

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 29 July 2015 at 2.15 pm

Present

Councillors

Mrs H Bainbridge, Mrs J B Binks, K Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, F Letch, R F Radford, J Smith, J D Squire and R L Stanley

Apologies

Councillors

R Dolley, P J Heal and D J Knowles

Also Present

Councillors

D R Coren and C J Eginton

Present

Officers

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Luke Smith (Principal Planning Officer), Aarron Beecham (Forward Planning Assistant), Jo Cavill (Enforcement Officer) and Sarah Lees (Member Services Officer)

28 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs: R J Dolley, D J Knowles and P J Heal.

No substitutes were provided.

29 PUBLIC QUESTION TIME (00:03:00)

The following questions were asked in relation to Item 2 on the Plans List (Menchine Farm, Nomansland):

Mr Barry Cornes asked the Committee whether it was aware that the applicant had claimed that he had started a process to seek end of waste certification to make use of the digestate as animal bedding and biomass fuel. The Agriculture and Horticultural Development Board and Dairy Co stated on 31.3.2015 that the use of AD digestate solids or dried digestate solids as bedding was not currently permissible in the UK. Also in the opinion of the European Biogas Association drying solid digestate to process into pellets to burn as biofuel contradicts all claims for sustainability and it is best used as a soil conditioner.

Mrs Virginia Cornes went on to ask, now that the Menchine plant was up and running were Members aware that since it started the residents of Nomansland had suffered an explosion of enormous agricultural vehicles in and around the hamlet often from early morning until last thing at night. If this application was approved the addition of lorry and drag trailers with 20 ton loads could only further increase the cumulative impact of the already unacceptable noise and general disturbance caused to the residents.

Mrs Alison Webb stated that Members would be aware that an appeal decision was still awaited from the Planning Inspectorate to double the power output of the existing AD plant from 500kw to 1mw. Could Members truly accept the officer recommendation to approve this application when the Planning Inspectorate Case Officer had already voiced his opinion that he had insufficient Written Representation? He had now made the decision to hold an Informal Hearing to address his concerns including non-compliance with conditions. This application ought to be deferred until the outcome of the Appeal was known.

Mr Richard Grant stated that he was a newly elected councillor for Thelbridge Parish Council. At his first meeting the application relating to this additional building at Menchine Farm was on the agenda and was briefly discussed. However despite him noting that it is stated that Thelbridge had submitted a statement saying they had no objection, he felt compelled to advise the Committee that in fact no vote was taken to this effect.

Mrs Sally Smyth, Chairman of Cruwys Morchard Parish Council, stated that she would like to make Members aware that she had asked to speak on the Parish's behalf but had been declined as the Chair of Templeton Parish had already requested to speak. However, Miss Coffin from Templeton had offered to withdraw her request as it was Nomansland residents who were primarily concerned with this application, half of whom lived in Cruwys Morchard and not Thelbridge.

Despite this they had both been refused permission to address Members except during question time. However, she felt that a precedent had already been set at previous planning hearings when contiguous parishes were allowed to speak at the agenda item. She wanted therefore to draw the Committee's attention to two key issues, visual impact and transport, raised at the Cruwys Morchard Parish Council meeting regarding this application.

In allowing an appeal in respect of application 12/01659/MFUL Planning Inspector Mike Robins described the site as an uncharacteristically large development of poultry houses and AD plant which did cause some harm to the landscape character. Despite this, the development sprawl by stealth at Menchine farm has continued to be approved contributing to cumulative landscape harm. Are Members aware that the applicant had recently submitted a screening application for a further 5 poultry houses each 86 metres by 12 metres to accommodate 60,000 birds immediately west of this proposed building?

She went on to state that the Planning Officer could confirm that the applicant failed to produce the information required under Condition 8 of the currently approved scheme in relation to traffic movements. This application would, if approved, generate a minimum of 200 additional traffic movements. Surely, compliance with conditions relies on a mutually respectful working relationship between the Local

Planning Authority and the applicant. As he had failed to provide these figures and it had been a significant reason for non-determination, then why with the additional traffic movements would the officers see fit to recommend it? If the Committee cannot refuse this application surely it ought to be deferred until the Appeal outcome was known?

Mrs Sarah Coffin, Templeton Parish Councillor, stated that if the Committee granted this application enabling the doubling of at present between 5 – 20% solid digestate production, where will the doubled proportional 80% liquid digestate be put which is not viable to dry? The applicant had named lands of approximately 500 acres which were occupied by his 'Greener for Life' Co-Director, a company now in administration, as a receptor for the unpasteurised potentially contaminated liquid digestate fertiliser. With no other end market approved the potential of significant loss of safe land access and the reluctance of other local land owners to purchase the digestate, the applicant fails to identify a safe secure end destination that complies with all DEFRA and Environment Agency best practice as well as the 6 kilometre radius in the Local Planning Authority condition. Therefore in view of the failure to fully comply with the planning appeal conditions already mentioned as well as the two water pollution incidents at present under investigation with the Environment Agency involving the applicant and the 'Greener for Life' Co-Director, I ask the Committee to act responsibly and refuse this application.

In responding to the suggestion that Members were being misled by the officer report the Area Planning Officer dealing with this application referred the Committee to page 25 of the report and the second paragraph under policy number DM22 where it stated that 'The proposed building seeks to maximise the recycling opportunities arising from the operation of the AD plant. The building enables the applicant to form fertiliser and/or animal bedding in a pelleted form using the dried digestate that arises from the AD plant. Both processes require a permit from the Environment Agency.' Therefore he suggested that officers had not been misleading.

In relation to the other questions that had been raised he stated that most of them related to the AD plant and the Committee were advised that they should not be considering this application in association with the outstanding AD issues. Regarding the comment from Mr Grant, he stated that he could not comment about the Thelbridge Parish Council meeting as he had not been present, all he could do was show him the response from the Council which said that they did not have any objections.

30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 1 July 2015 were approved as a correct record and **SIGNED** by the Chairman subject to the following amendments:

- a) Minute 21 - point (ii) should read (c);
- b) Minute 25 – the last line in the first note (a) should read '.....and Councillor Mrs Colthorpe having been present at a neighbouring parish council meeting where it was discussed.'

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) She introduced three new officers to the Committee:

Arron Beecham – Planning Assistant in Forward Planning
Naomi Morgan – Planning Assistant in Development Management
Jo Cavill – Enforcement Officer

- b) There would be an informal meeting and presentation from the Knowle Lane developers before the next meeting of the Planning Committee on 26 August 2015 which would also be open to members of the public. This would relate to the Reserved Matters second stage development of 285 dwellings. It was confirmed that the application would not be discussed at the Planning Committee on that particular date but at a later date.

32 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

33 THE PLANS LIST (00:19:00)

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans List (15/00382/FULL – *Erection of an agricultural livestock building (889 sq.m) at Land at NGR 299384 112863, Red Linhay, Crown Hill*).

The Head of Planning and Regeneration outlined the contents of the report stating that this application had been deferred from 3 June 2015 for further information with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable.

The site layout was described showing where the existing agricultural buildings were in relation to the proposed new building and the AD plant. The Committee were informed that a new planning application had recently been received relating to a revised scheme for the AD plant. Permission had previously been granted for an AD but a revised scheme was now being applied for. However, the Committee were reminded that the AD plant was not being re-determined at this meeting today and Members should focus their attention on the proposed agricultural livestock building.

During discussion consideration was given to:

- The recently received revised planning application for the AD plant seeking a re-ordering of the plant slightly further down to the south. An increase in generation and capacity was not expected.
- The AD plant being between the canal and the proposed livestock building when viewed from Crown Hill.
- The Committee would have another chance to assess the AD plant when the new application came before it.

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 F W Letch)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C Collis and R F Radford declared personal interests as they were Members of the Grand Western Canal Joint Advisory Committee.
- (ii) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had received correspondence and knew the applicant.
- (iii) Cllr R F Radford spoke as Ward Member.
- (iv) Cllrs J L Smith and R L Stanley requested that their vote against the decision be recorded.
- (v) Cllr R F Radford requested that his abstention from voting be recorded.
- (vi) The following late information was received:

Correspondence from applicant 27th July 2015 summarised as follows:

1. We are farming 900 acres, some owned, some rented.
2. The farm is farmed as a whole, there are no acres specifically farmed for the AD plant nor for the cattle. The crops are rotated each year to comply with DEFRA good agricultural practices.
3. We grow a mixture of crops: Grass, Winter Wheat, Winter Barley, Forage Maize, Hybrid Rye, Fodder Beet
4. The AD plant will require 426 acres of crops to enable it to run leaving 474 acres for cattle grazing and other crops.
5. I understand there is some concern that this extra shed for cattle will result in there being more traffic movements. But there will not be because we are still farming our 900 acres and I fail to understand how building another shed will result in there being more traffic movements?
6. The extra cattle are here on site and will remain on site and it is imperative that we can build this shed before the winter as we cannot out winter the cattle. This is due to the fact that we have a pedigree herd of cattle and they need to be housed to keep them in the best possible condition over the winter. In addition we also have 6 pedigree bull calves which were born this spring and they are due to be weaned from their mothers this autumn and will need to be housed separately as the herd and our facilities are regularly inspected for us to achieve our accreditation for beef quality.

(b) No 2 on the Plans List (15/00573/FULL – ***Erection of new building for processing digestate fibre in association with existing AD plant at Land at NGR 283096 113579 (Menchine Farm), Nomansland, Devon.***)(00:49:00)

The Head of Planning and Regeneration reminded the Committee that the AD plant and an associated appeal was not for consideration at today's meeting, the only

issue which needed to be determined was the proposed new building for the digestate fibre.

The Area Planning Officer outlined the contents of the report and the site location by way of presentation. He also informed those present that a site visit had taken place the previous day.

Consideration was given to:

- The size of the floor area to be occupied by the proposed building.
- Additional landscaping which would be a condition if approval was granted.
- The footpath link being an access way rather than a footpath as such.
- Regarding transport issues, the applicant had calculated that there would be approximately 100 additional transport movements as a result of taking products off site. It was noted that during the site visit on the previous day there had been large vehicles passing by with debris spilling on to the roads.
- There being two policies against which this proposal should be determined, DM20 and DM22. Policy DM5 also supported energy production.

RESOLVED that the application be deferred until such time when the Planning Inspectorate has reached a decision regarding the appeal on application number 14/01915/FULL/.

(Proposed by Cllr Mrs J B Binks and seconded by Cllr J D Squire)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest in that she had known the applicant for some years, Cruwys Morchard was in her District Ward and Templeton Parish Council was in her County Division.
- (ii) Cllr R L Stanley declared a personal interest in that he knew many of the objectors.
- (iii) Cllr Mrs J Binks made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as she had been present at a meeting of Thelbridge Parish Council when the applicant had given a presentation. She also declared a personal interest in that she knew many of the objectors and had attended a site visit the previous day.
- (iv) Cllr R F Radford declared a Disclosable Pecuniary Interest and left the room for the duration of this item as he was a chicken farmer with the potential to supply the applicant with material.
- (v) Mr Cole (Applicant) spoke.
- (vi) Mr John Baxter (Objector) spoke.
- (vii) Cllr Mrs J B Binks spoke as Ward Member
- (viii) Cllrs Mrs H Bainbridge, F J Colthorpe and F W Letch requested that their vote against the decision be recorded.

(c) No 3 on the Plans List (15/00681/FULL – Erection of first floor rear extension at 31 Sunnymead, Coplestone, Devon).(01:38:50)

The Area Planning Officer outlined the contents of the report stating that the development was a revised proposal to erect a first floor extension to the rear of the property in order to provide a fourth bedroom. Members needed to consider the application in relation to Policy DM2 which required new development to be of a high quality design showing clear understanding of the characteristics of the site, its wider context and the surrounding area. In addition to this policy DM13 required development not to have a significantly adverse impact on the living conditions of occupants or neighbouring properties. The officer's recommendation was that the design and siting of the proposed extension did not meet these criteria.

A brief discussion took place regarding how unfortunate it was that a better solution to the design issues could not have been forthcoming especially given the family's intention to foster children through Devon County Council.

RESOLVED that this application be refused as recommended by the Head of Planning and Regeneration

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs Mrs F J Colthorpe and R F Radford declared personal interests as they were Members of Devon County Council.
- (ii) Cllr Mrs J B Binks declared a personal interest as she felt she may have taught the applicant at school.
- (iii) Cllr D R Coren declared a personal interest as he knew the applicant.
- (iv) Cllr J D Squire declared a personal interest as he knew the agent.
- (v) Mr Archer (agent) spoke.
- (vi) A statement was read out from Cllr P J Heal, one of the Ward Members.
- (vii) The following late information was reported:

One further objection has been received and raises the following points:

- The noise from the works will have a detrimental impact on the mental health of the objector
- The applicants caused damage to the neighbours fence last year
- The applicants have tried to buy the objectors back garden and are likely to try again if this application is approved

The issues raised within the representation do not raise any further material planning considerations that the Local Planning Authority can take into account within the assessment of this application.

(d) No. 4 on the Plans List (15/00743/FULL – Conversion of redundant chapel to dwelling at Coombe Head Chapel, Bow, Devon) (01:53:16)

The Area Planning Officer outlined the contents of the report, by way of presentation stating that the proposal to convert the chapel complied with Policy DM11 in that by virtue of its character, design and historic significance it was considered to positively contribute to the area's rural character.

Discussion took place regarding:

- The water supply to the building.
- Drainage pipes would be away from the area of the graveyard.
- Whether living relatives would still be able to access the graves of those interred on the site.
- The need to respect the burial site and preserve the headstones.
- Would access to the graveyard still be allowed should the current owners choose to sell up?

RESOLVED that the application be approved as recommended by the Head of Planning and Regeneration subject to an additional condition:

11. Prior to the commencement of the development, details of the fencing to be erected around the graveyard / burial area together with details of how this area is to be managed and accessed shall be submitted and approved in writing by the Local Planning Authority. The fence shall be erected prior to the first occupation of the building as a dwelling and so retained. Management and access provision of the graveyard / burial area shall be in accordance with the approved scheme.

Reason: To safeguard the graveyard / burial area from disturbance and in order to allow access to the graves in the interests of the amenities of the area.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs J B Binks)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest in that she had once employed Mr Badger, the Applicant's Consulting Engineer.
- (ii) Cllr Mrs J B Binks declared a personal interest in that she used to live in Bow and was a former Ward Member.
- (iii) Mrs J Knight (Applicant) spoke.
- (iv) Cllr J D Squire spoke as Ward Member.
- (v) The following late information was reported:

An additional representation has been received from the neighbour which raises further concern with regard to the proposed drainage of the site;

- The information regarding the drainage is not based on an independent assessment of the site
- There has not been an assessment of the level of the ground water table

Further correspondence has been submitted from Kingspan Klargester confirming that the percolation tests were carried out correctly and the size of the soakaway has been calculated based on the formula outlined in Building Control Regulations H2.

(e) No. 5 on the Plans List ***(15/00771/FULL – Formation of layby for parking of vehicles/access to woodland at Land at NGR 268282 111909, (North of Higher Ford House), Chawleigh.)(02:16:39)***

The Area Planning Officer outlined the contents of the report, by way of presentation stating that the proposal was for the formation of a layby for parking of vehicles and for access to woodland.

Consideration was given to:

- Highways issues and the safety implications of speeding cars travelling down a long straight piece of road
- Whether the proposed chain link fence would be adequate to stop fly tipping and Travellers pitching up for the night
- The length of the proposed layby being 14 metres long to accommodate visibility space.

RESOLVED that the application be refused for the following reason: The proposed layby by reason of its location, size and general appearance would have a detrimental impact upon the visual appearance and character of the area contrary to Policies COR18 Mid Devon Core Strategy and DM2 Mid Devon Local Plan Part 3: Development Management Policies.

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

- (i) Cllr Mrs J B Binks, Mrs C A Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good practice for Councillors dealing in planning matters as they had received correspondence regarding this application.
- (ii) Cllr C J Eginton declared a personal interest as the Objector was known to him.
- (iii) Mr Darke (Applicant) spoke.
- (iv) Mr Bulmer (Objector) spoke.
- (v) Cllr C J Eginton spoke as Ward Member

(vi) Cllr J M Downes requested that his abstention from voting be recorded.

(vii) Cllrs Mrs H Bainbridge, R F Radford and R L Stanley would assist the defence of any appeal arising.

(viii) A proposal to approve the officer's recommendation was not supported.

(f) No. 6 on the Plans List (15/00944/FULL – Alterations to provide additional trading units and storage space at Pannier Market, Market car Park, Newport Street).(02:56:06)

The Principal Planning Officer outlined the contents of the report demonstrating what the proposals were through a series of photographs.

Discussion took place with regard to:

- What was going to be stored in the space proposed. It was explained that this storage space would be used by the traders and miscellaneous items would be stored.
- Space still needed to be provided to allow for vehicle movements.
- The proposals would allow for more flexibility.
- High quality materials would be used to facilitate the alterations.

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

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes:

(i) Cllr R L Stanley declared a personal interest as the applicant was Mid Devon District Council and he was the Cabinet Member for Housing and as such had been heavily involved with the development of the proposal.

(ii) Cllr Mrs E J Slade spoke as Ward Member.

(iii) Cllrs S G Flaws and R F Radford had left the room during debate and were therefore not able to vote on the proposal.

(g) No. 7 on the Plans List (15/00945/LBC – Listed Building Consent for alterations to provide additional trading units and storage space at Pannier Market, Market Car Park, Newport Street).(03:11:00)

The Principal Planning Officer outlined the contents of the report stating that the application sought Listed Building Consent for alterations to provide trading units and storage space at the Pannier Market.

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

(Proposed by Cllr J D Squire and seconded by Cllr R L Stanley)

34 **THE DELEGATED LIST (03:12:28)**

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

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

35 **MAJOR APPLICATIONS WITH NO DECISION (03:13:09)**

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

Application 15/01108/MFULL would be brought before the Committee and a site visit would take place if recommended for refusal.

Application 15/00934/MARM would be brought before the Committee and a site visit would take place.

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

36 **APPEAL DECISIONS (03:17:40)**

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

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

37 **APPLICATION 15/00779/MFUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF 26 DWELLINGS WITH ASSOCIATED WORKS AT LAND AT NGR 294775 111860 PALMERSTON PARK, TIVERTON (03:19:10)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the demolition of existing garages and the erection of 26 dwellings with associated works at Palmerston Park, Tiverton.

The Area Planning Officer outlined the contents of the report stating that the site proposed was extremely challenging in terms of its steep location but that successful development would lead to the provision of 26 affordable dwellings. Objections had been received regarding loss of privacy to neighbouring gardens but this had been dealt with by a condition relating to close board fencing. Arrangements regarding bin access and movement had also been dealt with.

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

(Proposed by Cllr S G Flaws and seconded by Cllr J D Squire)

Notes:

(i) Cllr R L Stanley declared a personal interest and left the meeting for the duration of this item, as he was Cabinet Member for Housing and this was a Housing Revenue Account application.

(ii) * Report previously circulated; copy attached to the signed Minutes.

38 APPLICATION 15/00004/TPO - TREE PRESERVATION ORDER - ALEXANDRA LODGE, OLD ROAD TIVERTON (03:36:20)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the confirmation of a Tree Preservation Order at Alexander Lodge, Tiverton. This was made in response to a proposed development on the Alexandra Lodge site. The Order specifically protected the three more significant trees on the site due to their perceived amenity value.

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by the Chairman)

Notes:

(i) Cllr R L Stanley declared a personal interest as his wife was a Director of the Tiverton Alms House Trust which was the owner of Alexandra Lodge.

(ii) * Report previously circulated; copy attached to the signed Minutes.

39 APPLICATION 15/00005/TPO - TREE PRESERVATION ORDER - RECREATION GROUND, SAMPFORD PEVERELL (03:40:52)

The Committee had before it a report * of the Head of Planning and Regeneration. The Tree Preservation Order had been made in response to a Conservation Area tree works notification that was made in respect of a number of trees on the site at the Recreation Ground, Lower Town, Sampford Peverell. Two letters of objection had been received in relation to the Tree Preservation Order.

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by the Chairman)

Notes:

(i) Cllr Mrs H Bainbridge declared a personal interest as she had attended a meeting of Sampford Peverell Parish Council the previous evening where there had been objections to the Tree Preservation Order being confirmed.

(ii) Cllrs Mrs H Bainbridge and Mrs C Collis requested that their abstention from voting be recorded.

(iii) * Report previously circulated; copy attached to the signed Minutes.

Update sheet

(The meeting ended at 6.20 pm)

CHAIRMAN