

PLANNING COMMITTEE AGENDA - 12th August 2020

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>19/01188/FULL - Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family - Land at NGR 276600 96594 (North of Shortacombe Farm) Shortacombe Lane Yeoford.</p> <ul style="list-style-type: none">This committee report was written prior to the adoption of the Mid Devon Local Plan Review which was adopted at an extraordinary meeting of the Full Council held on 29th July. As a result the Mid Devon Local Plan Review 2013-2033 replaces the Core Strategy, AIDPD and Development Management policies that make up the previous Local Plan and are no longer in force. <p>Therefore the relevant policies and material considerations for this proposal are as follows: Mid Devon Local Plan Review 2013-2033 S3 - Meeting housing needs S8 - Infrastructure S9 - Environment S14 - Countryside DM1 - High quality design DM4 - Pollution DM5 - Parking DM7 – Traveller sites DM28 - Other protected sites</p> <p>'Planning policy for traveller sites' produced August 2015 by the Department for Communities and Local Government</p> <p>The National Planning Policy Framework ("the NPPF")</p> <ul style="list-style-type: none">One additional representation received objecting as follows: <p>We understand that this application has already received numerous objections for a wide variety of reasons, most importantly being that it does not comply with the criteria for Gypsy sites, i.e public transport and local amenities. In addition to this the vehicular access and nature of the plot would appear to be unsuitable for permanent residence.</p> <p>As newcomers to this area we wanted to assist the Binneford community with objecting to this application but understand that no public meeting will be allowed. We are unsure if we will be able to join the Zoom meeting on the 12th August due to very poor internet speed. Please ensure that in our absence our objection to this application is noted for the records.</p>
2.	<p>17/01904/MFUL - Change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house - Blackborough House Blackborough Cullompton.</p>
3.	<p>17/01905/LBC - Listed Building Consent for the change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house - Blackborough House Blackborough Cullompton.</p>

AGENDA REPORTS

19/01156/FULL - Installation of a 24MW Reserve Power Plant with associated infrastructure - Land at NGR 302839 111143 Lloyd Maunder Road Willand.

- **Subject to approval from the Chair Councillor Barry G.J. Warren, Lower Culm Ward and a member of the Planning Committee would seek to ask the following questions which have been submitted in advance to Ms E Paterson, Group Manager Development Management.**

1. At Committee on 12 February 2020 members were minded to refuse the application and it was deferred for an implications report. Since that date eight documents have been added to the online file. One on 31 July is the implications report before us today. On 23 July three documents were added from the 12 February committee. On 2 April an email from the agent enquired as to when the application would be heard. On 13 March the applicant agreed to an extension of time until 15 April 2020. On 14 February the applicant agreed to an extension of time to 18 March expecting the application to come back to committee on 11 March. On 13 February the agent sent an email which is the subject of another question.

a) As no further information has come forward in the interim 6 months to clarify/amend the application can we please be advised as to why there has been a delay of 6 months when it was expected that this would be dealt with at the March meeting and then extended to the April meeting?

b) The last extension was until 15 April 2020. Has there been any further extensions of time or correspondence which has been missed off the public facing file?

c) Has there been any further exchanges/contact between the applicant/agent and officers in this 6 month period of which members/public have not been made aware?

2. On 13 February 2020 the agent sent an email to Temporary Group Manager, Development advising that '*Chris and I have put the attached note together to try and help members with their confusion*'. Members cannot recall seeing such a note and it cannot be seen on the public facing file.

a) What has happened to that document please?

The email also asked three questions and question 3) states '*in this changing environment, the technology for battery power is improving all the time. Would it help the application if – we took out the mains gas connection completely and simply ran the plant direct from Willand AD or made it totally battery storage? Would either of these options require a new application at this stage?*

b) Has this email ever been responded to and if so what was the response please?

3. On 16 January 2020 a Robert Brigden contacted the agent on behalf of MDDC and in the email states '*I'd be grateful for your assistance, so that I can ensure that the committee report is sufficiently robust to help us answer any questions that Members might have.*'

The questions are answered by the agent on the email. The CPRE submitted detailed comment as to the proposed operation which is at variance to that presented by the applicant.

Willand Parish Council and CPRE raised questions as to the 'renewable energy' claim and both were answered at different times by the agent using similar wording. "*Commercial sensitivity means that detail has not been included but the applicant will be contracting with green energy providers as part of their commitment to promotion an achievement of Devon Zero carbon targets.*"

a) Has any advice/evidence been sought by officers from an 'independent' source to verify the information given by the applicant or challenge the information presented by CPRE?

4. Condition 3 on the original report sets out a requirement in relation to operation in

	<p>accord with two schemes. As it is basically an industry self-regulation/certification scheme it raises the question as to how and who will oversee and enforce it.</p> <p>a) How is it envisaged that MDDC oversee that the condition is being complied with? b) Do we have the expertise or ability to do so? c) Is it considered that the explained enforcement action/sanctions will ever be sufficiently robust or practical to ensure compliance?</p> <p>5. 'Biomass' is a raw material while 'Biogas' is an end product. Biomass is burnt {usually in the form of wood pellets} in the presence of oxygen while Biogas is produced in the absence of oxygen. Both are biofuels that exist in different forms for producing heat and electricity. On page 128 para 3.3 'biomass' is referred to as it is again on page 129 para 3.4. On page 138 is an extract from the NPPF giving the definition of 'renewable energy' where biomass is included but biogas is not. The following paragraph in the original report refers to 'biomass'.</p> <p>a) Have officers based their advice to members on a misunderstanding of the difference in the products and the definitions used in policy?</p> <p>6. In the implications report at para 3.10 on page 130 it states: '<i>There is an absence of evidence to substantiate the claim that the proposal would not be a renewable energy facility.</i>' The CPRE submitted a very detailed objection which included figures and detail from a report commissioned on the subject of biogas/natural gas generated electricity plants. Their information was very briefly referred to in the officer report to committee on the top of page 137. The applicant responded to the CPRE report as outlined in question 3 above and did not challenge any of the information provided by CPRE.</p> <p>a) Taking into account the CPRE information and the lack of challenge or correction from the applicant and their question raised after the February Planning Committee is the advice that there is an absence of evidence still considered sustainable please?</p>
	<p>19/01862/FULL - Change of use of farm buildings to mixed B1/B8 use and retention of external works - Land and Buildings at NGR 299326 114323 Bradford Farm Uplowman.</p> <ul style="list-style-type: none"> This implications report was written prior to the adoption of the Mid Devon Local Plan Review which was adopted at an extraordinary meeting of the Full Council held on 29th July. As a result the Mid Devon Local Plan Review 2013-2033 replaces the Core Strategy, AIDPD and Development Management policies that make up the previous Local Plan and are no longer in force. <p>Therefore the relevant development plan policies to assess this proposal against are now as follows:</p> <p>Mid Devon Local Plan 2013-2033</p> <p>S1 – Sustainable development priorities S9 - Environment S14 - Countryside DM1 - High quality design DM3 – Transport and air quality DM4 - Pollution DM5 - Parking DM9 – Conversion of rural buildings DM18 – Rural employment development</p>