MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 27 September 2023 at 2.15 pm

Present Councillors	L J Cruwys (Chairman) G Cochran (Vice Chairman), F J Colthorpe, G Duchesne, R Gilmour, B Holdman, M Jenkins, F W Letch, N Letch, M Farrell and D Wulff
Apologies Councillor(s)	S J Clist
Also Present Councillor(s)	D Broom and S Keable
Also present Virtually:	Cllr J Buczkowski and A Glover
Present Officers:	Maria De Leiburne (District Solicitor and Monitoring Officer), Richard Marsh (Director of Place), Angharad Williams (Development Management Manager), Jake Choules (Principal Planning Officer), Shane Burgess (Principal Planning Officer), Angie Howell (Democratic Services Officer) and Sarah Lees (Democratic Services Officer)

34 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:38)

Apologies were received from Cllr S Clist who was substituted by Cllr D Wulff.

35 PUBLIC QUESTION TIME (00:03:54)

Barry Warren referring to Item 2 on the Plans List asked the following questions:-

Question 1. This application commenced from the premise of converting or using 2 redundant ‘agricultural buildings’ for housing. That being the case why is there no mention in the report before committee of the provisions of Local Plan Policy DM9 in respect of the conversion of Rural buildings? It is referred to in the applicants Ecological Impact Assessment at paragraph 1.2.2.

Question 2. The Report refers to the Conservation Officer Report but it has been summarised. Why is it not thought relevant to have in the committee report comments from the Court of Appeal in relation to Heritage Assets and advice such as “When considering the impact of development, great weight should be given to the asset’s conservation.

Any harm or loss should require clear and convincing justification from the applicant." Is not the Conservation Officer's summary of the applicants Heritage Statement relevant to be brought to the fore "There is no public benefit from the harm as the applicant can provide houses through the consent they have, or the houses can be built elsewhere where there is no harm."

Question 3. Condition 7 had been included to deal with concern and advice from the Public Health Officer. Is the condition practical and more importantly enforceable? Should not the condition also require evidence that the noise levels are not going to be exceeded? Condition 8 requires details but that does not prove noise levels.

Question 4. The Ecological Impact Assessment states that "The proposal would result in the destruction of up to 1,250 m2 of semi-improved neutral grassland with patches of ruderal plant species, and up to 100 m2 of bramble scrub. The proposals include the removal of five trees from the site to allow for access. Clearance of the site and the proposed development has the potential to adversely impact bats, nesting birds, dormice, reptiles, amphibians, badger and hedgehogs."
It further states "The development has the potential to improve the overall biodiversity of the site, achieving over 10% net gain in biodiversity unit…"

We are now on the Fourth version of the site plan since this report was written in November 2022 and we have different layouts and areas. What evidence have we that there will be a 10% biodiversity gain in the light of the latest plans?

The Chair advised that the questions would be answered during the application.

36 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:08:21)

Members were reminded of the need to declare any interests where appropriate.

37 MINUTES OF THE PREVIOUS MEETING (00:08:30)

The minutes of the previous meeting held on 30 August 2023 were agreed as a true record and duly signed by the Chairman.

38 CHAIRMAN'S ANNOUNCEMENTS (00:08:53)

The Chair had no announcements to make.

39 WITHDRAWALS FROM THE AGENDA (00:09:01)

Application 22/00907/FULL - Retention of disused quarry for use as two firing ranges at Devon & Cornwall Constabulary, Pondground Quarry, Holcombe Rogus was withdrawn.

40 THE PLANS LIST (00:09:20)

The Committee considered the application on the *Plans List.

Note: *List previously circulated and attached to the minutes.

a) Application 22/02339/MFUL - Erection of extensions and improvement works to existing Church and presbytery at St James Church, Old Road, Tiverton.

The Development Management Manager outlined the contents of the report by way of a presentation which highlighted the following:-

- The church was located on Old Road, Tiverton, to the east of the canal near Tesco.
- The proposal was to significantly extend the building to the front, rear and both sides including joining the building to the presbytery at the eastern side.
- This would increase the floor area from approximately 400 square metres to 904 square metres.
- A church spire and bell tower would be added to the roof.
- An extension to the presbytery above an existing first floor garage would be approximately 51 square metres.
- There would be no changes to access or parking. Highways had no concerns as the existing 27 parking spaces would remain along with disabled parking, cycle parking and mobility scooter parking.
- The proposal would include removing a small section of hedge along the road frontage and replacing this with shrub and tree planting to allow sufficient room for pedestrian access.
- The major concerns had been the addition of the bell tower and the increase in noise levels with the bell ringing. Public Health had no objections.
- Due to concerns of residents conditions had been put in place for the bell to ring only at certain times.
- Conditions were also in place for lighting and ensuring that building mounted lights faced downwards and that lighting shields would be utilised on the car park.

Consideration was given to:-

- The amount of hedgerow to be removed which was confirmed at approximately 7 metres.
- The noise level of the bell and the concerns of some residents.
- Parking and the number of vehicles using the road.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F W Letch and seconded by Cllr F J Colthorpe)

Reason for the Decision – as set out in the report.

Notes:-

(i) Cllr L Cruwys requested that his abstention from voting be recorded.

b) Application 22/02272/FULL - Erection of 2 dwellings following demolition of agricultural buildings utilising the Class Q fallback position (21/01146/PNCOU and 21/01148/PNCOU) at Land and Buildings at NGR 303765 110338, (Culm Park), Willand.

The Principal Planning Officer outlined the contents of the report by way of a presentation which highlighted the following:-

- The Application was called in to consider the impact on the countryside, the conservation area and the overall design.
- This proposal sought to use the fall-back position to demolish and erect two new dwellings in the place of three units approved under a previous Class Q scheme
- There had been a number of negotiations and revisions throughout the application and officers were now satisfied with the revised design.
- Conditions were in place to control the final appearance along with solar and heat pumps which could not be secured under Class Q schemes resulting in energy betterment.
- In addition to energy betterment, there was also amenity benefits.

In response to the public questions the Planning Officer answered as follows:-

Question 1
The application intended to demolish the existing buildings and replace them with two new dwellings due to the principle of a Class Q fall-back position. DM8 referred to the conversion of buildings and was therefore not relevant.

Question 2
The Conservation Officer's initial comments were summarised for the purposes of the report. This was noted in the report and stated that the comments were available to read in full online. The Conservation Officer's input had been considered in coming to the recommendation. There had been no objection to the final design.

Question 3
Officers were satisfied that all of the conditions met the six tests of planning conditions, this included the conditions being enforceable.

Question 4
Whilst the legislative requirement for a biodiversity net gain had not yet come into force, the recommendations of the Ecology Survey would allow the development to have a biodiversity net gain in the opinion of the ecologist. Conditions had been used so that the recommendations of the survey were followed and so that an Ecological Enhancement Strategy was submitted.

Consideration was given to:-

- The national planning policy framework and heritage assets.
- The removal of asbestos.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F W Letch and seconded by Cllr M Farrell)

Reason for the Decision – as set out in the report.

Notes:-

(i) Cllr B Warren spoke on behalf of Willand Parish Council.
(ii) Cllr A Glover spoke as Ward Member.
(iii) Cllr G Duchesne requested that her abstention from voting be recorded.
(iv) Cllr B Holdman requested that his vote against the application be recorded.

c) Application 23/00228/FULL - Siting of a temporary rural workers dwelling with access track and erection of an agricultural building with yard at Land at NGR 288859 112585 (Park Meadow), Pennymoor, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation which highlighted the following:-

- The application site was approximately 5km west of Tiverton.
- The existing agricultural land was 5.6 hectares.
- It was accessed by a single track lane.
- To the far west would be a small shed for storage of tools and a generator.
- There was an area for wildflowers and bat boxes.
- The husbandry of 30 alpacas equated to a full time worker.
- The applicant had addressed concerns by reducing the height of the building from 8m to 4.5m.
- Solar panels would be replaced with ground mounted panels.
- The generator was proposed to be sited on the north west of the site approximately 150m away from the nearest dwelling and the noise was equivalent to a loud conversation.
- The applicant had secured some further land off site for the non-breeding alpacas.
- The applicant had made changes to alleviate concerns raised by residents.

Consideration was given to:-

- Husbandry training courses and camping restrictions on the site.
- Biodiversity and ecological enhancements.
- Concerns regarding condition 8 and access to the site.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the Development Management Manager having delegated authority to work with the Chairman and Ward Member to enhance condition 8.

(Proposed by Cllr G Cochran and seconded by Cllr M Farrell)

Reason for the Decision – as set out in the report.

Notes:-

(i) Cllr F J Colthorpe declared an interest as she had been involved with this application. The Case Officer had given Cllr F J Colthorpe a site visit and had kept her informed so that she could forward information to her constituents, some of which were attending todays Committee meeting.
(ii) Mr Tucker spoke as the objector.
(iii) Mr Holland spoke as the Applicant.
(iv) Cllr F J Colthorpe spoke as the Ward Member.
(v) Cllr F W Letch requested that his abstention from voting be recorded.
(vi) Cllr F J Colthorpe requested that her abstention from voting be recorded.

41 **MAJOR APPLICATIONS WITH NO DECISION (01:51:46)**

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

Note *List previously circulated and attached to the minutes.

42 **APPEAL DECISIONS (01:57:16)**

The Committee had before it, and **NOTED**, a *list of appeal decisions.

Note: *List previously circulated and attached to the minutes.

(The meeting ended at 4.13 pm) **CHAIRMAN**