

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 6 April 2016 at 2.15 pm

### **Present Councillors**

Mrs F J Colthorpe, Mrs H Bainbridge, K Busch,  
Mrs C Collis, 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

### **Also Present Councillor(s)**

Mrs J B Binks and R J Chesterton

### **Present Officers:**

Jenny Clifford (Head of Planning and Regeneration),  
Tina Maryan (Area Planning Officer), Simon Trafford  
(Area Planning Officer), Lucy Hodgson (Area  
Planning Officer), Simon Johnson (Legal Services  
Manager), Daniel Rance (Principal Planning Officer),  
Catherine Marlow (Conservation Officer), Reg  
Willing (Enforcement Officer) and Sally Gabriel  
(Member Services Manager)

## 137 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## 138 **PUBLIC QUESTION TIME**

Mr Tony White, referring to item 11 on the agenda, asked how confident are the committee that what has been built already and what remains to be built will actually follow any permission granted? An example of this are the two driers, the synopsis of changes states that there will be two dryers of 43m in length, drawings show two drawings end to end which should total 86m, they are next to the silage clamps which are 60m long but the drawing shows the clamps as longer. Which is correct and who is checking on this sort of thing? Given GFL's contempt for the planning process on this site what steps will the planning officer take to ensure that the end result is within the parameters allowed? Also as a large part of the site has been built without planning permission do the Councillors agree with the officers previous assertion that this in no way sets a precedent. Another authority has recently been quoted as saying that a similar situation "a pattern of behaviour has characterised the permissions at this site, essentially the planning process has been treated with contempt and a loss of faith in the public in the planning process makes future planning decisions on biogas plants much harder to achieve".

Mr Peter Robins, referring to item 11 on the agenda, said that given the history of what has gone on local residents have no confidence that Greener for Life will stay within any permission granted. Referring to the report it appears that the original plan for the AD unit can no longer be implemented. Can they explain why this is? If

Greener for Life have created the problem by not providing a coherent report in the first place Members of the Council should not feel responsible for the predicament that the company now finds itself in. Hopefully the Committee Members will vote with their consciences and not how any political party dictates. If it does get approval how long will it take for the trees to grow to give sufficient screen from the site from public view and who is going to monitor this site to ensure that everything is carried out correctly?

Mrs A Vinton, referring to item 11, said that the transport statement provided by the applicant relies heavily on the fact that 251 of the acres to be used for food stocks and digester spreading are accessible land without the use of the public highway. However 119 of these acres, that's over a 3<sup>rd</sup>, are not part of Hartnoll Farm and lie to the west of Manley Lane and are within the area marked out as part of the Eastern Urban Extension. That is the 26 acres in the amended statement in the additional statement added to the acres in the original document. Can your officers tell us what Greener for Life intend to do if and when this acreage is no longer available and have they supplied your officers with figures for the increased amount of traffic that would be generated on the public highway if alternative sources had to be found? Furthermore can your officers assure us that stringent checks will be made on the recorded number of vehicle movements and when the figure of 1872 vehicle movements per year has been logged the digester will be shut down and no further traffic movements take place.

Mr Goff Welchman had supplied a written question, referring to item 11 on the agenda, which the Chairman read. Does this committee believe that it is right, to allow an approval, then when caught building a larger construction in the wrong location, put in a revised plan, and receive approval? If this application is not rejected and appropriate enforcement action taken then this committee will send a clear message to all developers that they can get away with similar deceptions in future in our area.

Mr K Grantham, referring to item 5 on the plans list, said that the application had been called in by a Ward Member as it was considered that the application, if approved, would constitute over development of the site. The Parish Council and some objectors take the view that apart from over development of the site the visual mass and design of the extension and the additional garage will fail to meet standards of high quality design and look unsightly as described in the Willand Parish Council representation. This view is also shared by another Ward Member. Should not those views be listened to and given due weight when compared with the alternative view of an officer?

Mr B Warren of Willand Parish Council referring to item 5 on the plans list said that in their representation, which is contained in the officer's report, the Parish Council suggested the inclusion of 2 conditions which are set out towards the bottom of page 5 of the plans list. These were suggested if Members were minded to grant approval as by closing off one door of the main house on the ground floor the garage conversion/extension could easily become a separate dwelling. Those conditions have been part of two separate approvals granted by officers in relation to similar applications elsewhere within the parish in the last year.

The suggested inclusion was made by the Parish Council as a way of ensuring there was not a future separate of accommodation and in the interests of the planning process being seen to be consistent. No mention has been made by the officer as to why this representation has been discounted.

If Members approve the application could they please instruct the inclusion of those suggested conditions?

Mr Govett, referring to Gibbet Moor on the agenda asked if the Committee were aware that residents of Nomansland are very surprised that the Highway Authority are prepared to provide/recommend a passing place in Nomansland to accommodate the transport requirements for yet another seemingly small business, which it is not, as it is part of the Greener for Life company. The provision of the proposed passing place will only exacerbate the speed of vehicles on this unclassified lane. Members will already be aware of the problems of vehicles exceeding the legal speed limit in this hamlet which the police, owing to the lack of resources are unable to control.

Would it not be better that any monies available were allocated to the provision of traffic calming measures in our hamlet, through width restrictions, which works well in other villages, before a major road traffic accident occurs where there could be loss of life, and Members were implicit to.

Mrs L Sheppard, referring to the item on the Gibbet Moor application asked are we safe to assume that the committee will bear in mind the recent appeal relating to the increase in the size of the anaerobic digester plant at Menchine, when the inspector stated that the appeal was dismissed because of the effect on increased traffic movements on the local community. Therefore to approve the Gibbett Moor application will by default increase traffic in direct contradiction of the Inspectors decision.

Mrs S Smythe, referring to the Gibbett Moor application asked are Members aware that prior to the Section 50 Order being granted to Greener for Life to drill with the underground mole and lay ducting to carry electricity cables from Menchine to Edgeworthy, down the C308, there had been no problems with it. The surface was acceptable and the ditches well defined and carrying water to its egress. The road is currently closed for a period of up to 18 months. This is as a result of it flooding for the first time in living memory and the ditches eroded resulting in at least 6 vehicles having to be towed from it. We are now told that pipe work carrying the water needs replacing as it is old. It is felt by everyone that the passing place is certainly unnecessary and it is the reconstruction of the pipe work and the reopening of this road which is essential.

Mr David Manley, speaking as the agent for Red Linhay, said that given the response and the implications report with the reasons for refusal proposed at the last planning committee and the fact there was a recommendation for approval for this application can officers please elaborate on the local authorities strength of defence at appeal and related to this could officers in their experience elaborate on the resources required to defend an appeal, not including any appeal costs that may be claimed by the applicant?

Mr Govier, speaking on behalf of the Tiverton Hospital League of Friends, regarding the Alexandra Lodge application asked are the Councillors aware that a considerable number of beds at the hospital are being blocked by medically fit older people with no suitable onwards housing?

Dr O'Kelly, speaking regarding the Alexandra Lodge application, asked if Councillors were aware that in the 16 years that he had been in the town at least 50 beds had been lost in the community. Charlton Lodge and other homes had closed, in that time

the population had aged considerably and it is expected that of the expected growth in population in the next 5 years 4000 will be over 60. If you are going to turn down the application at Alexandra Lodge what alternative accommodation have you got in place that you can deliver in the same timescales?

Mr Sam Tabiner, regarding Alexandra Lodge asked are Councillors aware that Alexandra Lodge is specifically stated in the Councils Older Person Strategy that they will vigorously pursue the scheme at this site and find a suitable registered provider and fund the facility. Under the current proposal the scheme will be delivered without any of this funding which can be used elsewhere.

Mrs E Fathi, regarding Alexandra Lodge, asked are Councillors aware that Alexandra Lodge has been used institutionally for at least 60 years, is in a very poor state of repair and requires substantial investment to refurbish it. If this application is not approved today Tivertons Almshouse Trust, as landowner, will need to consider its position. Given the high demand for this type of accommodation in this area could Councillors please explain which town centre site will meet the policy of this council if this site were not approved?

Mrs S Herniman, regarding Alexandra Lodge asked are Members aware that the proposals for Alexandra Lodge are supported by a number of local organisations including Clare House Surgery, Senior Voice, Tiverton Hospital League of Friends, Neil Parish MP and the NHS Trust.

Cllr Mrs J Binks, regarding Gibbett Moor asked if the committee were convinced beyond all reasonable doubt that the traffic calming measures for the C308 are robust enough to mitigate the impact of the additional traffic movement caused by the development to the local residents and will the proposed passing space address the road safety and amenity issues for residents and why the contribution by the applicants towards this has been dropped? Could you ensure that all breaches of conditions are met with the strictest of enforcement?

Mr T Payne, referring to item 11 on the agenda said that Greener for Life have submitted plans for AD plants which appear, as they have not been built within the planning permissions granted, to be built to deceive local councils from the outset. Councillors will no doubt remember that in January 2016 the planning inspector heard an appeal for an AD at Menchine Farm where an attempt was made to double the capacity of the AD plant. There seems to be a pattern emerging where small plants are applied for and then when permission is granted application is made for a larger plant. In the case of the site in Halberton a retrospective application was made only after work had started. I wish to ask how many site visits have been made by Councillors and if they have seen recent aerial photographs and given that the Inspector dismissed the appeal at Menchine Farm and ruled in Mid Devon's favour last month will this give Members encouragement to stand against this application and support the local residents who have written more than a hundred letters of objection, to protect the environment and in particular the canal.

Mr B Cordon, referring to agenda item 11, said that the original plans showed a gas line running from Red Linhay to Willand but that local farmers had refused permission for this and those plans had now changed. When the LPA was asked about the proposed pipe line they informed the Parish Council that they had no idea that such a pipe line had ever been planned. Therefore this application is a totally new application and explains why all the new buildings are needed, the flare is needed and the site has changed. Locals are aware of this. This site is called Red Linhay but

it is part of Hartnoll Farm. Does this mean that material cannot be kept on Hartnoll Farm if it is not part of the site? It is deception to call the site Red Linhay. Also people travelling on Crown Hill are complaining about the state of the road and it will not be able to cope with further traffic.

Mr A Pilgrim, referring to item 11 on the agenda, asked that Members consider thinking about the correctness morally on voting on an application that has a very poor foundation, would you be voting for the best thing for local people?

Mr C Lloyd, referring to the Gibbett Moor application, asked referring to page 17 on the application which said that there was no significant problem as far as the Environmental Health officer was concerned regarding chicken waste passing through Nomansland. He said that he could not see how they could have arrived at that decision, could the officer explain what chicken waste units had been transported to date.

The Chairman stated that answers to the questions would be provided when the items were debated.

### 139 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9 March 2016 were approved as a correct record and signed by the Chairman.

### 140 CHAIRMAN'S ANNOUNCEMENTS (00-30-57)

The Chairman had the following announcements to make:

- A special meeting of the Committee would take place on 20 April 2016 to discuss the Planning Procedures report deferred from a previous meeting.
- The Planning Advisory Service training day that had been provisionally arranged for 14<sup>th</sup> April had been postponed and would be rescheduled.

### 141 ENFORCEMENT LIST (00-31-34)

Consideration was given to the cases in the Enforcement List \*.

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

Arising thereon:

(i) No. 1 in the Enforcement List (***Enforcement Case ENF/15/00075/BRE – failure to comply with Condition 1 and Condition 4 on appeal decision in relation to Planning Application 10/00160/FULL – Willtown Mobile Home, Clayhidon***).

The Enforcement Officer outlined the contents of the report highlighting the history of the site and the fact that an application granted at appeal had added a personal condition naming the applicant. Following the death of the original applicant, enforcement was now proposed. The issue of a Breach of Condition Enforcement Notice was proposed which would allow the widow to appeal any decision.

Consideration was given to personal circumstances of the widow and her previous work on the land.

**RESOLVED** that the Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices, seeking compliance with a residency condition imposed at appeal following the refusal to grant planning permission by the Local Planning Authority, in respect of planning reference 10/00160/FULL. In addition, in the event of a failure to comply with any Notice issued authority to prosecute, take direct action and/or authority to seek a court injunction.

(Proposed by Cllr P J Heal and seconded by Cllr B A Moore)

Note: Mr Brown (Agent) spoke.

(ii) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00064/UCU – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for the siting of a caravan for human habitation – Green Acres, Coldridge, Crediton***).

The Enforcement Officer outlined the contents of the report explaining the history of the site and that permitted development allowed a mobile home to be placed on site for the purpose of carrying out the development of the shed, this would have to be removed once the structure was complete. He outlined the works that had taken place to date and how slow the process was; he felt that the erection of the shed was now a secondary matter and therefore proposed enforcement action seeking the cessation of the land for human habitation.

Consideration was given to:

- Recent bad weather
- Whether the landowner owned another dwelling
- The period of compliance

**RESOLVED** that the Legal Services Manager be authorised to take any appropriate enforcement action including the service of a Notice or Notices seeking the cessation of the use of the land for human habitation, the removal of any caravans and any associated containers used in connection with the human habitation of the land and the restoration of the land to agricultural use. In addition, in the event of a failure to comply with any Notice issued authority to prosecute, take direct action and/or authority to seek a court injunction.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Note: Mr Claye (Landowner) spoke.

(iii) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00075/UNLD – failure to properly maintain land at Corner House. Wall has collapsed and is now adversely affecting the amenity of the area - Corner Close, Morchard Bishop***).

The Enforcement Officer outlined the contents of the report highlighting the development at Corner Close and the fact that part of the wall had collapsed. Initial

enquires had suggested that the wall was the responsibility of the Management Committee requested as a requirement of one of the conditions on the original approval. Investigations had suggested that the Management Committee had never been successfully formed and therefore the responsibility fell back on to the developer.

Consideration was given to other possible enforcement issues on the site.

**RESOLVED** that:

- (a) The Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices, seeking the repair of the boundary wall at Corner Close. In addition in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.
- (b) The steps required be amended to read "Rebuild the breach in the wall, using stone which has remained on site, matching in height and width and all other aspects with the undamaged wall on either side of the breach.

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

Notes:

- (i) Cllr P J Heal declared a personal interest as the developer was known to him and he had a relation who lived on the site;
- (ii) Cllr J D Squire declared a personal interest as his daughter in law was a member of the Parish Council;
- (iii) Cllr Mrs J B Binks spoke as Ward Member.

#### 142 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

#### 143 **THE PLANS LIST (1-05-15)**

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

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

- (a) No 1 on the Plans List (***15/01604/MFUL – Erection of 5 poultry units (5040 sq.m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure – Land at NGR 288027 116786 (Gibbett Moor Farm) Templeton.***)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the details of the development, the access route to the site and the proposed passing place, the site layout, attenuation ponds, proposed elevations and dimensions of the office buildings. He explained the proposed route

outlined in the Waste Management Strategy for the movement of the waste to Menchine Farm. Members viewed photographs from various aspects of the site.

Referring to the questions posed in public question time:

- With regard to the proposed passing place, the Highway officer had felt that it would help the management of the traffic along that section of the network
- Members were well aware of the appeal decision for Menchine Farm
- With regard to the provision of the passing bay, initially the Highway Authority were seeking a financial contribution, however the Highway Authority considered that a passing bay would suffice. We are now bound by the legislation and cannot take money unless there was a specific need and the passing bay had been proposed
- With regard to the Environmental Health comments, the Environmental Health Officer had been involved with discussions
- With regard to the condition of the roads in the area, there were outstanding issues with drainage problems, but these were pre-existing, therefore the LPA could not require the applicant to address the issues, however highway improvements were proposed within the application with the inclusion of a passing place

Consideration was given to:

- The minimum width of vehicles on the roads in question
- The cumulative effect of applications in the area feeding the AD plant at Menchine Farm and the incremental increase in traffic flows as a result of the chicken houses being erected in the area.
- The impact of the appeal decision at Menchine
- If the amount of birds were increased to 95,000 what would the impact be with regard to environmental health issues
- Concerns regarding the information being received from the applicant
- Concerns that the conditions put in place for the Tollgate application and why such conditions were not being requested for this application
- The impact of the application on the local road network and possible highway safety
- Visual impact on the landscape

**RESOLVED** that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- Cumulative impact of the number of operations in the area particularly in respect of traffic generation.
- Insufficient, inconsistent and inaccurate information in order for the Local Planning Authority to adequately assess the impact of the application.
- Access and traffic – the unacceptable impact of traffic generation and on highway safety.
- Landscape and visual impact.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Notes:

- (i) Cllr R F Radford declared a Disclosable Pecuniary Interest as a chicken farmer and therefore left the meeting during the discussion thereon;
- (ii) Cllrs Mrs F J Colthorpe, R L Stanley, B A Moore and S G Flaws all declared personal interests as they either knew the applicant and/or local residents;
- (iii) Ms Lyus (Clarke Willmott – on behalf of the local residents) spoke in objection to the application;
- (iv) Cllr Miss Coffin spoke on behalf of Templeton Parish Council;
- (v) Cllrs B A Moore and R L Stanley spoke as Ward Members;
- (vi) The following late information was reported:

Four additional objections have been since the report was completed. The further representation raise concern about the proposed passing bay within Nomansland. In response to comment these concerns, the following points are considered relevant for members to consider.

Objectors have commented that the proposed passing bay within Nomansland would encourage HGV's to use the village as a cut through for HGV traffic. It is also commented that a passing bay in this location would negatively impact on neighbouring amenity and could create flooding issues. Copies of photographs have been circulated which show the C308 flooded and a lorry stuck within a side ditch.

It is not considered that the proposed layby is likely to cause any additional flooding issues, or encourage additional use of the lane by HGVs. It is clear from the representations and submitted photographs that the existing section highway is effectively a narrow part of the network and it is problematic for vehicles to pass safely without using the verge, and on a passing bay in this location is therefore considered to be a beneficial addition to the local road infrastructure. Due to the reasonably low speed of the road, the nature of a passing bay (vehicles will only pull into it temporarily), and the existing location of the road in relation to nearby neighbouring dwellings, it is not considered that the proposed passing bay would have a negative impact the amenity of neighbouring properties. Discussions with the Highways Authority confirm this passing bay is a necessary improvement to the highway, and approval of the proposed scheme with the recommended offsite highways works is advised.

Comments have also made regarding the recent appeal decision to refuse planning permission to increase the capacity of the Menchine AD. It is considered by local residents that the existing Menchine AD plant will not have the capacity to utilise the waste as feedstock for the AD plant if 90,000 chickens are grown each cycle. As members are aware the Menchine AD plant was granted planning permission on the basis that the feedstock would be for 6,545 tonnes of arable crop and 3,000 tonnes of poultry litter. The supporting information suggests that each of the new units at Menchine, Edgeworthy and

Gibbet Moor will supply on average 820 tonnes of poultry litter, which in conjunction with the litter generated on the existing Menchine unit would be close to this proposed annual figure, however would not exceed the 3000 tonnes. Taking into account this information the existing AD plant at Menchine is deemed to be adequate for the disposal of chicken waste from this proposed unit, and the other applications recently submitted by the applicant and approved..

No additional issues have been raised that have not already been considered by the LPA and covered within the officer report.

Templeton Parish Council submitted an additional comment on the 04/04/2016. This is set below:

We write to confirm our original objections to this above application and to agree with other objectors comments, in that we have no confidence in the authenticity of the additional information supplied by the Applicant's Consultants.

Highways/Traffic -

No accumulative consideration given to other existing farms whose agricultural traffic is also serviced by the same rural sub-standard roads in both Mid Devon District and North Devon District areas.

No accumulative consideration given to traffic servicing other existing businesses in Mid Devon and North Devon for which the same sub-standard infrastructure often defines parish and district boundaries.

No account taken of the accumulative residential and service traffic that utilises the affected local infrastructure as the most direct access to Nomansland, Thelbridge, Puddington, Cruwys Morchard, Pennymoor and Witheridge from the 4361 and vice versa.

Environmental Protection against pollution of air, water and soil-

No effective planning control to prevent the number of chickens kept within the described units being increased from 60,000 to 95,000 per cycle. The applicant has neither assessed nor recognised any consequential increases in manure/waste/traffic/nuisance within the documents provided with this Application.

No comprehensive Waste & Manure Plan provided by applicant. Does the applicant have enough access to suitable safe storage/land to facilitate the waste/manure produced by this development? (This is particularly relevant and important as the applicant does not appear to have clear title to the site and associated lands which are in administration). According to this application the disposal of all manures/slurries to be spread as fertilizers, appear to be totally reliant on the availability of rented seasonal/short term agricultural business lets. The disposal of any waste is to go to Menchine Anaerobic Digester (which applicant does not own or operate).

Templeton as a Parish Council respectfully request the LPA to pay particular attention to the problems related to Manure/Slurry/Waste disposal as we and

some of our neighbouring parishes, have been and still are experiencing numerous and considerable problems with inappropriate storage and over spreading of superfluous Manures and Wastes crossing Parish/District and County borders.

Failure to have unambiguous clarity on the responsible and safe disposal of all Industrial/Factory farmed waste/manures creates an unacceptable Bio-security risk for the general well-being of our entire Environment, to include all other livestock farmers.

We therefore repeat our request that the Planning Committee refuse this application.

In response to this consultation, the following comments are considered relevant.

- The highway impacts of the proposed scheme of development are considered with the officer report. An adequate assessment of the vehicle movements associated with this application is considered to have been made, including in relation to cumulative impacts. There will be 54 annual vehicle movements from Gibbett Moor Farm to Menchine AD annually to deliver chicken waste. This is not considered to create any significantly negative impacts on the residents of Nomansland.
- As noted above, the LPA are required to consider the application on its merits. Waste will be disposed of at Menchine Farm AD. The application will be controlled by an environmental permit, therefore if waste disposal arrangements change adequate procedures are in place to prevent any significant environmental impacts.

The LPA maintain a recommendation of approval.

Conditions 3, 4, 5, 6, 12 and 13 have been amended as follows:

### **CONDITIONS**

3. No development shall be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved development area plan, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented in accordance with the approved scheme before any part of the development is occupied, and be so retained.

Condition 3 has been amended to include the clause “in accordance with the approved scheme”

4. Prior to the commencement of the development the site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with drawings which shall have been submitted to

and agreed in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.

Condition 4 has been amended to provide a pre-commencement timescale.

5. Prior to the commencement of the development the site access road shall be hardened, surfaced, drained and maintained thereafter, for a distance of not less than 6.00 metres back from its junction with the public highway

Condition 5 has been amended to include the clause “prior to commencement of the development”

6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway. The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.

Condition 6 has been amended to include the clause “The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.”

12. Prior to their installation, details of the underground water storage tanks shall be submitted to and approved in writing by the Local Planning Authority. The tanks shall be installed in accordance with the approved details and shall be so retained.

Condition 12 has been updated to include “The tanks shall be installed in accordance with the approved details and shall be so retained.”

13. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme which includes details of all existing hedgerows, hedgerow removal, new planting, seeding, turfing or earth reprofiling. The details approved in the landscaping scheme 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. Once provided, the landscaping scheme shall be so retained.

The term “(or phase thereof)” has been deleted from condition 13.

(b) No 2 on the Plans List ***(15/01822/MFUL – Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions – Alexandra Lodge, 5 Old Road, Tiverton).***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the layout of the scheme, the listed buildings, gardens and trees, the distances between the proposed development and nearby residences in The Avenue, the proposed elevations identified from different aspects

of the site, the works proposed to the listed building and photographs from various aspects of the site.

She addressed the questions posed in public question time:

- The Local Planning Authority were aware of the lack of care available for the elderly
- There was no alternative provision in Mid Devon
- The 2011 strategy did require review
- There were no allocated sites within the Mid Devon Local Plan
- Representations from various people had been received and reported
- Because of the setting of the listed building the application was considered to be unacceptable

Consideration was given to:

- The impact of the development on the listed building
- The need for elderly social and health care
- The detail of the scheme
- The lack of other sites in the area
- The size of the development and the impact on the neighbouring properties, specifically the residents of The Avenue
- The distance between the proposed development and the houses backing onto the site
- Access over the driveway to the Glades
- The need to do something with the building
- The proposed landscaping

**RESOLVED** that planning permission be granted for the following reason: that the public benefits outweighed the impact on the setting of the listed building and that delegated authority be given to the Head of Planning and Regeneration to draft an appropriate set of conditions.

(Proposed by Cllr B A Moore and seconded by Cllr R L Stanley)

Notes:

- (i) Cllr D J Knowles declared a Disclosable Pecuniary Interest with regard to the application as he was a resident of the Almshouse Trust and paid rent to the Trust, he therefore left the meeting during the discussion thereon;
- (ii) Cllr Mrs F J Colthorpe declared a personal interest as she knew both supporters and objectors to the application;
- (iii) Cllr R L Stanley declared a personal interest as he knew both supporters and objectors to the application and that his wife was a director of the Almshouse Trust;
- (iv) Cllr J M Downes declared a personal interest as his wife used to work at Alexandra Lodge;

- (v) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good practice for Councillor dealing in planning matters as they had received correspondence regarding this application;
  - (vi) Mr Kearley spoke in support of the application;
  - (vii) Mr Morgan spoke on behalf of the objectors;
  - (viii) The Chairman read a letter from Cllr Mrs C P Daw (Ward Member);
  - (ix) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded.
- (c) No 3 on the Plans List ***(15/01824/LBC – Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions – Alexandra Lodge, 5 Old Road, Tiverton).***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the layout of the scheme: the listed buildings, gardens and trees, the distances between the proposed the development and nearby residences in The Avenue, the proposed elevations identified from different aspects of the site, the works proposed to the listed building and photographs from various aspects of the site.

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- The size of the development and the impact on the neighbouring properties, specifically the residents of The Avenue
- The distance between the proposed development and the houses backing onto the site
- Access over the driveway to the Glades
- The need to do something with the building
- The proposed landscaping

**RESOLVED** that listed building consent be granted for the following reason: that the public benefits outweighed the impact on the setting of the listed building and that delegated authority be given to the Head of Planning and Regeneration to draft an appropriate set of conditions.

(Proposed by Cllr J M Downes and seconded by Cllr P J Heal)

Notes:

- (i) Cllr D J Knowles declared a Disclosable Pecuniary Interest with regard to the application as he was a resident of the Almshouse Trust and paid rent to the Trust, he therefore left the meeting during the discussion thereon;
- (ii) Cllr Mrs F J Colthorpe declared a personal interest as she knew both supporters and objectors to the application;
- (iii) Cllr R L Stanley declared a personal interest as he knew both supporters and objectors to the application and that his wife was a director of the Almshouse Trust;
- (iv) Cllr J M Downes declared a personal interest as his wife used to work at Alexandra Lodge;
- (v) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good practice for Councillors dealing in planning matters as they had received correspondence regarding this application;
- (vi) Mr Tabiner spoke in support of the application;
- (vii) Mr Morgan spoke on behalf of the objectors;
- (viii) The Chairman read a letter from Cllr Mrs C P Daw (Ward Member);
- (ix) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded.

(d) No 4 on the Plans List (**15/02004/FULL – Conversion of redundant building to dwelling – Holes Cottage, Bary Close, Cheriton Fitzpaine**).

The Area Planning Officer outlined the contents of the report by way of presentation identifying the block plan of the proposal along with parking arrangements, floor plans and existing and proposed elevations. He explained an issue that had arisen with regard to the kitchen window and Members viewed photographs from various aspects of the site which considered overlooking issues.

Consideration was given to:

- The parking and privacy issues
- The ground floor window would be obscured

- Possible soundproofing of the kitchen window
- A request to block the window up.

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 3 to state that the kitchen window be soundproofed as well as being of obscured glazing and non-opening.

(Proposed by Cllr F W Letch and seconded by Cllr J M Downes)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the Ward Member who had called the application to Committee;
- (ii) Mr Garside spoke as agent to the application;
- (iii) Mrs Walls spoke in objection to the application;
- (iv) The following late information was provided: The EH consultation response as set out in the report suggests that the windows in the bedroom do not provide adequate lighting and the staircase is unprotected which therefore does not provide a satisfactory means of escape in the event of a fire. The applicant's agent revised the plans to address these issues in relation to the planning application proposals.

It should be noted that the comments set out raise some matters (internal arrangements) that would be addressed through the building regulations process should planning permission be granted.

(e) No 5 on the Plans List ***(16/00030/FULL – Conversion of garage to reception room, erection of first floor extension above the erection of detached garage – 6 Blenheim Court, Willand).***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the block plan and existing and proposed floor plans, photographs were shown from various aspects of the site which also identified other extensions in the immediate area.

She answered the questions posed in public question time:

- Planning permission had been previously granted for a detached garage
- Privacy would be addressed through fixed and non-openable, obscure glazed windows
- Regarding an additional condition requiring the connecting door to be retained, it was felt that because of the close connected relationship between the extension and the main house it was unlikely to be used individually, however Members may feel the need to add the condition.

Consideration was given to the design of the extension, parking issues in the area and the overall massing of the proposal.

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration, with two additional conditions stating:

" 5. The garage conversion and first floor extension hereby approved shall be occupied only for purposes ancillary to the occupation of the dwelling currently known as 6 Blenheim Court, Willand, EX15 2TE, and shall not be used, let, sold, or otherwise disposed of separately from the main dwelling.

**Reason:** To ensure that the garage conversion and first floor extension remains ancillary to the existing dwelling and is not sold or occupied separately from the main dwelling. The application has been considered as an extension only and there are inadequate parking and amenity facilities for an additional dwelling on the site."

6. The internal ground floor door between the proposed converted garage and the main dwelling currently known as 6 Blenheim Court, Willand, EX15 2TE, as shown on the proposed floor plans drawing number 003, dated and received by the Local Planning Authority on 22.01.16, shall at all times be retained as a door capable of opening.

**Reason:** To ensure that the garage conversion and first floor extension is not separated from the main dwelling, and remains accessible from the main dwelling at all times. The application has been considered as an extension only and there are inadequate parking and amenity facilities for an additional dwelling on the site."

(Proposed by Cllr R L Stanley and seconded by Cllr J M Downes)

Notes:

- (i) Cllr Warren (Willand Parish Council) spoke in objection to the application;
- (ii) Cllr R J Chesterton spoke as Ward Member.

**144 THE DELEGATED LIST (3-55-49)**

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

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

**145 MAJOR APPLICATIONS WITH NO DECISION (3-56-45)**

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

It was **AGREED** that application 16/00352/MFUL (Castle Primary School) be determined by the Committee and that a site visit take place.

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

**146 APPEAL DECISIONS (3-58-14)**

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.

**147 APPLICATION 15/01034/MFUL - ERECTION OF A 500KW ANAEROBIC DIGESTER AND ASSOCIATED WORKS WITH 4 SILAGE CLAMPS. REVISED SCHEME TO INCLUDE THE CHANGE OF ORIENTATION OF THE LAYOUT AND INSTALLATION OF 2 DRIERS AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL, HALBERTON (3-58-48)**

The Committee had before it an \* implications report of the Head of Planning and Regeneration following discussions at a previous meeting where Members were minded to refuse the application.

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation the original application that had been approved and the revised application which showed the reorientation and slightly larger site, the bund and the additional planting. He outlined the area from which the silage feedstock would be sourced, the proposed layout of the site, the 2 driers and silage clamps, the planting plan and general photographs were shown taken from the canal and bridges at different times of the year. The two site plans were also identified, the original approved application and the revised scheme. He outlined the Committee's reasons for refusal and the supporting evidence outlined in the report along with legal advice that had been received.

Answers to questions posed in public question time were provided:

- The site had been visited by officers at least three times and by the Committee twice
- With regard to the gas line, this had been referred to at a previous meeting but had not formed part of the application
- Road issues at Crown Hill were a highway issue
- The overlapping of land to be used as part of the Eastern Urban Extension; this was highlighted within the report
- The fact that the application was retrospective, Members/Officers would not advocate a retrospective application but there was an opportunity for the applicant to seek to regularise the scheme
- Planting issues – yes it would take time to screen the application site, possibly multiple years
- How could the original plan be implemented and the condition monitored, the Enforcement Team would monitor any conditions alongside the Environment Agency with regard to permitting aspects
- The appeal decision for Menchine Farm, Members and officers were aware of the Menchine appeal which was dismissed on the impact on the local amenity and transport issues
- With regard to resources to defend an appeal, the Local Planning Authority would put the necessary resources into defending any reasons for refusal.

The Legal Services Manager explained the information received from Counsel and requested that Members focus on the difference between the two schemes, if the application was to be refused it would be necessary to gain expert advice.

Consideration was given to:

- Whether the applicant was continuing work at his own risk; the Head of Planning and Regeneration stated that the applicant was not complying with the previous application and had been advised as such, works had taken place and Members needed to look at the application on its merits
- The gas pipe line between Red Linhay and Willand and because this had not been progressed, the plans had had to be changed
- The impact of the application on the canal and the local area
- The legal advice received
- The need for expert advice on the proposed reasons for refusal
- The need to write again to the applicant advising that they were working on the site at their own risk.

**RESOLVED** that

- a) The application be deferred to seek expert advice on all four of the reasons proposed for refusal;
- b) The Head of Planning and Regeneration be requested to write a further letter to the applicant informing them that they were proceeding at their own risk.

(Proposed by Cllr J M Downes and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs K I Busch, D J Knowles, R F Radford and R L Stanley declared personal interests as applicant/objectors were known to them;
- (ii) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded;
- (iii) \*Report previously circulated copy attached to minutes.

(The meeting ended at 7.32 pm)

**CHAIRMAN**

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# Minute Annex

## PLANNING COMMITTEE AGENDA - 6th April 2016

### Applications of a non-delegated nature

### UPDATES

<u>Item No.</u>	Description
	<b>ENFORCEMENT LIST</b>
1.	ENF/15/00075/BRE - Failure to comply with Condition 1 and Condition 4 on Appeal decision in relation to Planning Application 10/00160/FULL. Wiltown Mobile Home, Clayhidon, Cullompton, Devon
2.	ENF/16/00064/UCU - Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for the siting of a caravan for human habitation Green Acres, Coldridge, Crediton, Devon
3.	Failing to properly maintain land at Corner Close. Wall has collapsed and is now adversely affecting the amenity of the area. Corner Close, Morchard Bishop, Crediton, EX17 6PG
	<b>PLANS LIST</b>
1.	<p>15/01604/MFUL - Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure at Land at NGR 288027 116786 (Gibbett Moor Farm), Templeton, Devon.</p> <p>Four additional objections have been since the report was completed. The further representation raise concern about the proposed passing bay within Nomansland. In response to comment these concerns, the following points are considered relevant for members to consider.</p> <p>Objectors have commented that the proposed passing bay within Nomansland would encourage HGV's to use the village as a cut through for HGV traffic. It is also commented that a passing bay in this location would negatively impact on neighbouring amenity and could create flooding issues. Copies of photographs have been circulated which show the C308 flooded and a lorry stuck within a side ditch.</p> <p>It is not considered that the proposed layby is likely to cause any additional flooding issues, or encourage additional use of the lane by HGVs. It is clear from the representations and submitted photographs that the existing section highway is effectively a narrow part of the network and it is problematic for vehicles to pass safely without using the verge, and on a passing bay in this location is therefore considered to be a beneficial addition to the local road infrastructure. Due to the reasonably low speed of the road, the nature of a passing bay (vehicles will only pull into it temporarily), and the existing location of the road in relation to nearby neighbouring dwellings, it is not considered that the proposed passing bay would have a negative impact the amenity of neighbouring properties. Discussions with the Highways Authority confirm this passing bay is a necessary improvement to the highway, and approval of the proposed scheme with the recommended offsite highways works is advised.</p> <p>Comments have also made regarding the recent appeal decision to refuse planning permission to increase the capacity of the Menchine AD. It is considered by local residents that the existing Menchine AD plant will not have the capacity to utilise the waste as feedstock for the AD plant if 90,000 chickens are grown each cycle. As members are aware the Menchine AD plant was granted planning permission on the basis that the feedstock would be for 6,545 tonnes of arable crop and 3,000 tonnes of poultry litter. The supporting information suggests that each of the new units at Menchine, Edgeworthy and</p>

## PLANNING COMMITTEE AGENDA - 6th April 2016

### Applications of a non-delegated nature

### UPDATES

	<p>Gibbet Moor will supply on average 820 tonnes of poultry litter, which in conjunction with the litter generated on the existing Menchine unit would be close to this proposed annual figure, however would not exceed the 3000 tonnes. Taking into account this information the existing AD plant at Menchine is deemed to be adequate for the disposal of chicken waste from this proposed unit, and the other applications recently submitted by the applicant and approved..</p> <p>No additional issues have been raised that have not already been considered by the LPA and covered within the officer report.</p> <p>Templeton Parish Council submitted an additional comment on the 04/04/2016. This is set below:</p> <p>We write to confirm our original objections to this above application and to agree with other objectors comments, in that we have no confidence in the authenticity of the additional information supplied by the Applicant's Consultants.</p> <p>Highways/Traffic - No accumulative consideration given to other existing farms whose agricultural traffic is also serviced by the same rural sub-standard roads in both Mid Devon District and North Devon District areas.</p> <p>No accumulative consideration given to traffic servicing other existing businesses in Mid Devon and North Devon for which the same sub-standard infrastructure often defines parish and district boundaries.</p> <p>No account taken of the accumulative residential and service traffic that utilises the affected local infrastructure as the most direct access to Nomansland, Thelbridge, Puddington, Cruwys Morchard, Pennymoor and Witheridge from the 4361 and vice versa.</p> <p>Environmental Protection against pollution of air, water and soil- No effective planning control to prevent the number of chickens kept within the described units being increased from 60,000 to 95,000 per cycle. The applicant has neither assessed nor recognised any consequential increases in manure/waste/traffic/nuisance within the documents provided with this Application.</p> <p>No comprehensive Waste &amp; Manure Plan provided by applicant. Does the applicant have enough access to suitable safe storage/land to facilitate the waste/manure produced by this development? (This is particularly relevant and important as the applicant does not appear to have clear title to the site and associated lands which are in administration). According to this application the disposal of all manures/slurries to be spread as fertilizers, appear to be totally reliant on the availability of rented seasonal/short term agricultural business lets. The disposal of any waste is to go to Menchine Anaerobic Digester (which applicant does not own or operate).</p> <p>Templeton as a Parish Council respectfully request the LPA to pay particular attention to the problems related to Manure/Slurry/Waste disposal as we and some of our neighbouring parishes, have been and still are experiencing numerous and considerable problems with inappropriate storage and over spreading of superfluous Manures and Wastes crossing Parish/District and County borders.</p> <p>Failure to have unambiguous clarity on the responsible and safe disposal of all Industrial/Factory farmed waste/manures creates an unacceptable Bio-security risk for the general well-being of our entire Environment, to include all other livestock farmers.</p>
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## PLANNING COMMITTEE AGENDA - 6th April 2016

### Applications of a non-delegated nature

### UPDATES

We therefore repeat our request that the Planning Committee refuse this application.

In response to this consultation, the following comments are considered relevant.

- The highway impacts of the proposed scheme of development are considered with the officer report. An adequate assessment of the vehicle movements associated with this application is considered to have been made, including in relation to cumulative impacts. There will be 54 annual vehicle movements from Gibbett Moor Farm to Menchine AD annually to deliver chicken waste. This is not considered to create any significantly negative impacts on the residents of Nomansland.
- As noted above, the LPA are required to consider the application on its merits. Waste will be disposed of at Menchine Farm AD. The application will be controlled by an environmental permit, therefore if waste disposal arrangements change adequate procedures are in place to prevent any significant environmental impacts.

The LPA maintain a recommendation of approval.

Conditions 3, 4, 5, 6, 12 and 13 have been amended as follows:

#### **CONDITIONS**

3. No development shall be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved development area plan, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented in accordance with the approved scheme before any part of the development is occupied, and be so retained.

Condition 3 has been amended to include the clause "in accordance with the approved scheme"

4. Prior to the commencement of the development the site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with drawings which shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.

Condition 4 has been amended to provide a pre-commencement timescale.

5. Prior to the commencement of the development the site access road shall be hardened, surfaced, drained and maintained thereafter, for a distance of not less than 6.00 metres back from its junction with the public highway

Condition 5 has been amended to include the clause "prior to commencement of the development"

**PLANNING COMMITTEE AGENDA - 6th April 2016**

**Applications of a non-delegated nature**

**UPDATES**

	<p>6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway. The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.</p> <p>Condition 6 has been amended to include the clause “The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.”</p> <p>12. Prior to their installation, details of the underground water storage tanks shall be submitted to and approved in writing by the Local Planning Authority. The tanks shall be installed in accordance with the approved details and shall be so retained.</p> <p>Condition 12 has been updated to include “The tanks shall be installed in accordance with the approved details and shall be so retained.”</p> <p>13. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme which includes details of all existing hedgerows, hedgerow removal, new planting, seeding, turfing or earth reprofiling. The details approved in the landscaping scheme 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. Once provided, the landscaping scheme shall be so retained.</p> <p>The term “(or phase thereof)” has been deleted from condition 13.</p>
2.	15/01822/MFUL - Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions at Alexandra Lodge, 5 Old Road, Tiverton.
3.	15/01824/LBC - Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions at Alexandra Lodge, 5 Old Road, Tiverton.
4.	<p>15/02004/FULL - Conversion of redundant building to dwelling at Holes Cottage, Bary Close, Cheriton Fitzpaine.</p> <p>The EH consultation response as set out in the report suggests that the windows in the bedroom do not provide adequate lighting and the staircase is unprotected which therefore does not provide a satisfactory means of escape in the event of a fire. The applicant’s agent revised the plans to address these issues in relation to the planning application proposals.</p>

PLANNING COMMITTEE AGENDA - 6th April 2016

Applications of a non-delegated nature

**UPDATES**

	<p>It should be noted that the comments set out raise some matters (internal arrangements) that would be addressed through the building regulations process should planning permission be granted.</p>
5.	16/00030/HOUSE - Conversion of garage to reception room, erection of first floor extension above and erection of detached garage at 6 Blenheim Court, Willand, Cullompton.
	<b>AGENDA ITEM</b>
	15/01034/MFUL - Erection of a 500kW anaerobic digester and associated works with 2 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers at Red Linhay Crown Hill Halberton

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