

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 4 February 2015  
at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
M D Binks, Mrs H Bainbridge,  
Mrs D L Brandon, J M Downes,  
A V G Griffiths, Mrs L J Holloway,  
E G Luxton, R F Radford, Mrs M E Squires  
(Vice Chairman), J D Squire and K D Wilson

### **Apologies**

#### **Councillors**

P J Heal, D J Knowles and R L Stanley

### **Also Present**

#### **Councillors**

R M Deed and D F Pugsley

### **Present**

#### **Officers:**

Jenny Clifford (Professional Services Manager), Lucy Hodgson (Area Planning Officer), Tina Maryan (Principal Planning Officer), Daniel Rance, Reg Willing (Enforcement Officer) and Sally Gabriel (Principal Member Services Officer)

## **129 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs P J Heal and D J Knowles.

Cllr R L Stanley sent apologies and was substituted by Cllr E J Berry.

## **130 PUBLIC QUESTION TIME (00-03-00)**

Mr Woolley (representing the residents of Shillingford) and referring to Item 11 on the agenda, Bowdens Lane asked the following questions:

Q1. I like, I assume the other 170 objectors, received a letter from Mid Devon District Council dated 26<sup>th</sup> January 2015 stating that the “the application (14/01452/MFUL) has been placed on the Agenda for consideration by Members at the meeting of the Planning Committee on the 4<sup>th</sup> February 2015” and inviting attendance. It also said the officer’s report would be made available on the web site, which indeed it was, pinned to the Agenda for the meeting listing this application as agenda item 11. We were then advised, with another 170 letters, that consideration would be delayed until 11<sup>th</sup> February as Members were unhappy with this report.

Noting that this is now the 3<sup>rd</sup> Report from officers on this application that has been found unacceptable, can Members advise if they still have confidence in the officers

views and it is not, as referred to in the Gazette, bureaucracy trying to browbeat democracy?

The Professional Services Manager stated that no decisions had yet been made, officers have to make recommendations but the decision lies with Members of the Committee. The Committee can come to a different decision but need to have reasons for doing so.

Q2. We note that the third Planning Officers Report and the implications report both use as support quotes from a speech given by Minister Greg Baker made at the Large Scale Solar Conference on the 25<sup>th</sup> April 2013 and attaches the full transcript to the report. Whilst it is not surprising that a speech to that audience was positive towards the industry why did the report fail to mention the more recent, numerous and more relevant Government listed in the paper we submitted yesterday? We have given you all the links, why has this been published and the others not?

The Professional Services Manager stated that Members had wished this speech to be referred to in the report and noted that it is the only ministerial statement referred to that is referenced in National Planning Guidance, the other are not referred to.

Q3 Members refused to accept the minutes of 5<sup>th</sup> November Meeting and were not offered a solution at the 3<sup>rd</sup> December meeting. This issue is discussed in the report for Agenda item 11 of today's meeting. However, no actual amendment to the 5<sup>th</sup> November minutes has been offered for consideration. The delay in resolving this issue with the minutes does not fill us with confidence and seems an odd way to manage corrections to them. How are Members going to ensure that their very clear position in opposition to this application on 5<sup>th</sup> November is correctly noted in the record of these previous meetings?

The Professional Services Manager stated that when the application is considered at next week's meeting, a new set of minutes will be produced, the new minutes will mop up the outstanding issues and the disputed minutes, the minutes of 5 November are what they are.

Q4 Can officers explain why the original Planning Officers Report dated 28<sup>th</sup> August 2014 was not posted on the application page of the Planning website until 22<sup>nd</sup> January 2015?

The Professional Services Manager stated that the original Planning Officer's report dated 28<sup>th</sup> August was on the website in connection with the papers for the Planning Committee. With regard to the posting of the report on the application page on the planning webpages, the report is added on the issue of a decision notice, it was added on 22 January 2015 when the notice of appeal for non-determination was received.

## 131 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of 7 January 2015 were approved as a correct record and **SIGNED** by the Chairman.

## 132 CHAIRMAN'S ANNOUNCEMENTS (00-11-33)

The Chairman had the following announcements to make:

- A special meeting of the committee would take place next Wednesday 12 February 2015.
- A special meeting of the committee would also take place on 18 March 2015.
- She proposed that the application at Bowdens Lane be deferred so that the Committee could receive an updated report, this was **AGREED**.
- She informed the Committee that this was the last meeting before Miss Hodgson (Area Planning Officer) went on maternity leave and wished her well.

### 133 **ENFORCEMENT LIST (00-14-16)**

Consideration was given to a case in the Enforcement List \*.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/12/00122/UDRU – without planning permission, an unauthorised development has been undertaken to the area of land to the south east of Autumn Cottage. Namely the construction of an incomplete block built structure measuring 15m x 5m - Autumn Cottage, 46A Brook Street, Bampton.***)

The Enforcement Officer outlined the contents of the report highlighting the impact on the neighbouring properties and the location of the building within the flood zone of the river.

Consideration was given to the purpose of the building and the need to apply for planning permission.

**RESOLVED** that delegated authority be given to the Legal Services Manager to take any appropriate legal action including the service of a notice or notices, seeking the removal of the structure from the land. In the event of any failure to comply with the notice served the additional authority to prosecute, take direct action and/or seek a court injunction.

(Proposed Cllr Mrs L J Holloway and seconded by Cllr K D Wilson)

#### Notes:

- (i) Mrs J Banks (Agent) spoke;
  - (ii) Cllr Mrs M E Squires requested that her abstention from voting be recorded;
  - (iii) A proposal to give more time for a planning application to come forward was not supported.
- b) No. 2 in the Enforcement List (***Enforcement Case ENF/14/00009//UDRU – without planning permission, an unauthorised development has been undertaken to the area of land to the north west of Hamslade Farm, namely***

***the construction of a single storey building with the facilities required for the creation of a residential unit, Hamslade farm, Bampton).***

The Enforcement Officer outlined the contents of the report highlighting the facilities placed within the unauthorised development and the new damp proof membrane and concrete foundations which had indicated a new build.

**RESOLVED** that delegated authority be given to the Legal Services Manager to take any appropriate legal action including the service of a notice or notices, seeking the removal of the structure from the land. In the event of any failure to comply with the notice served the additional authority to prosecute, take direct action and/or seek a court injunction.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr Mrs D L Brandon)

Note: Cllr Mrs F J Colthorpe declared a personal interest as the landowner was known to her.

- c) No. 3 in the Enforcement List (***Enforcement Case ENF/14/00098/UWTPO – unauthorised work carried out to a tree protected by a Tree Preservation Order, 1 Springfield, Western Road, Crediton.***)

The Enforcement Officer outlined the contents of the report highlighting the timetable of events that had led to the damage to the tree. He informed the Committee that an application to fell the tree and for a replacement to be put in place had been considered under delegated powers and been approved. Members were required to consider whether the chain of events should lead to the landowner being prosecuted.

Consideration was given to the chain of events and although the landowner was responsible for the safety of the tree, the events that had taken place had been out of his control. It was therefore:

**RESOLVED** that delegated authority be given to the Legal Services Manager to issue a formal warning to the landowner following unauthorised work being carried out to a tree protected by a Tree Preservation Order

(Proposed Cllr M D Binks and seconded by Cllr Mrs M E Squires)

Note:

- i) Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, J M Downes, A V G Griffiths, Mrs L J Holloway, E G Luxton, R F Radford, J Squires and Mrs M E Squires made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this issue;
- ii) Mr Huda (Landowner) spoke;
- iii) Cllr M D Binks spoke as Ward Member;

- iv) Cllr Mrs L J Holloway requested that her vote against the decision be recorded;
- v) The following late information was reported: The tree that is to be removed shall be replaced by *Pinus nigra* specified as 25-30cm girth with wired root ball, with adequate anchorage system supplied in accordance with BS8545: The tree is to be planted within 5 metres of the location of the felled tree, the location to be agreed in writing by the local planning authority. The replacement tree must be replaced within the same growing season and in accordance with the above specification. Should it be damaged, uprooted, destroyed or die it will be replaced again in accordance with the above specification.

#### 134 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

#### 135 THE PLANS LIST (01-15-00)

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

- (i) No 3 on the Plans List (***14/01876/FULL – Erection of 4 affordable flats following demolition of redundant buildings – 1 Birchen Lane, Tiverton***) be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

- (b) No 1 on the Plans List (***14/01474/FULL – Conversion of redundant barn to dwelling – land and buildings at NGR 304595 116820 (adjacent to Goldsmoor House, Westleigh)***).

The Professional Services Manager outlined the contents of the report highlighting the location plan of the proposed development, the layout and proposed elevations and provided photographs from various aspects of the site.

Consideration was given to the design of the proposed dwelling, the need to renovate disused barns or just to leave them in a redundant state and whether the development would contribute to the area's rural character.

**RESOLVED** that the application be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs D L Brandon and seconded by Cllr Mrs L J Holloway)

Vote 7 for: 6 against – Chairman’s casting vote.

Notes:

- i) Cllr Mrs H Bainbridge made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as she had had dealing with the agent regarding this issue;
  - ii) Mr Archer spoke;
  - iii) Cllr Mrs H Bainbridge spoke as Ward Member.
- (c) No 2 on the Plans *List (14/01727/FULL – Erection of a single storey extension – Barton Barn, Leigh Barton, Silverton)*.

The Area Planning officer outlined the contents of the report highlighting the proposal by way of presentation, identifying the plans for the single storey extension and its proximity to Lea Barton, the proposed elevations and photographs from various aspects of the site.

Consideration was given to the impact of the extension on the existing property and neighbouring properties, the view from across the valley and the fact that the extension would not be seen, the level of the roofline and its impact on the existing dwelling and whether the impact of the proposal was sufficient to warrant a refusal.

**RESOLVED** that the application be approved for the following reasons: That the impact of the proposal is not sufficient to warrant refusal of the application and it is not detrimental having regard to the following policies: COR2, COR 18 Mid Devon Core Strategy (LP1) and DM2, DM 13 Development Management Policies (LP3)

And that the Head of Planning and Regeneration be given delegated authority to progress a set of conditions for the planning permission.

(Proposed by Cllr K D Wilson and seconded by Cllr M D Binks)

Notes:

- (i) Mrs H Bainbridge, M D Binks, Mrs D L Brandon, Mrs F J Colthorpe, J M Downes, Mrs L J Holloway, E G Luxton, R F Radford, J Squires and Mrs M E Squires made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this issue;
- (ii) Mr Archer (Agent) spoke;
- (iii) Cllr R M Deed spoke as Ward Member;
- (iv) The following late information was reported: Update received from the Agent stating that the committee report on page 37, under paragraph 1. Design and

visual impact on the existing dwelling and street scene, is incorrect. The report states that the proposed extension would exceed half the length of the existing dwelling. This is incorrect. From the LPA mapping system the dwelling is measured at 16.81m long and the extension is 7.6m long. The extension is therefore not quite half the length of the dwelling..

- (d) No 4 on the Plans *List (14/01901/FULL – Change of use of land to allow log storage and the creation of hard standing – land and buildings at NGR 305546 108277 – opposite Goodiford Cottage, Kentisbeare).*

The Professional Services Manager outlined the contents of the report by way of presentation highlighting the location of the site and the neighbouring cottages, the approximate area of hard surface to be put in place and she reiterated the conditions set out in the report, specifically Condition 4.

Consideration was given to the issues raised by the Ward Member with regard to the possible rental of an industrial unit and his concerns regarding noise issues. Discussion followed with regard to the need for the applicant to have a secure site to park his equipment and store wood on a hard surface.

**RESOLVED** that the application be approved subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 4 to read: The application site shall be used solely for the benefit of Mr J Drummond in connection with tree surgery business and for the storage of logs, machinery and equipment associated with that use and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. When the land ceases to be used as such, the lawful use hereby permitted shall cease and the land shall revert to its former agricultural use. All materials, surfaces and equipment brought onto the land, or works undertaken to it in connection with the approved use shall be removed and the land shall be restored to its original condition of grassed field within 9 months of the cessation of the approved use.

(Proposed by Cllr E J Berry and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Mr Drummond (Applicant) spoke;
- (ii) Cllr D F Pugsley spoke as Ward Member;
- (iii) The following late information was reported, the rewording of Condition 4 and clarification from Devon County Council Highways position of no objection to the application and the deletion of the duplicated line within condition 3 as appears on page 55 of the agenda papers.

136 **THE DELEGATED LIST (02-38-00)**

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

The Committee congratulated the Planning Department on the number of applications dealt with.

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

137 **MAJOR APPLICATIONS WITH NO DECISION (02-41-00)**

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

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

138 **APPEAL DECISIONS ((02-43-00)**

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.

139 **APPLICATION 14/01452/MFUL - INSTALLATION OF SOLAR ENERGY FARM ON 13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY (REVISED SCHEME) AT LAND AT NGR 299298 125070 (EAST OF BOWDENS LANE), SHILLINGFORD**

This item has been deferred as indicated at the beginning of the meeting.

140 **APPLICATION 09/01573/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF 15,236 SQM (164,000 SQ FT) OF INDUSTRIAL BUILDINGS (B1, B2 AND B8 USE), FORMATION OF NEW SITE ACCESS, ESTATE ROADS, PARKING AND ASSOCIATED LANDSCAPING (REVISED SCHEME ) AT LAND AND BUILDINGS AT NGR 303161 108402 (VENN FARM) CULLOMPTON (02-43-41)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the location plan, the access to the site, the block plan that outlined the indicative layout and the buffer zone for flood prevention. She explained the Environment Agency conditions and the fact that the site was now proposed for allocation in the emerging Local Plan Review and therefore the principal had been established. She also stated that any mitigation in case of noise and light pollution would form part of the reserved matters application.

Consideration was given to the floodline depicted around the proposed buildings.

**RESOLVED** that the granting of outline planning permission be recommended to the National Casework Unit as this was at present a departure to the Local Plan.



(Proposed by the Chairman)

Notes:

- (i) Mr Graves (Agent) spoke;
- (ii) Cllr K D Wilson requested that his vote against the decision be recorded;
- (iii) The following late information was reported: There was an error in the description of the proposal in that the total floorspace has been reduced to 12,000 square metres (from 15,000 square metres) but the corresponding figure in square feet in the description has not been changed. The figure should read 129,000 square feet.

Two further objections received, repeating previous objections, concerned with flooding, noise and light pollution, increased road traffic, damage to greenfield site detrimental to the environment and wildlife and lack of need due to the existence of existing industrial allocations and vacant industrial land. The issues covered in the objection are addressed in the officer's report.

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

(The meeting ended at 5.35 pm)

**CHAIRMAN**