

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 July 2015 at 2.15 pm

Present Councillors

Mrs F J Colthorpe, Mrs H Bainbridge,
Mrs J B Binks, K Busch, Mrs C Collis,
R Dolley, S G Flaws, P J Heal, D J Knowles,
F Letch, R F Radford, J Smith, J D Squire
and Mrs B M Hull

Apologies Councillor(s)

J M Downes and R L Stanley

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Reg Willing (Enforcement Officer) and Sally Gabriel (Principal Member Services Officer)

14 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs: J M Downes and R L Stanley.

Cllr R L Stanley was substituted by Cllr Mrs B M Hull.

15 **PUBLIC QUESTION TIME**

Mr Ryan (representing Lightsource Renewable Energy Limited) and referring to item 12 (Sharland Farm) on the agenda stated that since the last committee on 3 June 2015, the scheme had been amended to address the concerns of Members by removing 3.1 ha of Grade 3a agricultural land, the relocation of the essential infrastructure buildings to the south east corner of the site and the reduction in height of the panels. There was support from residents in the local area and the closest resident to the site had raised no objection. Down St Mary Parish Council had also raised no objection. The landowner was an experienced sheep farmer and would continue to graze sheep on the land. The positives of the scheme outweighed any objection and therefore he proposed that the revised scheme be accepted.

16 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3 June 2015 were approved as a correct record and **SIGNED** by the Chairman.

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make: she informed those present that two new officers Joanna Williams and Joanna Cavill had joined the enforcement team.

18 START TIME OF MEETINGS (00-07-42)

Discussion took place regarding the start time of meetings for the following year.

RESOLVED that meeting of the Planning Committee be held at 2.15pm on Wednesday's for the remainder of the municipal year.

(Proposed by Cllr D J Knowles and seconded by Cllr P J Heal)

19 ENFORCEMENT LIST (00-08-10)

Consideration was given to the following cases in the Enforcement List *:

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

Arising thereon:

No. 1 in the Enforcement List (***Enforcement case ENF/15/00041/UDUR – Without planning permission, the carrying out of engineering works to raise the ground level at the north eastern boundary and erection of close boarded fence close to the boundary, alleged to be above the 2 metre permitted development height at Clouds, Barnfield, Crediton.***)

The Planning Enforcement Officer outlined the contents of the report stating that the matter referred to a building site which was at the rear of Clouds backing onto properties in Mount Pleasant, Park Street. The site was on a north facing slope and was formerly an orchard. Concern had been raised at a previous meeting regarding the inspection cover used to survey the site which may have been raised giving a false level from which to establish ground heights. Further site visits had taken place but because of works that had taken place on the site it was not possible to ascertain where the original levels had been taken from. Concern had been raised by local Ward Members regarding the soil build up against the neighbouring property and photographs were shown of the area of concern. Concern was also raised about the height of the fence on the resident's side, although this had been measured and no breach planning control was evident. It was suggested that as no breach could be established enforcement action and remedial measures would be difficult to impose and therefore no further action should be taken.

Consideration was given to the build-up of the soil against the neighbouring property and the height of the fence and whether it had been erected on original levels. It was suggested that this was now a civil issue between the neighbouring properties.

It was therefore

RESOLVED that the Legal Services Manager be authorised to take no further action in respect of either the engineering works carried out or the erection of the fence.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- a) Cllr: F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had been involved in discussions with both parties and had visited the site;
- b) Mr Perks (complainant) spoke;
- c) Cllrs Mrs J B Binks, R J Dolley, F W Letch and J L Smith requested that their abstention from voting be recorded.

20 **DEFERRALS FROM THE PLANS LIST (00-33-57)**

The Chairman informed Members that Item 1 (Menchine Farm) had been deferred as some of the neighbouring Parish Council and other respondents had not been informed that the application would be determined at today's meeting. It was **AGREED** that as there would be a delay that a site visit take place for the benefit of the new Members of the Committee prior to the determination of the application.

21 **THE PLANS LIST (00-37-00)**

The Committee considered the applications in the plans list *

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

- a) No 1 on the Plans List (***15/00573/FULL – Erection of new building for processing digestate fibre in association with existing AD plant – land at NGR 283096 113579 (Menchine Farm) Nomansland.***)

This application had been deferred as outlined in Minute 20.

- b) No 2 on the Plans List (***15/00749/TO – Application to reduce height by 2.5m and reshape crown, reduce western lower lateral by 2m and reduce lower crown to northeast to achieve 2-3m clearance from adjoining house of oak tree protected by Tree Preservation Order 4/52/88/TP4 – adj 7 Jasmine Close, Tiverton EX16 6UB.***)

The Head of Planning and Regeneration outlined the application highlighting the location of the tree and the works required as described in the report.

RESOLVED that the application be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

- (ii) No 3 on the Plans List (***15/00750/TPO – Application to carry out works to 1 oak protected by Tree Preservation Order 83/00003/TP – Play area, Head Weir Road, Cullompton.***)

The Head of Planning and Regeneration outlined the application highlighting the location of the tree and the works required as described in the report and stating that the tree would be reassessed in five years to ensure its safety and suitability for the play area.

RESOLVED that the application be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs B M Hull and seconded by Cllr J L Smith)

22 THE DELEGATED LIST (00-44-10)

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

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

23 MAJOR APPLICATIONS WITH NO DECISION (00-44-48)

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

The following applications were **NOTED** as being committee decisions

15/00934/MARM – Cummings Nursery, Cullompton

15/00650/MARM – Land North of Knowle Lane, Cullompton.

It was **AGREED** that site visits take place on the same day to both locations.

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

24 APPEAL DECISIONS (00-52-14)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Members received information regarding the outcome of the Bowden's Lane, Shillingford application which had been approved by the Planning Inspector.

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

25 APPLICATION 15/00537/MFUL - INSTALLATION OF A SOLAR FARM TO GENERATE 4.6MW OF POWER (SITE AREA 7.65 HA) AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATIONS, COMMUNICATIONS BUILDING, FENCE AND POLE MOUNTED SECURITY CAMERAS AT LAND AT NGR 274885 105456 (SHARLAND FARM), MORCHARD BISHOP (00-58-11)

The Area Planning Officer outlined the contents of the report which had been deferred at the previous meeting as Members were minded to refuse the application on the grounds of the use of best and most versatile agricultural land and landscape and visual impact, including cumulative impact. Following discussions at that meeting the applicant had put forward a revised scheme removing the land parcel of

Grade 3a agricultural land, the relocation of the essential infrastructure to the south eastern corner of the site and the reduction in height of the panels. Photographs were shown from various viewpoints looking into the site that had been taken on the site visit the day before.

Discussion took place regarding:

- The direction that the panels would be facing
- The view from the location of Down St Mary Garage
- The proximity to the Two Moors Way
- The fact that the applicant had considered the previous views of the Committee.

It was therefore

RESOLVED that

a) Planning permission be granted subject to conditions and an informative note as recommended by the Head of Planning and Regeneration

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

b) The proposed variation to the S106 agreement pursuant to planning permission 92/01338/FULL be approved

(Proposed by the Chairman)

Notes:

a) Cllrs Mrs H Bainbridge, Mrs J B Binks, K Busch, Mrs C Collis, R Dolley, S G Flaws, P J Heal, Mrs B M Hull, D J Knowles, F W Letch, R F Radford, J L Smith and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had all received correspondence regarding the matter, with Cllr Mrs Binks having also had contact with the applicant, Parish Council and objectors to the scheme and Cllr Mrs Colthorpe having had discussions with the Parish Council;

b) Cllr Mrs J B Binks requested that her vote against the decision be recorded;

c) The following late information was received: A further representation from a local stakeholder has been received confirming their objection to the scheme as it has been altered;

Morcharad Bishop Parish Council maintain their objection to the application scheme;

d) * Report previously circulated, copy attached to minutes.

26 **APPLICATION 15/00701/PATH - DIVISION OF TIVERTON FOOTPATH 22 AT LAND AT NGR 294586 113569 (FARLEIGH MEADOWS), WASHFIELD LANE, LOWER WASHFIELD (1-26-19)**

The Area Planning Officer outlined the contents of the report stating that an application had been received to divert part of footpath 22 in association with the residential development scheme at the land to the rear of Rackenford Road (Farleigh Meadows). He highlighted the process required and informed the Committee that an objection had been received.

RESOLVED that the objection as submitted be noted and that authority be given to officers to proceed to making the order.

(Proposed by the Chairman)

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

27 **SCHEME OF DELEGATION (1-31-46)**

The Committee had before it a report of the Head of Planning and Regeneration updating the current scheme of delegation in order to provide clarity over the appropriate decision-making route for Conservation Area policy related work.

The Head of Planning and Regeneration outlined the contents of the report stating that when the reporting processes for planning policy had been amended in 2012, the issue of conservation areas had been omitted, the intention of the report was to clarify the process.

RESOLVED that the scheme of delegation to the Head of Planning and Regeneration be amended in order to delete reference to the designation of new or amendment of existing Conservation Area boundaries from the conservation section and that this section read as follows:

In the case of Conservation:

- a) It requires the issue of repair and urgent work notices.
- b) It involves the submission of funding bids or schemes that have budgetary implications.

(Proposed by the Chairman)

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

(The meeting ended at 3.51 pm)

CHAIRMAN