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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 2 December 2015 at 2.15 pm

Present Councillors

Mrs H Bainbridge, K Busch, Mrs C Collis,
Mrs F J Colthorpe, J M Downes, P J Heal,
D J Knowles, F W Letch, R F Radford and
Mrs B M Hull

Apologies Councillor(s)

R J Dolley, S G Flaws and J L Smith

Also Present Councillor(s)

F J Rosamond

Present Officers:

Jenny Clifford (Head of Planning and
Regeneration), Tina Maryan (Area Planning
Officer), Daniel Rance (Principal Planning
Officer) and Sally Gabriel (Member Services
Manager)

74 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs R J Dolley and J L Smith

Apologies were also received from Cllr S G Flaws, substituted by Cllrs Mrs B M Hull.

75 **PUBLIC QUESTION TIME**

There were no questions from those members of the public present.

76 **MINUTES OF THE PREVIOUS MEETING (00-02-46)**

The minutes of the meeting held on 21 October 2015 were approved as a correct record and signed by the Chairman.

77 **CHAIRMAN'S ANNOUNCEMENTS 00-03-34)**

The Chairman stated that this was the first of two meetings in December; this would be the last meeting of the Planning Committee at the Town Hall venue as the meeting on 16 December and future meetings would take place in the new Phoenix Chamber at Phoenix House.

78 DEFERRALS FROM THE PLANS LIST (00-05-05)

There were no deferrals from the Plans List.

79 THE PLANS LIST (00-05-25)

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 (*Installation of ground mounted solar PV array – land at NGR 308166 110777 (Whitmoor House) Ashill.*)

The Principal Planning Officer outlined the contents of the report by way of presentation identifying the location of the site and the position of the proposed solar panels and confirming that the application met the requirements of Policy DM5.

Members viewed photographs from various aspects of the site and consideration was given to the quality of the land, the fact that the electricity produced would be for domestic use only and whether a time limit for use of the land should be conditioned.

RESOLVED that planning permission be granted subject to conditions as recommended together with delegated authority given to the Head of Planning and Regeneration to add an additional condition granting a 20 year temporary permission for the siting of the ground mounted solar panels.

(Proposed by Cllr J M Downes and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllr R F Radford declared a personal interest as the applicant was known to him;
- (ii) Mr Reed (Applicant) spoke.

(b) No 2 on the Plans List (*15/01622/FULL, erection of an agricultural workers dwelling and an agricultural livestock building – land at NGR 31711 110152 (Ten Oaks Farm) Clayhidon*)

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the proposed floor plans and elevations of the proposed barn to care for the additional livestock and the layout of the proposed dwelling. He explained the history of the site which included the previous application for a caravan on the site which had been allowed at appeal as it was deemed that there was justification to facilitate the further establishment and development of the livestock enterprise. He added that he felt that the application met the criteria set out in the appeal.

Consideration was given to:

- The water supply from the rainwater harvesting system
- Effluent and drainage issues
- The stock numbers and size of the farm

- The Inspector's decision and reasoning behind it
- The concerns of the Parish Council and its view on the lack of viability
- The need to protect the Area of Outstanding Natural Beauty
- The need for the barn to be constructed first if the application was approved.

RESOLVED that this item be deferred to allow for further information with regard to financial sustainability, the water supply and the ability of the land to sustain the enterprise.

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

- (i) Mr Watts (Agent) spoke;
- (ii) Cllr G Langford (Clayhidon Parish Council) spoke;
- (iii) Cllr F J Rosamond spoke as Ward Member.

80 THE DELEGATED LIST (1-04-11)

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

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

81 MAJOR APPLICATIONS WITH NO DECISION (1-06-00)

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

It was **AGREED** that:

- Application 15/018/08/MFUL – Tollgate Farm, Nomansland
- Application 15/01604/MFUL – Gibbett Moor Farm, Templeton
- Application 15/01611/MFUL – Egdeeworthy Farm, Nomansland
- Application 15/01548/MFUL – Former Railway Land, Crediton

be brought before Committee for determination and that site visits take place.

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest in respect of Tollgate Farm as she knew the landowner;
- (ii) * List previously circulated; copy attached to the Minutes.

82 APPEAL DECISIONS (1-10-11)

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.

83 **INSTALLATION OF A GROUND MOUNTED PHOTOVOLTAIC SOLAR FARM TO GENERATE UP TO 6MW OF POWER (SITE AREA 11 HA) WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTER CABINS, SUB-STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV (REVISED SCHEME) AT LAND AT NGR 307922 118303 (WISEBURROW FARM), BURLESCOMBE, DEVON (1-10-29)**

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.

The Area Planning Officer outlined the contents of the report stating that at the previous meeting Members had been minded to refuse the application and the application had been deferred for a further report setting out the implications for proposed reasons for refusal on landscape, visual impact and cumulative impact. Members were able to view a map which depicted large solar photovoltaic sites in the area.

Discussion took place regarding:

- The accuracy of the map and whether sites across the border into Somerset had been considered which may have a sequential cumulative impact. It was noted that sites within Taunton Deane had not been taken into account by officers in drafting the implications report.

RESOLVED that the application be refused on the following grounds:

1. In the opinion of the Local Planning Authority, due to the scale and siting of the proposed solar photovoltaic installation, the development is considered to have a harmful effect on the rural landscape character and visual amenities of the area when viewed from public vantage points on local roads to the south-east, west and north, public footpaths to the north and west and from nearby dwellings (in particular at Broadways to the east and Whipcott to the west) and it has not been demonstrated that this harm could be satisfactorily addressed by mitigation planting. The application is considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2 and DM5 of the Local Plan 3 Development Management Policies, the National Planning Policy Framework and Planning Practice Guidance.
2. The proposed scheme by reason of its scale, siting and location, in combination with other solar schemes viewed in sequence from public roads when travelling in the area is considered to have an unacceptable cumulative impact on the rural character of the area, contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), policies DM2 and DM5 of the Local Plan Part 3 Development Management Policies, the National Planning Policy Framework and Planning Practice Guidance.

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

- (i) Cllrs Mrs H Bainbridge, K Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, P J Heal, Mrs B M Hull, D J Knowles, F W Letch, 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 the application;
- (ii) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded as she had not been present at the previous meeting;
- (iii) The following late information was reported: 27th November 2015

1. Two further objections received:

- The previous officer's report failed to take certain matters and views into account and gave a false impression of the landscape and visual impact and cumulative impact.
- The report gave inadequate consideration to mitigating landscape conditions. Now the leaves are off the trees the site is even more visible from many public locations including Holcombe Court.
- The application is not in Burlescombe Parish and has not benefit to the Parish. There are 2 solar farms already and another being built. Please consider those who have to live with the eyesores.

2. Consideration of Mid Devon's guidance document "An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon"

The Landscape Sensitivity Assessment is a guidance document to help understand how to best accommodate wind and solar electricity generation installations into the landscape of Mid Devon. The document carries some weight as a guidance document and Members may wish to have regard to its contents. The document is in the process of being developed into a Supplemental Planning Document which, once adopted, will carry additional weight in planning decision making.

The Landscape Sensitivity Assessment is referenced in the original officer's committee report (page 86 of the 2 December 2015 committee agenda). The site is within Landscape Character Type (LCT) 3B Lower rolling farmed and settled valley slopes. At 11 hectares, the site is considered to fall within the "large" category for solar PV developments.

The Landscape Sensitivity Assessment describes the sensitivity of the landscape to the introduction of solar development and for Landscape Character Type 3B splits this into land within the AONB and land outside the AONB. For land outside the AONB, the landscape character type is considered to have "medium to high" sensitivity to large-scale solar development.

The guidance states that:

"This indicates that the best form and location for solar PV development will be in developments up to 10 ha or smaller in size, located in more

enclosed areas and on lower slopes, avoiding highly visible slopes and valued areas of semi-natural habitat”.

“Multiple developments within the LCT should be of similar scale and design (in terms of siting, layout, scale, form and relationship to key characteristics) to maintain a simple image and reinforce links between landscape characteristics and design response within the LCT. The overall aim should be to make sure that solar PV developments do not have a defining influence on the overall experience of the landscape of the LCT (i.e. developments would not result in a significant cumulative impact on the LCT as a whole or overall change of landscape character).

The relevant pages of the Landscape Sensitivity Assessment are attached.

The guidance references Chapter 3 of the Devon Landscape Policy Group’s Advice Note 2: Accommodating Wind and Solar PV Developments in Devon’s Landscape which can be found on the Devon County website: <http://www.devon.gov.uk/devon-guidance-v6-june-2013-final-report.pdf>.

(iv) *Report previously circulated, copy attached to minutes.

84 **PRE- APPLICATION FEES (1-34-40)**

The Committee had before it a * report of the Head of Planning and Regeneration requesting it to consider revised arrangements for customers to gain pre-application advice from the Planning Service in terms of fees for heritage advice.

The officer outlined the contents of the report stating that a system for prospective developers to gain pre-application planning advice incorporating a charge was introduced in May 2010, together with the detail of standards of service. It was reviewed in March 2014, at which time changes were made to categories of development and associated charging. The report sought to update the approach to charges for heritage advice based on the experience of operating a chargeable service for some of this area of work since June 2014 and to include the increase in charges set by the Devon and Somerset Design Panel.

RESOLVED that the revisions to the pre-application advice service as set out in this report be agreed and come into force from 1st January 2016 and that the guidance document be updated accordingly.

(Proposed by the Chairman)

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

(The meeting ended at 4.11 pm)

CHAIRMAN

Minute Annex

PLANNING COMMITTEE AGENDA - 2nd December 2015

Applications of a non-delegated nature

UPDATES

<u>Item No.</u>	Description
	Plans List
1.	15/01480/FULL - Installation of ground mounted solar PV Array at Land at NGR 308166 110777(Whitmoor House), Ashill, Devon.
2.	<p>15/01622/FULL - Erection of an agricultural worker's dwelling and an agricultural livestock building at Land at NGR 316711 110152 (Ten Oaks Farm), Clayhidon, Devon.</p> <p>30th November 2015 Reworded condition 6:</p> <p>6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order without or without modification) no development of the types referred to in Classes A, B, C and E of Part 1 of Schedule 2, relating to the enlargement or alteration of the dwelling or its roof or the provision of any building, enclosure, swimming or other pool within the dwelling curtilage, shall be undertaken without the Local Planning Authority first granting planning permission.</p>
	Agenda Item – Implications Report
	<p>15/01108/MFUL - Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV (Revised scheme) Land at NGR 307922 118303 (Wiseburrow Farm), Burlescombe, Devon</p> <p>27th November 2015</p> <p>1. Two further objections received:</p> <ul style="list-style-type: none"> • The previous officer's report failed to take certain matters and views into account and gave a false impression of the landscape and visual impact and cumulative impact. • The report gave inadequate consideration to mitigating landscape conditions. Now the leaves are off the trees the site is even more visible from many public locations including Holcombe Court. • The application is not in Burlescombe Parish and has not benefit to the Parish. There are 2 solar farms already and another being built. Please consider those who have to live with the eyesores. <p>2. Consideration of Mid Devon's guidance document "An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale</p>

Applications of a non-delegated nature

UPDATES

	<p>Photovoltaic Development in Mid Devon”</p> <p>The Landscape Sensitivity Assessment is a guidance document to help understand how to best accommodate wind and solar electricity generation installations into the landscape of Mid Devon. The document carries some weight as a guidance document and Members may wish to have regard to its contents. The document is in the process of being developed into a Supplemental Planning Document which, once adopted, will carry additional weight in planning decision making.</p> <p>The Landscape Sensitivity Assessment is referenced in the original officer’s committee report (page 86 of the 2 December 2015 committee agenda). The site is within Landscape Character Type (LCT) 3B Lower rolling farmed and settled valley slopes. At 11 hectares, the site is considered to fall within the “large” category for solar PV developments.</p> <p>The Landscape Sensitivity Assessment describes the sensitivity of the landscape to the introduction of solar development and for Landscape Character Type 3B splits this into land within the AONB and land outside the AONB. For land outside the AONB, the landscape character type is considered to have “medium to high” sensitivity to large-scale solar development.</p> <p>The guidance states that:</p> <p>“This indicates that the best form and location for solar PV development will be in developments up to 10 ha or smaller in size, located in more enclosed areas and on lower slopes, avoiding highly visible slopes and valued areas of semi-natural habitat”.</p> <p>“Multiple developments within the LCT should be of similar scale and design (in terms of siting, layout, scale, form and relationship to key characteristics) to maintain a simple image and reinforce links between landscape characteristics and design response within the LCT. The overall aim should be to make sure that solar PV developments do not have a defining influence on the overall experience of the landscape of the LCT (i.e. developments would not result in a significant cumulative impact on the LCT as a whole or overall change of landscape character).</p> <p>The relevant pages of the Landscape Sensitivity Assessment are attached. The guidance references Chapter 3 of the Devon Landscape Policy Group’s Advice Note 2: Accommodating Wind and Solar PV Developments in Devon’s Landscape which can be found on the Devon County website: http://www.devon.gov.uk/devon-guidance-v6-june-2013-final-report.pdf.</p>
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