

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 12 June 2024 at 2.15 pm

**Present**

**Councillors**

L J Cruwys (Chairman)  
S J Clist, G Cochran (Vice Chairman),  
F J Colthorpe, G Czapiewski, G Duchesne,  
B Holdman, M Jenkins, N Letch and  
S Robinson

**Apologies**

**Councillor(s)**

F W Letch

**Also Present**

**Councillor(s)**

D Broom, S Keable, G Westcott

**Also Present**

**Officer(s):**

Maria De Leiburne (Director of Legal, HR & Governance (Monitoring Officer), Richard Marsh (Director of Place & Economy), Angharad Williams (Development Management Manager), John Millar (Area Team Leader), Adrian Devereaux (Area Team Leader), Magdalena Halls (Planning Officer) and Angie Howell (Democratic Services Officer)

**Councillors  
Online**

E Buczkowski and J Buczkowski, A Glover, C Harrower  
and D Wulff

**Officers Online**

Stephen Carr (Corporate Performance and Improvement  
Manager)

**1 ELECTION OF CHAIRMAN**

The Vice-Chairman of the Council invited nominations for the election of a Chairman for the municipal year 2024/2025.

**RESOLVED** that Cllr L Cruwys be elected Chairman of the Planning Committee for the municipal year 2024/2025.

(Proposed by Cllr B Holdman and seconded by Cllr N Letch).

## 2 ELECTION OF VICE CHAIRMAN

The Chairman of the Committee invited nominations for the election of a Vice-Chairman for the municipal year 2024/2025.

**RESOLVED** that Cllr G Cochran be elected Vice Chairman of the Planning Committee for the municipal year 2024/2025.

(Proposed by Cllr L Cruwys from the Chair)

## 3 START TIME OF MEETINGS

Cllr S Clist proposed and seconded by Cllr G Duchesne that the Committee remain at 2.15pm for the remainder of the 2024/2025 municipal year.

The Committee **AGREED** to meet at 2.15pm for the remainder of the 2024/2025 municipal year.

## 4 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr F Letch with Cllr G Czapiewski substituting.

## 5 PUBLIC QUESTION TIME

There were no public questions.

## 6 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

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

- Cllr S Clist referred to Plan List 2 Application No. 24/00507/FULL and declared that he had an Other Registerable Interest as the Cabinet Member for Housing, Assets and Property but he had not been involved with this application.

## 7 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 8<sup>th</sup> May 2024 were agreed as a true record and duly signed by the Chairman.

## 8 CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:-

- He welcomed Milad Ghaderi the new Planning Officer to the team.
- He also welcomed Stella Radley who would be joining the Planning Team as a Planning Enforcement Assistant on 24<sup>th</sup> June
- He explained that despite one round of interviews regarding the Senior Enforcement Role that the Planning Team were not able to appoint on this occasion. However the post had been advertised again.

- The Planning Team had been shortlisted by the Royal Town Planning Institute for Local Planning Authority of the Year. The team would go to an awards ceremony on 25<sup>th</sup> June - the Chairman wished them all the best in coming home with the trophy.

## 9 WITHDRAWALS FROM THE AGENDA

Plans List 1 – Application No. 24/00285/FULL

Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial buildings at Stag and Squire, Shadow Pond, Stoodleigh.

The Chairman explained that the application had been withdrawn from the Planning Committee at the request of the applicant as they preferred to submit revised plans to overcome a concern on ecology rather than have a pre-commencement condition imposed on any decision to approve the application

Cllr S Robinson requested a site visit prior to the application coming before the Planning Committee in July.

It was explained that the Constitution states that site visits should normally only be taken where the impact of the proposed development was difficult to assess from the plans and any other supporting information. They could also cause delay and additional costs.

It was **AGREED** that as plans were to be resubmitted by the applicant that a decision for a site visit would only be made upon receipt of those amended plans.

## 10 THE PLANS LIST

The Committee considered the applications in the \*Plans List.

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

- a) 24/00695/TPO - Application to monolith 1 Beech tree by 4-6m in height from ground level protected by Tree Preservation Order 80/00003/TPO at Land at NGR 294630 113109, Longdrag Hill, Tiverton.

It was noted by the Officer in her update to Members that the description should read “to 4-6m” rather than “by 4-6m”.

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

- The Application was to monolith 1 Beech tree to 4-6 metres in height from ground level which was protected by a Tree Preservation Order (TPO).
- The tree was sited close to adjoining residential properties and had been identified as having a large area of decay on the northern aspect and multiple weak primary limb attachments.

- The structural condition was classified as poor which posed a risk to neighbouring residents and properties.
- The main issues raised were loss of a tree subject to a TPO; visual amenity impact; environmental impacts; and Tiverton Town Council considered the proposed works to the protected tree to be too excessive.
- Justification for the works included the extent of the decay and the poor structural condition; public safety concerns; monolithing process was the best industry practice; and it retained a valuable habitat resource.

Discussion took place regarding:-

- Whether when a mature tree was removed if a mature tree could be planted in its place. It was explained that a replacement tree would have to be planted within 10 metres of the original tree and this may cause problems for residents. The replacement tree would be a copper beech tree.
- The value of keeping the monolith due to the conservational value and supported a wide range of species.
- Would the monolith be monitored to check the condition and safety? It was explained that inspections would take place.

It was therefore **AGREED** to grant consent.

(Proposed by Cllr S Clist and seconded by G Duchesne)

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

- b) 24/00507/FULL - Demolition of existing garages and erection of 3 affordable dwellings and associated parking, landscaping and other minor associated works at Garages and Forecourt, Churchill Drive, Crediton.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The Application was for the demolition of existing garages and the erection of 3 affordable dwellings and associated car parking and landscaping.
- The site was located inside the settlement limits of Crediton and approximately 200m away from the town centre boundary to the south east.
- The site currently comprised of 13 garages with the ground levels falling from north to south.
- There was a prominent tree to the north of the site within close proximity to the garage block.
- The application was within a flood zone 1 which was the lowest level of flooding outside of a landscape designation and South West Water had raised no objections.
- The main issues raised were the principle of development/planning policy; highways and highway safety; design of development and impact on the landscape; living conditions of the nearby residential properties; green infrastructure and public open space; drainage and flood risk; climate change; and ecology and biodiversity net gain.

- The proposal was for 3 social affordable units made up of 3 one bed units and all units would be built in compliance with the national space standards.
- The 2 existing green spaces and all existing trees would be retained.
- The general character would be single storey dwellings, primarily brick walls and rendered.
- The units would be triple glazed with solar panels on the roof slope of the building.
- Pedestrians would have level pedestrian access from the road to the units.
- There would be a proposed Biodiversity Net Gain of 25.96%.

Discussion took place regarding:-

- The size of the back gardens. It was explained that the garden sizes were considered to be acceptable in these circumstances being only one bed units.
- Whether there would be sufficient parking. The Area Team Leader explained that there would be adequate parking and Highways had raised no objections.

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

(Proposed by Cllr B Holdman and seconded by Cllr S Robinson)

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

Notes:-

- (i) Elizabeth Lawrence spoke on behalf of the Applicant.
  - (ii) Cllr F Letch spoke as the Ward Member
- c) 23/01838/MFUL - Installation of ground mounted solar PV panels to generate up to 5MW, comprising photovoltaic panels and associated infrastructure and works (Site Area 6.30ha) at Land at NGR 300681 107829 (East of Wells Park), Cullompton, Devon.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The Application was for the installation of ground mounted solar PV panels to generate 5MW, comprising photovoltaic panels and associated infrastructure and works.
- The site comprised of 6.3ha of agricultural land on the north side of Little Toms and was situated to the north west of the Cullompton northern extension.
- The main issues raised included the principle of development; visual impacts, including heritage impact; loss of agricultural land; access and highway safety; flood risk and drainage; residential amenity; ecology and biodiversity net gain; environmental impact assessment.
- The site of the solar farm was within existing fields, hedges and tree boundaries with one large tree to the north to be avoided.

- There was existing vehicular access to the site which would be retained and widened by 6.9m by removing hedgerows.
- All other trees and hedges would remain.
- There would be a Biodiversity Net Gain of 88.82% in habitat and 14.77% in hedgerow units.

Discussion took place regarding:-

- Traffic road safety and the accumulative traffic movement.
- Whether the widened entrance, once constructed would have fencing or a hedgebank reinstated. This would be looked into.

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

(Proposed by Cllr G Duchesne and seconded by Cllr S Robinson)

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

Notes:-

- (iii) Charlotte Peacock spoke on behalf of the Applicant.

## 11 MAJOR APPLICATIONS WITH NO DECISION

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

The Committee agreed that the applications remained as per the report.

Note: \*List previously circulated.

## 12 APPEAL DECISIONS

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

Note: \*List previously circulated.

## 13 HABITAT BANK AT PUDDINGTON MOOR, PUDDINGTON

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- This was a proposal to create a Biodiversity Net Gain (BNG) Habitat Bank of 10.29ha on the northern edge of Puddington.
- The site was a single arable field that had been subject to intensive arable management.
- It was located outside of any landscape designation and within flood zone 1.

Discussion took place regarding:-

- How the Council would be able to ensure the habitat bank had a duration of 30 years. It was explained that the site would be assessed and maintained as set out within the associated S106. This required the owner of the site to submit a Monitoring and Management Plan as set out within the S106, to which the Local Planning Authority would then be responsible for ensuring the land concerned was managed and maintained in accordance with the plan. Such monitoring would go on at various stages as set out for a period of 30 years as required by Government.
- Whether the land was arable. It was explained that the Ecologist at Devon County Council had raised no concerns.

It was therefore **RESOLVED** to approve the signing of the S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 10.2ha.

(Proposed by Cllr B Holdman and seconded by Cllr S Robinson)

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

#### 14 **HABITAT BANK AT HIGHER AYSHFORD FARM, WESTLEIGH, TIVERTON**

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- This was a proposal to create a Biodiversity Net Gain (BNG) Habitat Bank of 59.85ha at Higher Ayshford Farm located approximately 7.5km to Tiverton.
- To the south were a number of listed buildings.
- The site was made up of a total of 16 arable fields which included hedgerows, woodland and riparian habitats including ditches and ponds.
- Following receipt of an updated Habitat Management and Monitoring Plan there would be an overall increase of 405.57% habitat biodiversity units, which equated to a Biodiversity Net Gain of 282.84%.

It was therefore **RESOLVED** to approve the signing of the S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 59.85ha.

(Proposed by Cllr F J Colthorpe and seconded by Cllr B Holdman).

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

#### 15 **PERFORMANCE DASHBOARD QUARTER 4**

The Committee were presented with the Performance Dashboard for quarter 4 showing performance against target in 2023-24 by the Corporate Performance and Improvement Manager.

Discussion took place regarding:-

- Whether planning enforcement indicators could have a rag rating.

- Why there was a £0 target set for appeals. It was explained that in the budget there was nothing in place to cover the cost of appeals and that was why it was set at £0. Planning Officers and accountants met regularly to discuss any potential cost pressures relating to appeals.

Note: \* Performance Dashboard previously circulated.

(The meeting ended at 4.49 pm)

**CHAIRMAN**