

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 28 August 2024
at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

G Cochran

Also Present

Councillor(s)

S Keable and F W Letch

Also Present

Officer(s):

Maria De Leburne (Director of Legal, People &
Governance (Monitoring Officer)), Angharad Williams
(Development Management Manager), Daniel Sims
(Planning Officer), Tim Jarrett (Arboricultural Officer) and
Angie Howell (Democratic Services Officer)

Councillors

Online

E Buczkowski, J Buczkowski and A Glover

Officers Online

Adrian Devereaux

33 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:02)

Apologies were received from Cllr G Cochran and Cllr L Kennedy substituted.

34 PUBLIC QUESTION TIME (00:04:20)

Martin Hanns referred to Application No. 24/00001/TPO and asked the following question:-

I would like the officer to explain why these particular trees are any different legally speaking than the rest on the holding as they're part of the same management plan and subject to the same governance as to whether it's expedient to make them subject to a TPO (Tree Preservation Order) given they're already under management and protected under hedgerow legislation.

The Chair advised that the question would be answered when the TPO was discussed on the agenda.

35 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:09:57)

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

No declarations of interest were made.

36 MINUTES OF THE PREVIOUS MEETING (00:10:17)

The minutes of the previous meeting held on 31st July 2024 were agreed as a true record and duly signed by the Chair.

37 CHAIR'S ANNOUNCEMENTS (00:10:33)

The Chair made the following announcements:-

- There would be a National Planning Policy Framework update at the Policy Planning Advisory Group meeting tomorrow. Tristan Peat would be providing an update on consultation changes and how Mid Devon District Council would respond to it. This would be the first item on the agenda and the meeting would start at 10.00am.
- The Committee wished the Development Management Manager all the best as this would be her last Planning Committee before beginning her maternity leave. Proceedings were underway to fill the vacancy to cover the period of maternity leave.

38 WITHDRAWALS FROM THE AGENDA (00:14:00)

There were no withdrawals from the Agenda.

39 THE PLANS LIST (00:14:06)

The Committee considered the applications in the *Plans List.

- a) 24/00533/FULL - Siting of containers to provide equipment storage, cooking, washing and changing facilities at Land at NGR 284406 100511, Lords Meadow Leisure Centre, Commercial Road.

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

- The Application was for the siting of containers to provide equipment storage, cooking, washing and changing facilities on Mid Devon District Council (MDDC) land at Lords Meadow Leisure Centre, Crediton.

- The site was used for the Community Youth Football Teams for ages under 7 to under 16 boys and under 11 to under 15 girls' teams. There was also training times for disabled teams.
- The pitch played a vital part of the community for all those years and did not currently benefit from any facilities.
- The club had finally decided it was now time to invest and bring the club up to date with new facilities.
- There were residential properties to the north of the site.
- The exterior of the storage and tractor sheds would be timer clad with timber clad fencing fixed to posts.
- Two storage containers would have direct access to the playing fields.
- There would be fencing to the east and tree planting.
- A slight issue had been raised by the Ecology Officer with regard to Biodiversity Net Gain (BNG). Devon County Council (DCC) were consulted on the application to ensure 10% BNG could be achieved. The tree planting shown in the report appeared to be just outside of the red line boundary on the site plan submitted. This had now been amended by extending the red line boundary to include the trees and was now deemed acceptable by the Ecology Officer.

Discussion took place regarding:-

- The effect that the buildings could have on the tree roots. It was explained that as it was just containers this would not cause any impact on the tree roots and the Ecologist had not raised any concerns.
- The species of trees to be planted and the distance of planting between the trees. The Committee were informed that the distance between trees would be approximately 1.8 metres. The species of trees were yet to be agreed.

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

(Proposed by Cllr S Clist and seconded by Cllr C Harrower)

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

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

40 **TREE PRESERVATION ORDER - 24/0001/TPO WYLLSPRING FARM, CREDITON (00:37:33)**

The Committee considered the Tree Preservation Order (TPO)

Tree Preservation Order 24/00001/TPO – for a group of 4 oak trees within a hedge line land at Wyllspring Farm, Penstone, Colebrooke, Crediton.

In response to the public question raised the Arboriculture Officer answered as follows:-

The hedgerow legislation protects important hedgerows in the countryside, by controlling their removal through a system of notification. The hedgerow legislation does not control the pruning or cutting of important hedges or trees within them. The cutting of hedgerows is clearly necessary undertaking, whether this is cyclical maintenance or ad hoc. Though it is generally not viewed as expedient to offer tree protection orders to the majority of trees in hedgerows there are some situation where it is. In this instance it was felt expedient to serve a tree protection order due to the screening value provided of the large storage barns, permitted under the application 22/01693/FULL, particularly from Colebrook. It is recognised the oak trees were likely to require crown management periodically in relation to the outbuilding. Such crown management could impact the screening value provided and potentially be detrimental to the oak trees in question. A tree protection order would ensure potential future pruning works are reasonable and justifiable, particularly if the screening of the storage barns would be reduced as a result and help safeguard the local amenity value as well as public local interest with the trees too.

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

- A TPO was made on 22nd May 2024 following previous discussions with the land owner.
- The new TPO was for 4 oak trees situated within a hedgerow that acted as a field boundary.
- The area was abundant with trees and hedgerows which were under a DEFRA (Department for Environment Food & Rural Affairs) Management Plan.
- The TPO was due to the importance of protecting the screening of the farm.
- Any crown work would significantly reduce the screening of the barn and the wider landscape.

Discussion took place regarding:-

- The distinction between the DEFRA Management Plan and the TPO. It was explained that the TPO ensured that the trees remained as they were and could not largely be touched unless an application was submitted. A DEFRA Management Plan was committed to pruning hedgerows.
- Whether a TPO could be revoked? It was explained that a TPO could be revoked if there was reason to do so.

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

(Proposed by Cllr L G Kennedy and seconded by C Harrower)

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

Notes:-

- (i) Cllr S Clist abstained from voting

Note: * Previously circulated and attached to the minutes.

41 **MAJOR APPLICATIONS WITH NO DECISION (01:01:15)**

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, copy attached to the minutes.

(The meeting ended at 3.16 pm)

CHAIR