

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 May 2016 at 2.15 pm

Present Councillors

Mrs H Bainbridge, Mrs F J Colthorpe,
S G Flaws, P J Heal, D J Knowles,
F W Letch, B A Moore, R F Radford,
J D Squire and R L Stanley

Apologies Councillor(s)

R J Dolley

Also Present Councillor(s)

Mrs J B Binks and T G Hughes

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN (Vice Chairman of the Council in the Chair)

RESOLVED that Cllr Mrs F J Colthorpe be elected Chairman of the Committee for the municipal year 2016/17.

(Proposed by Cllr P J Heal and seconded by Cllr R F Radford)

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr P J Heal be elected Vice Chairman of the Committee for the municipal year 2016/17.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore).

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R J Dolley.

4 PUBLIC QUESTION TIME (00-09-55)

Sarah Coffin from Templeton regarding agenda item 13 application Menchine Farm, building to process digestate fibre into pellets.

I note your officer recommends approval with attached conditions. May I refer to conditions and “reasons for conditions” 6 and 7?

Condition 6 limits the process facility described in this application to only digestate fibre produced at Menchine AD so as to minimise the number of associated vehicular trips and does not allow for any importing of digestate fibre from any AD site.

Condition 7 requires records to be kept of the amount of fibre processed in the building as well as records of the load weight and number of vehicles exporting processed material from same.

May I ask Councillors how these two conditions will be effectively monitored and enforced, given the applicants failure in the past to supply accurate detailed records – as was revealed at the appeal hearing on 26 January 2016?

May I therefore request that should councillors be so minded as to accept the officers recommendation and approve this application, the following condition 8 is also included:-

A fit for purpose electrical monitoring/CCTV/data collection system is fitted as agreed with the LPA that will allow either direct monitoring or independent access by the LPA to all the necessary information required to comply with conditions 6 and 7.

This application was applied for after the application to double the AD output from 500kWE to 1MWe, but before the dismissal of the consequential appeal. The pelletiser building is thus bigger than necessary for a 500 kWE plant. Local residents are still concerned that the AD plant will operate at a higher output than permitted, given that there are two CHP units on site. Please therefore include the following condition 9 “the development shall not be commenced until a mechanical interlock system is in place to prevent simultaneous operation of the two CHP units”.

The reasons for these additional conditions are as follows:

To prevent any furtive increase in electricity production to the grid or to facilitate the process of drying and pelletising the digestate.

To prevent any additional costs to the tax payer in pursuing/verifying complete and correct data records from the applicant.

To assist applicant in ensuring any finished written data submitted is accurate and supplied within parameters required.

In the interests of planning openness and clarity as per government criteria for the revised planning and conditions guidelines.

This process does not come under any EA controls by way of additional permit or licence as the digestate is already designated as being from agricultural sources. Only the product requires certification.

To ensure the minimising of vehicular trips and protect the general amenities of the locality of Nomansland, as stated per reasons 6 and 7 and to enable the effective enforcement of conditions 6 and 7.

Should the applicant, given the past history, appeal these conditions it is our opinion that they are robustly defensible.

They are both reasonable, enforceable and with today's technology, possible.

Mr Scott representing CPRE and referring to Item 13 on the agenda (Menchine Farm) asked what plans has Mid Devon District Council put in place if the plant exceeds 500kw of energy?

Mrs K Govett, referring to item 13 on the agenda said I am sure you are aware of the concerns held by the CPRE over the growing number of AD plants and the effects they are having on rural England. Surely as a planning committee you would commend their work and principals.

With regard to planting schemes my understanding is that the planting scheme already approved, supposedly to hide the AD unit, has not yet been done on the site. Surely this was all part and parcel of the first application. As now reported in your document the location of the new building will mean that it now cannot be undertaken as per the original agreed plan. Surely this makes a farce of the previous approval for the scheme. Additionally there is no new planting scheme identifying species, mix and size of plant stock to be used.

Weight logs – I was concerned to be given sight of a copy of the logs which had been supplied by Mr Cole. Many of the records were incomplete and did not show accurate information.

Inaccuracies – I find the information regarding the new building misleading in the reports to this committee. On page 77 item 3.4 it states in the second paragraph that the new building will be divided into three areas of one third each. However on page 82 under "proposed development" third paragraph it states the building will be split internally into 2 parts with no mention of storage area for finalised pellets. This would appear to show the inaccuracy of the plans submitted or will there be yet another planning application submitted for a storage shed?

Committee members, I ask you to consider just one more thing. Every time we have an addition to the original application, every time we have a new application for chicken sheds we hear – "but it is only another few more traffic movements". Another 100 here and another 100 there. Barely another 1 per day. But what I do ask that you consider is that the movement of tractor trailer units into this industrialised site are concentrated into time periods and are a journey in and out. So comparison cannot be made over a year but over the number of days that transport in and out will be made. If you lived in Nomansland you would have more sympathy and understanding as to how our lives are being ruined. The map and report in this week's Tiverton Gazette says it all and I hope that before you reach your decision you will all have looked at this article.

County Councillor Berry referring to Item 1 on the Plans List (Brimstone Lane, Westleigh) asked how do you decide on what is isolated and a new home in the countryside, please define 'isolated' as there are 2 dwelling houses close by and the Grand Western Canal is within 200 yards of the property site. Mr Caudwell agrees on the agricultural tie for the house and the land; when Planning Officers visited the site there weren't animals, the owner has been busy fencing all his fields so they are stock proof. Mr Caudwell proposes to use the buildings on the farm to rear calves and produce beef. The site has a grain store and machinery will be kept on site

which needs to be supervised. There are no objectors to the application; planning policy is for guidance only, please consider this application as these people would like to get into farming.

The Chairman indicated that answers to questions would be given when the items were discussed.

5 **MINUTES OF THE PREVIOUS MEETING (00-21-55)**

The Minutes of the meeting held on 20 April 2016 were approved as a correct record and **SIGNED** by the Chairman.

6 **CHAIRMAN'S ANNOUNCEMENTS (00-23-00)**

The Chairman had the following announcements to make:

- She welcomed Cllr Heal as her Vice Chairman
- She thanked those Members who had stood down (due to the agreed reduction in numbers for the Planning Committee) for their work over the previous year.
- She informed the meeting that a Temporary Senior Enforcement Officer had been recruited and would be starting immediately.

7 **MEETING MANAGEMENT**

The Chairman indicated that she intended to take Item 20 (Start Time of Meetings) as the next item of business.

8 **START TIMES OF MEETINGS**

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

RESOLVED that the meeting of the Planning Committee continue to be held at 2.15pm.

(Proposed by the Chairman)

9 **ENFORCEMENT LIST (00-27-09)**

Consideration was given to a case in the Enforcement List *.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/15/00112/UNLD – building frontage incorporating charity shop allowed to deteriorate causing adverse effect on the visual amenity of the area. The Society for the Protection and Re-Homing of Animals, 24 Gold Street, Tiverton.***)

The Head of Planning and Regeneration outlined the contents of the report stating that the only reason this report was back before Members was that the Legal Team

had identified that, although the map was annotated showing number 24 within the polygon, as originally shown at Committee, the property affected was in fact a very small area immediately adjacent to that and had not been shown in the report with the correct polygon. This report was therefore presented to confirm the resolution to take formal action based on the recent information identifying the location of the property in question on the plan.

RESOLVED that the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the improvement of the appearance of the property frontage. In addition, in the event of the failure to comply with any notice served, to authorise prosecution, direct action and/or authority to seek a court injunction.

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

10 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

11 THE PLANS LIST (00-35-00)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 3 on the Plans List (**16/00392/FULL – change of use of former day centre to single residential dwelling – Old Bartows, Bartows Causeway, Tiverton**) be approved subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllr S G Flaws declared a disclosable pecuniary interest as the property owner and left the meeting whilst the vote was taken;
- (ii) Cllrs Mrs F J Colthorpe and D J Knowles declared a personal interest as the applicant was known to them.

(ii) No 4 on the Plans List (**16/00499/HOUSE – Erection of a two storey side extension and single storey extension to the front – 23 Brewin Road, Tiverton**) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

(i) Cllr R L Stanley and P J Heal declared personal interests in the application as Cabinet Member for Housing and Chairman of the Decent Affordable Homes Policy Development Group respectively.

(b) No 1 on the Plans *List (16/00108/OUT – Outline for the erection of dwelling – land at NGR 304865 115568, corner of Brimstone Lane, Westleigh).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and photographs from various aspects of the site. She made reference to public question time, defining in planning terms the word isolated: being isolated from facilities, services and day to day needs like shops public transport and facilities. She stated that in her opinion the applicant had not demonstrated that special circumstances existed to justify an isolated new home in the countryside.

Consideration was given to:

- There being no habitual house on 135 acres of land
- The fact that the applicant had requested to rebuild the derelict cottage on site but had not received planning permission
- The secluded and well screened position of the proposed dwelling
- The welfare of the animals which were proposed to be kept on site
- Security issues
- The need for the dwelling to be tied to the land

RESOLVED that:

(a) planning permission be granted subject to the prior signing of a S106 Agreement tying the property to the land;

(b) delegated authority be given to the Head of Planning and Regeneration to provide a set of conditions for the development;

(c) Any subsequent reserved matters application for the dwelling be brought to the Committee for determination.

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

Notes:

i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant's wife was known to her;

ii) Mr Caudwell (Applicant) spoke;

iii) Cllr Mrs C A Collis spoke as Ward Member;

iv) Cllr Mrs Colthorpe requested that her abstention from voting be recorded;

- (v) The following late information was reported: 10th May 2016

S106 Payment received in respect of public open space of £1205.00 on 9th May 2016.

Paragraph omitted from Officer Report to be inserted 'Materials and Considerations'

Page 27 after sentence 'The applicant states that a presence is required on site throughout the year, especially at lambing time and during calving....'

Information to support the application dated January 2016 advises 'the livestock element so far for 2015 has comprised 36 heifers, 60 ewes and their lambs and 100 young pheasant poults. Little information is supplied on stock numbers at any one time for sheep and cattle, nor age at acquisition and how long they are reared before sale. Neither have future stocking level figures been supplied.

- (c) No 2 on the Plans *List (16/00332/FULL – Formation of parking area and landscape planting bund – land and buildings at NGR 305188 112386 (Hitchcocks Business Park), Uffculme).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and identifying the proposed car park and the bund. Members also viewed photographs from various aspects of the site.

Consideration was given to any possible light pollution.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 4 stating that: the lighting shall be provided only in accordance with the submitted and approved details for P851 lights, received by the Local Planning Authority on the 15th of April 2016. The approved lights shall be pole mounted at a height of 8 metres, and shall be so retained thereafter.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and Property Services;
- (ii) Cllr R F Radford spoke as Ward Member;
- (iii) The following late information an update to Condition 4 as quoted above.

12 THE DELEGATED LIST (1-11-48)

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

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

13 MAJOR APPLICATIONS WITH NO DECISION (1-12-00)

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

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

14 APPEAL DECISIONS (1-13-00)

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.

15 APPLICATION 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 (1-14-00)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report reminding Members that on 29 July 2015, the Committee had considered the application and had deferred any decision until the outstanding appeal at Menchine farm with regard to the AD Plant capacity had been completed. The appeal had been dismissed and therefore the application for the erection of a new building for processing digestate fibre was before the Committee today for determination.

He highlighted the site location plan, the proposed block plan for the development, which identified the locality of the AD Plant and other units on the site, the proposed elevations and site sections, proposed floor space and photographs from various aspects of the site. He added that the provision of additional conditions 6 and 7 would provide additional control.

Referring to the questions posed in public question time: the landscape impact issues could be controlled by Condition 5. Data had been received from the applicant with regard to weight logs and these had been promised on a regular basis for monitoring. An explanation had also been given on how the proposed building would be divided up. He referred to the suggested conditions put forward by Miss Coffin, with regard to the proposed Condition 8, he felt that there was a need for reasonableness and proportionality and that Conditions 6 and 7 covered this issue. The proposed Condition 9 would affect the AD plant and that was not being considered within this application; but again conditions 6 and 7 would control this issue. The Head of Planning stated that whilst condition 6 would restrict the building to processing digestate from the Menchine Farm AD plant only, the wording of condition 7 could be amended to require records of the amount and source of digestate fibre processed at the building to be kept and made available to the Local Planning Authority.

Consideration was given to:

- The output from the AD Plant
- Estimated additional traffic movements on top of the original transport issues

- The size of the proposed building in line with the result of the Inspectors decision to limit the capacity of the AD Plant
- The justification for a building that size
- Visual impact
- The reduction in volume from digestate to pellet form and the use of the pellets
- The data/record keeping requested had been submitted
- Limited noise of processing
- Traffic movements
- Industrialisation of a rural area, scale and massing on the site
- Planting and screening of the site
- Whether the applicants were still focussing on an increased output
- The possibility of visiting such a scheme in the local area.

RESOLVED that the application be deferred for more information on the need for the size and capacity of the building proposed in relation to the digestate produced from Menchine Farm AD Plant with a maximum of 500 kw output.

(Proposed by Cllr R L Stanley and seconded by Cllr F W Letch)

- i) Cllr R F Radford declared a disclosable pecuniary interest as a fellow chicken farmer and left the meeting during the discussion thereon;
- ii) Cllr Mrs F J Colthorpe declared a personal interest as the applicant, his extended family and some of the objectors were known to her;
- iii) Cllrs B A Moore and R L Stanley declared personal interests as some of the objectors were known to them;
- iv) Mr Cole (Applicant) spoke;
- v) Mr Govett (objector) spoke;
- vi) Cllr Mrs J B Binks spoke as Ward Member;
- (vii) The following late information was reported: Page 73: I further letter of objection has been received in addition to those set out in the report, referring to the negative impact that further concentration of activity at Menchine Farm will have on locality.

Officer comment: No further action required as these matters are covered in the report and the recommendation.

11th May 2016

Please revise wording of condition as follows – bold text are new inserts

5. The proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B (**received on 26th May 2015**) and as required as part of the scheme approved for the AD plant (**approved under LPA ref: 14/00575/MFUL**) shall be carried out in the first planting season following the construction of the building hereby approved. In addition a further

scheme of planting immediately to the south and west of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its construction, and shall be implemented in the first planting and seeding season following the construction of the building hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

vii) *Report previously circulated copy attached to minutes.

16 APPLICATION 16/0001/TPO MIXED SPECIES OF WOODLAND INCLUDING OAK, HAZEL, ASH, PINE AND MAPLE AT RED DEER HOUSE, OAKFORD, TIVERTON (2-03-45)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application.

Due to the lack of photographic evidence it was agreed that this item be deferred until the next meeting.

17 APPLICATION 16/00015/MFUL - ERECTION OF AN 83 BEDROOM PREMIER INN HOTEL AND INTEGRAL RESTAURANT WITH ASSOCIATED ACCESS AND LANDSCAPING AT MULTI STOREY CAR PARK, PHOENIX LANE, TIVERTON ((2-04-58)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of presentation, highlighting the location of the proposed hotel, the footprint of the hotel, various elevations, the floor plans, the proposed new access to the car park and proposed alterations and internal changes; the cross section showing the height of the proposed development in association with the height of Phoenix House. Models were viewed of different aspects of the proposed development alongside aerial modelling and photo montages showing the extent of the proposal.

Consideration was given to:

- The height of the proposed development and the original consent for the multi storey car park
- The reduction in view of Haymen's Hill from Phoenix Lane
- The updated policy framework that needed to be considered
- Internal changes to the car park
- The business case for the development
- The economic benefit of the scheme and the regeneration of the town centre
- The contemporary appearance

RESOLVED that planning permission be granted subject to :

(i) conditions as recommended by the Head of Planning and Regeneration with additional conditions:

13. The alterations to the multi storey car park to provide new vehicular and pedestrian access and internal re-arrangements shall be carried out in accordance with the construction phasing detailed on drawing 3718.P23.3.

Reason

To ensure the safe and continued use of the multi storey car park during the construction of the development hereby permitted.

14. The extent of demolition shall be limited to that shown on the approved drawings and application details. No other demolition shall take place.

Reason

To safeguard the character and appearance of the surrounding area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

All residue materials resulting from the demolition of the application building, and which are not to be recycled on site, shall be removed from the site within one calendar month from the date on which the demolition is completed.

Reason

To safeguard the character and appearance of the surrounding area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

16. Once begun, demolition shall be continued to its completion in accordance with a timescale which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the character and appearance of the surrounding area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies);

(ii) an additional condition regarding the installation of electro charging; and

(iii) that delegated authority be given to the Head of Planning and Regeneration in consultation with the Head of Housing and Property Services to finalise negotiations with regard to a Section 106 agreement regarding a financial contribution towards improvements to the public realm within Tiverton.

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

- i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and Property Services as he had had discussions regarding the development;
- ii) Cllr D J Knowles declared a personal interest as he knew some of the objectors;
- iii) Miss Rees (Agent) spoke;
- iv) Cllr S G Flaws requested that his abstention from voting be recorded;
- (v) The following late information was reported: the inclusion of additional conditions as set out above and an updated reason for approval: The application for the erection of an 83 bedroom hotel including a 76 cover restaurant is considered, on balance, to be acceptable. The impacts of the development have been weighed against the economic benefits. It has been identified that the visual impact of the development would cause some harm to

the setting of the conservation area and that in this respect there is some conflict with policies DM2, DM27 Local Plan Part 3. However, it is considered that the economic benefits of the proposal and taking into account that the application is in a sustainable location, will not increase flood risk to the site or surrounding buildings, surface water run off can be controlled, there are no harmful environmental or ecological impacts and satisfactory access can be achieved, outweigh the harm to the conservation area. The proposal is considered to be in accordance with policies COR1, COR6, COR7, COR9, COR11 and COR13 Mid Devon Core Strategy (Local Plan part 1), Policies DM1, DM2 (in part), DM3, DM4, DM6, DM7, DM8, DM17, DM24 and DM27 (part) of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. It is therefore recommended that planning permission be granted;

(vi) *Report previously circulated copy attached to minutes.

18 **PLANNING PERFORMANCE AGREEMENTS (2-39-00)**

The Committee had before it a * report of the Head of Planning and Regeneration advising Members on the proposed use of planning performance agreements for major applications and for associated changes to be made to pre-application advice guidance. She stated that this was a project management tool which the local planning authorities and applicants could use to agree timescales, actions and resources for handling particular applications.

Consideration was given to any impact on Planning Committee decisions

RESOLVED that:

- a) the intention to enter into planning performance agreements for major applications be **NOTED**.
- b) pre-application advice guidance be amended to refer to this and that delegated authority be granted to the Head of Planning and Regeneration to make these changes.

(Proposed by the Chairman)

Note: *Report previously circulated copy attached to minutes.

19 **COMMITTEE DECISIONS 2015/16 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION. (2-45-57)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information where the Planning Committee had made decisions not in agreement with officer recommendation.

Note: *Report previously circulated copy attached to minutes.

20 **APPEAL DECISIONS 2015/2016 (2-47-06)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the outcome of planning appeals for the financial year 2015/16.

She outlined the contents of the report stating that 34 appeals were determined within that period: none had been withdrawn; 10 (29%) had been allowed and 24 (71%) had been dismissed.

Consideration was given to costs against the authority. It was requested that Members be circulated with this specific information.

Note: *Report previously circulated copy attached to minutes.

21 **PLANNING PERFORMANCE 2015/16 (2-51-05)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the performance of the Planning Services for quarter 4 and the full 2015/16 financial year.

She outlined the contents of the report stating that performance against national and local indicators were above target, especially Government targets; she highlighted an important note on major application statistic reporting: that 53% statistic for major applications determined within 13 weeks reported included all major applications and did not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that had been entered into. Government instructions to Councils over this performance target removed reporting applications with extensions of time or PPAs from this target as they were reported separately. Once these had been removed 87% of major applications were determined within 13 weeks compared with the target 60%. This performance target had therefore been met.

She highlighted the enforcement data and updated the meeting on missing statistics for quarter 4 that of 83 for new enforcement cases registered giving a total of 222 for the year and 62 for enforcement cases closed giving a total of 201 for the year.

She also highlighted comparison data with other local authorities.

Note: *Report previously circulated copy attached to minutes.

(The meeting ended at 5.32 pm)

CHAIRMAN