions as follows:

1. Prior to the commencement of development a waste management plan to include details of measures to manage the disposal of waste produced on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the agreed waste management plan and records shall be kept of where waste is disposed of together with the quantity of waste so disposed and shall be made available to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

2. The ventilation systems on the buildings hereby approved shall continue to operate throughout the clean out period. In addition, measures to ensure that the doors on the north east ends of the proposed buildings shall be kept closed whilst the buildings are in use and throughout the clean out period shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented before first use of the new buildings granted and so retained.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

3. Prior to the commencement of development, a planting and planting management plan for the north east boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of any additional planting together with management measures for planting along the north east boundary of the site. Any additional planting specified in the approved plan shall be carried out in the first planting season following the commencement of the development and be retained. Any trees or plants which within a period of five years from the first use 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. Planting and management of planting shall be carried out in accordance with the approved plan.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

4. Other than the catching and removal of birds, no works shall take place on the site between the hours of 22:00 and 07:00.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

5. Vehicles used to remove waste from the site shall be restricted to a maximum capacity of 16 tonnes. Records of the vehicles used to remove waste from the site to include number; date, tonnage (capacity) and destination shall be kept and made available to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local area in accordance with Policy DM2 LP3 Development Management Policies.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

Notes:

- i) Cllr R F Radford declared a Disclosable Pecuniary Interest in the application as he grew chicken for the applicant and therefore left the meeting during the discussion thereon;
- ii) Cllrs Mrs F J Colthorpe declared a personal interest as the farm manager was known to her, she also knew a number of objectors to the application;
- iii) Cllrs B A Moore and R L Stanley declared personal interests as the objectors were known to them;
- iv) Mr Whilding (Agent) spoke;
- v) Mrs Harmer spoke on behalf of the objectors;

- vi) Cllr Mrs Smyth spoke on behalf of Cruwys Morchard Parish Council;
- (vii) The following late information was reported: Part 1.0 Proposed development, page 85 - Report states that when the existing buildings ceased being used in December 2015 that litter waste was being transported to the Anaerobic Digester at Menchine Farm by tractor and trailer. The litter waste was actually being spread on nearby farm land.
The Environmental Report submitted with the application states that litter waste from the replacement buildings will be transported to an Anaerobic Digester. Having discussed this further with the Agent, the litter waste will either be spread on nearby farm land as was the situation when the buildings were last in use, or transported to an AD via 26 tonne, 6 wheeled rigid lorries.
The proposed replacement buildings are still considered to result in a 'neutral' change regarding vehicle movements.
- (viii) Remove the word 'swales' from condition 4.
- (ix) *Report previously circulated, copy attached to minutes.

133 APPLICATION 15/01996/MFUL - ERECTION OF PARLOUR, CUBICLE AND COVERED FEED BUILDING (1876 SQ.M) AT LAND AT NGR 269824 104236 (SW OF LOWER NEWTON FARM) ZEAL MONACHORUM (2-02-58)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proposed accommodation for animals and waste, the dung spreading plan, proposed floor space and elevations, google photographs identifying the location of the neighbouring properties adjacent to some of the original buildings and photographs from various aspects of the site. He also highlighted the proposed highway improvements identifying the dedicated access for construction on the site. He stated that he felt that the proposal was in line with Policy DM22 of the Local Plan Part 3 (Development Management Policies).

Consideration was given to:

- Whether the cows would be housed all year round
- The use of some of the existing buildings
- The reinstatement of a dairy holding on Newton Farm
- Concerns of the objectors with regard to the increased size of the business on the holding, access issues and the impact of the proposal on the local road network
- Farming in the countryside
- The proposed traffic management plan.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr J D Squire and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as some of the objectors were known to her;
- ii) Cllr P J Heal declared a personal interest as his son managed a dairy farm in the local area;
- iii) Mr Lawson (applicant) spoke;
- iv) Mr Boughton spoke on behalf of the objectors;
- v) Cllr J M Downes requested that his abstention from voting be recorded;
- (vi) The following late information was reported: 7th March 2016 - Revised Design and Access Statement (received 29th February 2016) Only change from that previously submitted: reference made to use of Profile 6 fibre cement sheets in anthracite grey. This change is as previously requested by the Local Planning Authority (see below)

8th March - The following email has been received from the applicant's agents on 8/03, following notification by the Case officer that the agent had incorrectly completed certificate A and not certificate B when submitting the application. Certificate A is applicable to applicants who own the land that constitutes the application – in this case the applicant has an option to purchase at this point in time. Certificate B is applicable to applicants who don't have an interest in the application site, and Certificate B establishes for the benefit of the local planning authority that the applicant has notified the owner that the application scheme has been submitted for consideration.

“ I can confirm that the Land Owner has been aware of the Lawson's intentions to submit the two applications when they first met back in February 2015 and he was furnished with a set of the original plans, showing the current size and location of the buildings, prior to the current applications (15/01994/FULL & 15/01996/MFUL) being submitted on the 17-12-2015.

I hope that this clears up the question raised yesterday and doesn't effect the recommendation for approval due to a technical oversight that has been missed by everyone until the 11th hour 12 weeks after submission.

There has never been any intention to submit the applications without the knowledge of the land owner and we would like to stress this point should it be raised by the objectors during the committee meeting”.

9th March 2016 – Information received from the applicant.

17th February 2015

The applicants first met the landowners at Lower Newton Farm, having been told that the farm was to be sold. We discussed with David the field beside the existing buildings and the possibility of erecting a large building there, the size of the building and the position was pointed out to him.

6th March 2015

The applicants and (farm consultant to H.Lawson and Partners) visited the farm again. After walking around the farm, further lengthy discussion was had with

the landowners. An offer was made to buy the farm, subject to planning consent being granted. The landowner brought up about the water main that goes through the field in question and pointed out the position of the water main to us. Further lengthy discussion about the size and reposition (to avoid the water main) of the proposed new building was had.

21st May 2015

The Local Planning Authority case officer attended the site for a pre-app visit. The applicants and the landowner were in attendance. The size and position of the building was marked out.

Late September 2015

After meeting with 6 neighbours on 19/6/2015 and realising their opposition to the 1st planning application, it was withdrawn.

16th October 2015

The applicants met with his construction consultant to discuss the suitability of the 2 sites suggested in Savills report. Discussed with the landowner the suitability of these sites for the building and he suggested looking at a third site. On measuring the landowners suggested site, it was ruled out owing to the visual impact on the residents at Leigh Cross.

3rd November 2015

The applicants and the Local Planning Authority Case Officer c met on the proposed site of the second planning application, for a pre app visit. Following that the landowners were visited by the applicants and informed that they would put in an application on the second site and gave them a copy of the proposed layout in the field. Further discussions were held regarding our purchase of lower Newton farm. They were informed that this would happen as soon as the planning application was successful.

12th November 2015

E mail received from the landowner saying he would like a deposit for the farm by the beginning of February 2016.

17th November 2015

The applicant spoke to the landowner to ascertain that he would definitely sell them the farm if a 2nd planning application were successful. This was to make sure it was worth while putting this in. The landowner confirmed that he would sell us his farm.

Subsequently the 2nd planning application was submitted.

Most of the agreement between the landowner and the applicant has been done verbally and on trust.

With regards to Condition 7 of the recommendation the reason for Condition 7 should be:

Reason: To minimise the impact of the development on the general amenities of the area in accordance with policy DM2 of Local Plan Part 3.

(vii) *Report previously circulated, copy attached to minutes;

134 **APPLICATION 15/01994/FULL - ERECTION OF A COVERED SLURRY STORE (760 SQ.M) AT LAND AT NGR 269824 104236) LOWER NEWTON FARM, ZEAL MONACHORUM (2-02-58)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proposed accommodation for animals and waste, the dung spreading plan, proposed floor space and elevations, google photographs identifying the location of the neighbouring properties adjacent to some of the original buildings and photographs from various aspects of the site. He also highlighted the proposed highway improvements identifying the dedicated access for construction on the site. He stated that he felt that the proposal was in line with Policy DM22 of the Local Plan Part 3 (Development Management Policies).

Consideration was given to:

- Whether the cows would be housed all year round
- The use of some of the existing buildings
- The reinstatement of a dairy holding on Newton Farm
- Concerns of the objectors with regard to the increased size of the business on the holding, access issues and the impact of the proposal on the local road network
- Farming in the countryside
- The proposed traffic management plan.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr H Bainbridge and seconded by Cllr P J Heal)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as some of the objectors were known to her;
- ii) Cllr P J Heal declared a personal interest as his son managed a dairy farm in the local area;
- iii) Mr Lawson (applicant) spoke;
- iv) Mr Boughton spoke on behalf of the objectors;
- v) Cllr J M Downes requested that his abstention from voting be recorded;
- (vi) The following late information was reported: 7th March 2016

1. Email from agent (dated 1st March 2016)

Confirming that 50-60 no. dairy replacement heifers will be housed in the existing buildings along with 15 no. beef cattle. These numbers are in addition to

the dairy herd. (132 no.) and are considered capable of being reared on the acreage that makes up Lower Newton Farm. The information is considered not to affect the officer assessment or recommendation.

2. Revised Design and Access Statement (received 29th February 2016)

Only change from that previously submitted: confirmation of use of Profile 6 fibre cement sheets in anthracite grey (instead of previous 'natural grey'). This change has been previously requested by the Local Planning Authority and will help ensure that the visual impact of the scheme is made more acceptable within the landscape.

3. Revised Farm Waste Management Plan for new dairy building (received 29th February 2016)

Only change from that previously submitted provides additional clarification (section 4) that all organic manure will be spread using equipment that has a low spreading (i.e. below 4m from the ground dry matter dung only side or rear discharge spreader). The scheme will be subject to other (e.g. DEFRA/Environment Agency) statutory requirements and the additional information indicates that the applicant will follow 'best practice' advice and guidance.

4. The applicant has submitted on 29th February 2016 indicative drawings to show proposed access arrangements to the site from the south. Other indicative drawings show the intention to allow bordering field hedges to be allowed to grow up to 3.5m in height and also to thicken over time to provide additional screening. These matters are subject to respective conditions but seem to indicate that the development can be reasonably accessed and landscaped to lessen impacts.

5. A further plan has been submitted on 7th March 2016 to show the land available for spreading slurry and dung. This indicates sufficient land available to meet with farm waste management issues.

8th March 2016 - The following email has been received from the applicant's agents on 8/03, following notification by the Case officer that the agent had incorrectly completed certificate A and not certificate B when submitting the application. Certificate A is applicable to applicants who own the land that constitutes the application – in this case the applicant has an option to purchase at this point in time. Certificate B is applicable to applicants who don't have an interest in the application site, and Certificate B establishes for the benefit of the local planning authority that the applicant has notified the owner that the application scheme has been submitted for consideration.

" I can confirm that the Land Owner has been aware of the Lawson's intentions to submit the two applications when they first met back in February 2015 and he was furnished with a set of the original plans, showing the current size and location of the buildings, prior to the current applications (15/01994/FULL & 15/01996/MFUL) being submitted on the 17-12-2015.

I hope that this clears up the question raised yesterday and doesn't effect the recommendation for approval due to a technical oversight that has been missed by everyone until the 11th hour 12 weeks after submission.

There has never been any intention to submit the applications without the knowledge of the land owner and we would like to stress this point should it be raised by the objectors during the committee meeting”.

9th March 2016 – Information received from applicant.

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The applicants first met the landowners at Lower Newton Farm, having been told that the farm was to be sold. We discussed with the landowner the field beside the existing buildings and the possibility of erecting a large building there, the size of the building and the position was pointed out to him.

6th March 2015

The applicants and (farm consultant to H.Lawson and Partners) visited the farm again. After walking around the farm, further lengthy discussion was had with the landowners. An offer was made to buy the farm, subject to planning consent being granted. The landowner brought up about the water main that goes through the field in question and pointed out the position of the water main to us. Further lengthy discussion about the size and reposition (to avoid the water main) of the proposed new building was had.

21st May 2015

The Local Planning Authority case officer attended the site for a pre-app visit. The applicant and the landowner were in attendance. The size and position of the building was marked out.

Late September 2015

After meeting with 6 neighbours on 19/6/2015 and realising their opposition to the 1st planning application, it was withdrawn.

16th October 2015

The applicants met with his construction consultant to discuss the suitability of the 2 sites suggested in Savills report. Discussed with the landowner the suitability of these sites for the building and he suggested looking at a third site. On measuring the landowners suggested site, it was ruled out owing to the visual impact on the residents at Leigh Cross.

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The applicant spoke to the landowner to ascertain that he would definitely sell them the farm if a 2nd planning application were successful. This was to make

sure it was worth while putting this in. The landowner confirmed that he would sell us his farm.

Subsequently the 2nd planning application was submitted.

Most of the agreement between the applicant and the landowner has been done verbally and on trust.

(vii) *Report previously circulated, copy attached to minutes;

135 **TIVERTON EASTERN URBAN EXTENSION: CONSTRUCTION OF NEW HIGHWAY JUNCTION TO A361. (2-53-31)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration reporting back on investigations over whether revisions to the approved highway junction design for the new A361 junction as requested by local residents could be delivered and the implications of the revised scheme. She outlined the contents of the report highlighting the background information with regard to the strategic highway improvement required to serve the Tiverton Eastern Urban Extension. She presented the approved plans, specifically the Left in Left out junction on the southern side of the A361. She identified the concerns of local residents and the design proposal that they had put forward to the Highway Authority, the correspondence that had taken place and the fact that the landowner in question would not make the land available which was required if the residents proposals were to be deliverable. She explained the potential funding implications for any amendments to the scheme

Consideration was given to:

- The impact of the junction on local residents
- The concerns of the residents
- The views of the local Ward Members
- The unavailability of land required for the residents proposals
- The LEP funding and proposed match funding

Notes:

- i) Cllrs Mrs H Bainbridge, S G Flaws, D J Knowles and R L Stanley declared personal interests as a number of the objectors were known to them;
- ii) Mr Cook spoke on behalf of the local residents;
- iii) The Chairman read a letter from Cllrs N V Davey and C R Slade (Ward Members);
- iv) Cllr D J Knowles spoke as a Ward Member;
- v) Cllr D J Knowles requested that his objection to the report be noted;
- vi) *Report previously circulated, copy attached to minutes;

136 **REVIEW OF PLANNING COMMITTEE PROCEDURES (3-33-39)**

The Committee had before it a report * of the Head of Planning and Regeneration reviewing Planning Committee procedures in light of issues that had arisen and following visits to other Local Planning Authorities undertaken in 2012/13. She outlined the contents of the report and the process of the review. Any amendments to the procedures within the Constitution would have to be recommended to the Standards Committee.

RESOLVED that the item be deferred to a special meeting of the Committee so that thorough consideration of the report could take place.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr K I Busch)

Note: *Report previously circulated, copy attached to minutes;

Update Sheet

(The meeting ended at 6.10 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 9th March 2016

Applications of a non-delegated nature

UPDATES

<u>Item No.</u>	Description
1.	15/01871/FULL - Erection of a two storey extension at 1 Aspen Way, Tiverton, Devon.
2.	15/01993/TPO - Application to carry out works to 2 Oak trees protected by Tree Preservation Order 02/00005/TPO at Footpath Rear of 3 & 4 Aspen Way, Willand, Devon.
	AGENDA ITEMS
	<p>15/01622/FULL - Erection of an agricultural worker's dwelling and an agricultural livestock building Land at NGR 316711 110152 (Ten Oaks Farm), Clayhidon, Devon Deferred for further information and an <u>IMPLICATIONS REPORT</u></p> <p><u>NB</u> – An appeal has been lodged with the Planning Inspectorate. Members are therefore asked to indicate the decision they would have made, had they the opportunity to do so.</p> <p>Last line Page 55 – text correction Replace ‘justification’ with ‘jurisdiction’.</p>
	<p>15/01808/MFUL - Erection of 3 replacement poultry buildings (7071 sq m) following demolition of existing, and provision of associated infrastructure including feed bins and hardstanding at Land and Buildings at NGR 285916 112901, Tollgate Farm, Nomansland</p> <p>Part 1.0 Proposed development, page 85 Report states that when the existing buildings ceased being used in December 2015 that litter waste was being transported to the Anaerobic Digester at Menchine Farm by tractor and trailer. The litter waste was actually being spread on nearby farm land. The Environmental Report submitted with the application states that litter waste from the replacement buildings will be transported to an Anaerobic Digester. Having discussed this further with the Agent, the litter waste will either be spread on nearby farm land as was the situation when the buildings were last in use, or transported to an AD via 26 tonne, 6 wheeled rigid lorries. The proposed replacement buildings are still considered to result in a ‘neutral’ change regarding vehicle movements.</p>
	15/01994/FULL - Erection of a covered slurry store (760 sq. m) at Land at NGR 269824 104236, Lower Newton Farm, Zeal Monachorum

PLANNING COMMITTEE AGENDA - 9th March 2016

Applications of a non-delegated nature

UPDATES

7th March 2016 - Revised Design and Access Statement (received 29th February 2016) Only change from that previously submitted: reference made to use of Profile 6 fibre cement sheets in anthracite grey. This change is as previously requested by the Local Planning Authority (see below)

8th March - The following email has been received from the applicant's agents on 8/03, following notification by the Case officer that the agent had incorrectly completed certificate A and not certificate B when submitting the application. Certificate A is applicable to applicants who own the land that constitutes the application – in this case the applicant has an option to purchase at this point in time. Certificate B is applicable to applicants who don't have an interest in the application site, and Certificate B establishes for the benefit of the local planning authority that the applicant has notified the owner that the application scheme has been submitted for consideration.

“ I can confirm that the Land Owner has been aware of the Lawson's intentions to submit the two applications when they first met back in February 2015 and he was furnished with a set of the original plans, showing the current size and location of the buildings, prior to the current applications (15/01994/FULL & 15/01996/MFUL) being submitted on the 17-12-2015.

I hope that this clears up the question raised yesterday and doesn't effect the recommendation for approval due to a technical oversight that has been missed by everyone until the 11th hour 12 weeks after submission.

There has never been any intention to submit the applications without the knowledge of the land owner and we would like to stress this point should it be raised by the objectors during the committee meeting”.

9th March 2016 – Information received from the applicant.

17th February 2015

The applicants first met the landowners at Lower Newton Farm, having been told that the farm was to be sold. We discussed with David the field beside the existing buildings and the possibility of erecting a large building there, the size of the building and the position was pointed out to him.

6th March 2015

The applicants and (farm consultant to H.Lawson and Partners) visited the farm again. After walking around the farm, further lengthy discussion was had with the landowners. An offer was made to buy the farm, subject to planning consent being granted. The landowner brought up about the water main that goes through the field in question and pointed out the position of the water main to us. Further lengthy discussion about the size and reposition (to avoid the water main) of the proposed new building was had.

21st May 2015

The Local Planning Authority case officer attended the site for a pre-app visit. The applicants and the landowner were in attendance. The size and position of the building was marked out.

PLANNING COMMITTEE AGENDA - 9th March 2016

Applications of a non-delegated nature

UPDATES

	<p>Late September 2015 After meeting with 6 neighbours on 19/6/2015 and realising their opposition to the 1st planning application, it was withdrawn.</p> <p>16th October 2015 The applicants met with his construction consultant to discuss the suitability of the 2 sites suggested in Savills report. Discussed with the landowner the suitability of these sites for the building and he suggested looking at a third site. On measuring the landowners suggested site, it was ruled out owing to the visual impact on the residents at Leigh Cross.</p> <p>3rd November 2015 The applicants and the Local Planning Authority Case Officer c met on the proposed site of the second planning application, for a pre app visit. Following that the landowners were visited by the applicants and informed that they would put in an application on the second site and gave them a copy of the proposed layout in the field. Further discussions were held regarding our purchase of lower Newton farm. They were informed that this would happen as soon as the planning application was successful.</p> <p>12th November 2015 E mail received from the landowner saying he would like a deposit for the farm by the beginning of February 2016.</p> <p>17th November 2015 The applicant spoke to the landowner to ascertain that he would definitely sell them the farm if a 2nd planning application were successful. This was to make sure it was worth while putting this in. The landowner confirmed that he would sell us his farm.</p> <p>Subsequently the 2nd planning application was submitted.</p> <p>Most of the agreement between the landowner and the applicant has been done verbally and on trust.</p> <p>With regards to Condition 7 of the recommendation the reason for Condition 7 should be:</p> <p>Reason: To minimise the impact of the development on the general amenities of the area in accordance with policy DM2 of Local Plan Part 3.</p>
	<p>15/01996/MFUL - Erection of parlour, cubicle and covered feed building (1876sqm) at Land at NGR 269824 104236 (SW of Lower Newton Farm), Zeal Monachorum Devon</p> <p>7th March 2016 1. <u>Email from agent (dated 1st March 2016)</u> Confirming that 50-60 no. dairy replacement heifers will be housed in the</p>

Applications of a non-delegated nature

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existing buildings along with 15 no. beef cattle. These numbers are in addition to the dairy herd. (132 no.) and are considered capable of being reared on the acreage that makes up Lower Newton Farm. The information is considered not to affect the officer assessment or recommendation.

2. Revised Design and Access Statement (received 29th February 2016)

Only change from that previously submitted: confirmation of use of Profile 6 fibre cement sheets in anthracite grey (instead of previous 'natural grey'). This change has been previously requested by the Local Planning Authority and will help ensure that the visual impact of the scheme is made more acceptable within the landscape.

3. Revised Farm Waste Management Plan for new dairy building (received 29th February 2016)

Only change from that previously submitted provides additional clarification (section 4) that all organic manure will be spread using equipment that has a low spreading (i.e. below 4m from the ground dry matter dung only side or rear discharge spreader). The scheme will be subject to other (e.g. DEFRA/Environment Agency) statutory requirements and the additional information indicates that the applicant will follow 'best practice' advice and guidance.

4. The applicant has submitted on 29th February 2016 indicative drawings to show proposed access arrangements to the site from the south. Other indicative drawings show the intention to allow bordering field hedges to be allowed to grow up to 3.5m in height and also to thicken over time to provide additional screening. These matters are subject to respective conditions but seem to indicate that the development can be reasonably accessed and landscaped to lessen impacts.

5. A further plan has been submitted on 7th March 2016 to show the land available for spreading slurry and dung. This indicates sufficient land available to meet with farm waste management issues.

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