

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 8 June 2016 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs H Bainbridge, Mrs C Collis, R J Dolley,  
P J Heal, D J Knowles, F W Letch,  
B A Moore, R F Radford, J D Squire and  
R L Stanley

### **Also Present**

#### **Councillor(s)**

C J Eginton, Mrs B M Hull, Mrs J Roach and  
Mrs E J Slade

### **Present**

#### **Officers:**

Jenny Clifford (Head of Planning and  
Regeneration), Tina Maryan (Area Planning  
Officer), Christie McCombe (Area Planning  
Officer), Lucy Hodgson (Area Planning  
Officer), Daniel Rance (Principal Planning  
Officer) and Sally Gabriel (Member Services  
Manager)

## **22 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **23 PUBLIC QUESTION TIME**

Ann Vinton asked a question in relation item 10 on the agenda, Red Linhay, Crown Hill. She understood that approaches had been made to several local farmers about the possibilities of them taking digestate from the site as fertiliser. As the applicant had stated that digestate will only be used on Hartnoll Farm and the land at Manley Lane, can a condition be placed to the effect that all digestate must be used as stated and not exported to other sites? This has direct implications on traffic movements and as Greener For Life (GFL) seem unable to tell the truth about traffic movements as proven at other sites even the Planning Inspector found a significant problem with the data that was supplied to him. Please will you, as they have done in Cornwall, ask for the installation of monitoring equipment at the entrance to the site to enable the LPA to check the accuracy of their figures? Finally, do you have any control over the traffic movements once permission is granted as presumably you would be able to refuse on grounds of excessive traffic but can you take enforcement action if we suddenly find that the number of movements is greater than was expected?

Mr Tony White also asked a question regarding item 10, Red Linhay, Crown Hill. He stated that he was a Crown Hill resident near the site in question. The applicant had

stated that all structures including the dome will be at a lower height than the existing and adjacent agricultural building. However, the technical report states that the constructed dome is equivalent or higher than the adjacent agricultural building. The current digester is stated as being 1.9m higher than the consented structure. Therefore would it not be reasonable to ask that the dome be lowered accordingly? As well as the increased digester capacity, 2 x 500kw CHP units have been seen on the site. Given GFL's previous actions, is it not likely that a 1 megawatt plant is in fact being built and another retrospective application will soon be submitted, along with further threats of an expensive appeal process? Can I suggest that if this application is approved, vigorous and enforceable conditions are put in place to prevent this inevitable expansion?

Dr Bratby also spoke in relation to item 10. He stated that he had four questions to address to the Committee. His first question concerned the three GFL plants at Red Linhay, at Menchine Farm and Edgeworthy Farm in Nomansland. The Chairman asked Dr Bratby to only refer to the Red Linhay application. He continued by stating that he was sure Members were aware that GFL had no regard for planning conditions and the plant had not been built to the approved plans as specified in the planning condition. It would be too much to assume that this systematic behaviour is due to incompetence so it must be due to deliberate policy of GFL to ignore the conditions and carry out unlawful developments. The longer that GFL is allowed to continue its unlawful activities the worse the situation will get. GFL will assume it has carte blanche to carry on with its unlawful activities. The sooner a stop is put to this the more likely it is that the financial backing for GFL will cease and the whole sorry mess will end. My question therefore is, when is the Council actually going to do something positive and stop all these unlawful activities of GFL?

His second question concerned the claimed output of the Red Linhay plant. Are the committee aware that the plant is more than twice as big as necessary for the 500kw output and that the investment company behind the plant is claiming that the output is 1000kw (1 megawatt)? Are the committee prepared for a new application to double the plant output with the corresponding doubling of the traffic movements?

His third question concerned Government policy on anaerobic digesters. They are supposed to be used to enable farmers to extract energy from animal waste and the Government has finally twigged on to the fact that the system is being abused and that farmers are taking advantage of the huge subsidies on offer to turn crops rather than animal waste into energy. The latest Government position on anaerobic digesters is given in a report entitled 'Review of support to anaerobic digestion and micro combined heat and power with the feed in tariff scheme' dated 26 May 2016. In that report the Government stated 'It is also Government policy that the primary purpose of agricultural land should be for growing food. We propose introducing sustainability criteria for AD and the feed in tariffs for new installations to implement sustainability criteria and restrict payments based on feed stock type for new AD installations being deployed under the fit scheme. It is not our intention to support an AD industry which has a high dependency on crops so we need to consider ways to ensure that AD installations operating on farms are based on the processes of waste and residues. We propose to introduce feed stock restrictions under the fit scheme to minimise the use of crops.' Are the committee aware of the Government policy on AD's given in this new report?

Asking his final question Dr Bratby stated that in 2014 Planning Minister Brandon Lewis MP said that 'We will not sit back and allow people who bypass the law to then benefit from the protection it can offer. We have already strengthened the powers that councils have to enforce planning rules and take action against breaches which fuel community tensions. This will tackle the abuse of the system.' The plain English guide to the Localism Act of 2011 under the heading 'Strengthening Enforcement Rules' said 'For people to have a real sense that planning system is working for them they need to know that the rules they draw up will be respected. The Localism Act will strengthen planning authorities powers to tackle abuses of the planning system.'

Last year DCLG chief planner, Steve Quartermaine, announced new planning policy to clamp down on unauthorised development and wrote to all chief planning officers stating that 'The new policy will make intentional unauthorised development a material consideration that will be weighed up in the determination of planning applications and appeals. This is designed to make it harder to get retrospective planning permission. The policy will apply to all new applications and appeals received from 31<sup>st</sup> August 2015. The Government is concerned about the harm caused by development undertaken in advance of planning permission and the expensive and time consuming enforcement action that local authorities are forced to take.'

Seeking permission for AD's and then building plant that is larger and different from that for which permission has been granted is a tactic GFL has adopted in numerous locations in the Westcountry indicating a persistent and deliberate intention to deceive local authorities and above all local residents who have to suffer the consequences. This is evidenced by applications for retrospective permissions applications in Mid Devon, North Devon, East Devon, Cornwall and South Somerset. In the light of this and the Governments attempts to clamp down on unauthorised development it is very surprising that neither the consultants not the officers report have mentioned that it is contrary to public policy, case law and planning guidance to allow flagrant and intentional breaches of planning permissions and that intentional unauthorised development is a material consideration in the determination of planning applications and appeals. Are the committee aware of all this information?

Peter Davies referring to the 19 Exeter Road, Silverton, the application stated that at present 19 Exeter Road was a bungalow with a well-proportioned front and back garden which was well integrated within a row of other bungalows. It is faced by a hedge bank that is sympathetic to the country lane. Mr Luke Smith a planning officer from this authority wrote after a site visit to the client's planner and he wrote this 'I'm concerned about the principle of development of two units. Increased density places pressure on locating buildings closer to boundaries. It is my suggestion that your client considers a single unit with amenity space to the front and rear.' What did he get wrong?

Mrs Pauline Davies then asked a question in relation to the same application. She stated that the proposed plans required the demolition of most of the old Devon bank bordering the lane to facilitate two driveway entrances leading to a large area of hardstanding in front of the buildings. Do you really consider this respects or enhances the street scene as viewed from the adjacent conservation area? I must mention that we have been disappointed that the height of the proposed dwellings in relation to the existing one has only become available this morning. Surely this should have been on the original plans. Your planning officers should have queried

this at an earlier stage. Why did your planning officer give recommendation before this was available?

Terry Payne referring to item 10 on the agenda, Red Linhay, Crown Hill, stated that as additional facilities may already be being installed on the site to potentially double its capacity, have planning officers visited the site and do they consider that they have enough technical expertise or backup to fully understand what is being built there now? Will they please confirm what is being built. Is it for a 500kw or a 1000kw output plant? The technical report under consideration today states that the site is more clearly visible from many more viewpoints than was previously ever envisaged when consent was given originally. Had this been obvious at the time the application might well have been refused. The question was asked at April's meeting regarding the amount of time it would take for any planting scheme to successfully shield the site, the answer was given as several years. The planting scheme supplied by the applicant states that 40 – 90cm in height will be used. Do the Members consider that this is acceptable? Could a condition be put on any permission granted that the size of trees and shrubs planted should be of a much larger size? Finally, the Department for Energy and Climate Change, as we've heard, no longer supports the growing of crops as fuel for AD's because they say it is not carbon cost effective as per their latest report in May 2016. They are proposing to reduce, as we know, and delimitate support for new installations relying on crops as their primary feed stock. Therefore what assurances can you give us that in future this AD will not be converted to a waste disposal facility as this would of course have a significant impact, again, on traffic movements?

Mr John Massey, referring to the Castle Primary School, Tiverton application stated that he would like the committee a number of factors: The accommodation of the building used to be for 600 pupils and 39 staff as a grammar school, it now contained 333 pupils and 26 staff and all those pupils are aged 5 – 10 as opposed to 11 – 16, that is, the school is half as crowded now as it was when it was a grammar school. The physical condition of the building which allegedly gave rise to the reason for the building to be demolished includes a leaking roof, high ceilings, asbestos in the roof, excessive heat gain and loss due to large windows plus rooms larger than current standards, distance to the toilets for small children, a split level top corridor and old fashioned radiators. I would suggest that all these factors are easily solvable by conventional architectural expertise and I point out that a recent Ofsted inspection upgraded the rating of this school despite it having all the above factors.

In planning terms the school was built in 1912, it's not listed but it is characteristic of the period. A new building would be required to have a 60 year design life, the existing building exceeds this by over one and a half times. There are no public buildings of this type at all in Tiverton. The school forms a unity with the wilderness and the Academy building on the same site. Most important of all the building is in a conservation area. In financial terms the demolition/rebuild is probably the most expensive option. Demolition but retention of the façade, that is, what can be seen from the street, has been considered but this financial information remains commercially confidential and would remain so even if the details were sought under the Freedom of Information Act. I would like the committee conclude that the case for demolition and rebuild has not been made by the EFA, therefore this course should not be pursued.

The Chairman indicated that the answers to the questions raised would be provided at the agenda item.

#### 24 **MINUTES OF THE PREVIOUS MEETING (00-22-01)**

The minutes of the meeting held on 11 May 2016 were approved as a correct record and signed by the Chairman.

#### 25 **CHAIRMAN'S ANNOUNCEMENTS (00-22-48)**

The Chairman had the following announcements to make:

- She welcomed Cllrs Mrs C A Collis and R J Dolley back to the Committee
- She reminded Members that a tour of the area to look at built out applications would take place on 14 July and asked that Members advise officers of any specific sites they would want to view.

#### 26 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

#### 27 **THE PLANS LIST (00-24-49)**

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 applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 2 on the Plans *List (16/00396/FULL – **Erection of a new day centre following demolition of public toilets at public conveniences, Wyndham Road, Silverton**)* be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note:

(i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing as he had been involved in the negotiation of the sale of the site;

(ii) Cllr Mrs J Roach declared a personal interest as she was the applicant.

(ii) No 3 on the Plans *List (16/00500/FULL – **Advertisement Consent to display 1 freestanding Heritage Information panel at The Walronds, 6 Fore Street,***

**Cullompton**) be granted advertisement consent subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

(b) No 1 on the Plans *List (16/00180/FULL – Erection of 2 dwellings following demolition of existing dwelling (Revised Scheme) 19 Exeter Road, Silverton*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the history of the site, the application site, the revisions made by the applicant since pre – app discussions, the site location plan, photographs from various aspects of Exeter Road; proposed site and roof plans and proposed elevations.

With regard to the questions posed in Public Question Time, the officer presentation had addressed the issues raised that of height, the hedge bank, the planning history and previous advice.

Consideration was given:

- The height of the proposed dwellings
- The removal of the hedge and the bank
- Previous advice given at pre-app stage
- Parking issues and planning policies
- Possible overdevelopment of the site and unsympathetic design
- The closeness of the Conservation Area to the site and that there was no mention of the Conservation Officers view in the report
- The impact of the development on the streetscene

**RESOLVED** that the application be deferred to allow for a site visit by the Planning Working Group to take place to consider:

- The effect of the development on the street scene and character of the area and whether it was overdevelopment
- Access and parking arrangements
- The impact on existing properties

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr D J Knowles)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the objectors;
- (ii) Mrs Woodman spoke on behalf of the agent;
- (iii) Mr Higman (Objector) spoke;
- (iv) Cllr Mrs J Roach spoke as Ward Member;

- (v) The following late information was reported: 31<sup>st</sup> May 2016 – Further representation received and details as follows:

I apologise for this late submission but I have only just become aware of the 2015 Silverton Conservation Area boundary changes that bring Orchard Jefferies into the protected Conservation Area.

In this adopted Silverton Conservation Plan, the properties of Orchard Jefferies and Cockhaynes are both immediately adjacent to 19 Exeter Road. The boundary of the Conservation Area is shown along the north boundary wall of no.19 adjoining Orchard Jefferies and along the roadside hedge of no.19.

This east side of Exeter Road, which is a quite country lane, has 7 detached properties with sensible size gardens, this includes Orchard Jefferies. As mentioned previously the unsympathetic modern proposed development, around midway of the 7 properties, are squashed into the site and with the removal of the hedge bank at the entrance there would be a great adverse impact on the existing tranquil street scene, there being no attempt to integrate with existing properties, road or landscape.

I request the above comments, protecting the local views from the Conservation Area, are considered when a report is prepared for the 8th June 2016 Planning Committee meeting.

2 June 2016 – Further representation received and details as follows:

I wish to object to the construction of 2 dwellings houses if they are not going to be bungalows.

The reasons for my objection is recent comment in the national Press pointing out that

a) Elderly people are less likely to have to go into a care home , if they are living in a bungalow.

b) Bungalows often provide an attractive alternative for elderly folk rather than living in a multi storey house.

A beneficial side effect of this is that if an elderly person moves from his or her current family

accommodation into a

Bungalow, then this frees up their larger house for a family to rent or buy.

I confirm I am currently a Silverton resident.

- c) No 4 on the Plans *List (16/00525/FULL – Conversion of former stables to form 1 dwelling – Newland Farm, Cullompton*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed site plan, existing and proposed floor plans and elevations, the access and parking, photographs from various aspects of the site and the dwellings already in place. She explained her reason for proposing refusal quoting from policy DM11.

Consideration was given to:

- The suitability of the proposal
- The relationship between the proposal and existing buildings
- The design of the building, its suitability for conversion and proposed scheme.

**RESOLVED** that: planning permission be refused as recommended by the Head of Planning and Regeneration.

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

Note: Mr Preston (Agent) spoke.

**28 THE DELEGATED LIST (1-20-52)**

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

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

**29 MAJOR APPLICATIONS WITH NO DECISION (1-22-40)**

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

Application 16/00693/MOUT – erection of 13 dwellings at Hunters Hill, Culmstock was a departure from policy and therefore required determination by the Committee, it was deemed that a site visit was unnecessary.

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

**30 APPEAL DECISIONS (1-24-41)**

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.

**31 APPLICATION 15/01034/MFUL - ERECTION OF A 500KW ANAEROBIC DIGESTER AND ASSOCIATED WORKS WITH 4 SILAGE CLAMPS - REVISED SCHEME TO INCLUDE THE CHANGE OF ORIENTATION OF THE LAYOUT AND INSTALLATION OF 2 DRIERS AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL (1-25-06)**

The Committee had before it an \* implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application and had sought additional expert planning advice.

She outlined the contents of the report stating that the expert advice requested by the Committee had been commissioned and the consultant's full report was before Members which identified the 4 proposed reasons for refusal and the consultant's findings. The issue of visual impact in relation to the bund and the dome where found to cause harm and could form a reason for refusal. However they could be addressed through conditions and an updated set of conditions (on the update sheet)



highlighted such a condition. She explained that further issues were identified by the consultant in respect of the passing bay and site entrance visibility. Comments by the Highway Authority were outlined within the report and the updated conditions. Members viewed composite images showing the relationship between the original scheme and the current proposal.

In response to questions posed in public question time, with regard to the movement of digestate this would take place by a umbilical system however such movement could be conditioned by amending the wording of condition 10 – this addressed traffic movements and routing. It was questionable whether the installation of monitoring equipment was a reasonable request.

With regard to the colour of the dome, this had been addressed in condition 3, the current plans identified that the height of the dome had been reduced, the power generation was identified as being 500 kw if more than one CHP unit was on site and the power generation larger, this would require further planning permission. The set of conditions outlined within the report and the update sheet was very comprehensive and these would be enforced.

Dr Bratby had highlighted enforceability issues, output and the need to regularise the application. She stated that what was on site at present was not authorised and that the applicant knew that this was in place at their own risk. With regard to Government Policy approach to feedstuff for AD plants, this related to feed in tariff arrangements and had not affected planning policy With regard to retrospective applications and the Localism Act, that its retrospective nature would count against the application, the report outlined all the required material considerations. With regard to the approach of GFL and the retrospective application, the Committee had the views of the Council's consultant before it. Alternative waste types for feedstock such as household waste would require a new planning application.

Consideration was given to:

- The current transport statement
- The content of the consultant's report
- The requirement for additional monitoring to take place
- The possibility of the establishment of a liaison group to monitor activities on the site
- The updated conditions and the need for a clear full set of conditions to be made available to the Committee
- The need to monitor output

**RESOLVED** that the application be deferred in order that a full set of conditions be produced to include monitoring arrangements as follows:

- Records of power output to be provided quarterly
- Vehicle movement and weight recording to be provided quarterly
- The installation of vehicle monitoring equipment
- Control of digestate destination
- The applicant be required to contribute to a permission/condition monitoring liaison group (based on DCC Minerals Liaison Group)
- Access to a metering system.

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

(Vote: 6 for: 5 against)

Notes-

- (i) Cllr D J Knowles declared a personal interest as some of the objectors and the applicant was known to him;
- (ii) Cllrs R J Dolley, B A Moore, R F Radford and R L Stanley made declarations in accordance with the protocol of Good Practice for Councillors in dealing with Planning Matters as they had received correspondence regarding the application;
- (iii) The following late information was reported: Email from Agent confirming that we can change colour and reflectiveness of dome and happy for you to condition this along with remodelled bund.

The applicants agent has been contacted and confirmed that they are able to make the necessary changes to the colour of the dome and the re-profiling of the bund, subject to a condition as set out below.

There have been some changes to the list of previous recommended conditions following the report received by Peter Brett which were included in the report to Committee, the below list is the proposed conditions if minded to approve.

List of Conditions

1. The date of commencement of this development shall be taken as the 17th July 2015 when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans, approved reports and statements listed in the schedule on the decision notice.
3. Details of the colour and finish of the building materials to be used (including the digester dome) are to be submitted within 1 month of the date of this approval and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. Within 1 month of the date of this approval a Construction and Operational Environment and Traffic Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

Hours of working;

Hours of deliveries; including details of any importation of digestate associated with commencement of operations.

Dust suppression management measures;

Traffic management

Vehicle routing to and from the site;

## Programme of works

Parking for vehicles of site personnel, operatives and visitors;

Storage of plant and materials;

Loading, unloading and movement of plant and materials within the site

Facilities for cleaning wheels on exiting vehicles

All works shall take place in accordance with the approved details which will have been confirmed in writing by the Local Planning Authority

5. The passing bay on Crown Hill shall be completed in accordance with the details shown on plan '00030-GFL-Hartnoll-Passing bay' approved under planning permission 13/0160/MFUL within 3 months of the date the AD plant becomes operational and be so retained. Written confirmation of the date the AD plant first becomes operational shall be submitted to the Local Planning Authority within 1 week of this date.

6. Within three months of the date of this planning permission, a programme of archaeological work indicating details of the parts of the site it shall relate to will be implemented in accordance with a written scheme of investigation submitted by the applicant or their agent and approved by the Local Planning Authority.

7. The anaerobic digester facility hereby permitted shall not be brought into operation until a drainage scheme has been implemented in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the provision for the disposal of clean surface water by a Sustainable Urban Drainage System, and separate provision for disposal of foul waste and dirty surface/yard water. The scheme shall include specifications and a timetable for implementation. The water management system shall be completed in accordance with the approved details and retained and maintained for that purpose at all times.

8. There shall be no storage of chicken and farmyard manures or slurry within the application site except within the sealed digestate storage tank(s) approved as part of this planning application.

9. All hedgerows within or on the boundary of the site located to the north west of the site, and east adjacent to the highway shall be retained and maintained to a minimum height of 2 metres.

10. The feedstock for the anaerobic digester shall be slurry, farmyard and chicken manure, grass and arable crops only from the sites named in the application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha, Maunders 7.71ha, and Wellington 23.55ha and shown on plan/aerial photos Drawing numbers 13425/T04 Revision A and 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015). A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from (Name of Farm/plot/supplier along with date and time of delivery) No other sites are to be utilised unless written confirmation has been received from the Local Planning Authority. Such log book shall be made available at all reasonable times to the Local Planning Authority

11. Prior to installation, details of any external lighting including a lighting assessment which should include the following information:

- A description of the proposed lighting scheme together with hours of operation;
- A layout plan of the proposed development site showing the lighting scheme together with light spread, spill and intensity;
- Details of the proposed equipment design;
- An assessment of the impact of the proposed lighting upon ecology; neighbouring properties, roads and character of the site and its surroundings;
- Details of any proposed measures to mitigate or compensate for the possible impacts of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. Any approved external lighting shall be installed in accordance with the approved details and thereby retained.

12. The storage of digestate or other hazardous substances must be within properly constructed bunded areas of sufficient capacity, details of which are to be provided in writing prior to the first storage of any digestate outside the digestate storage tank. Such approved scheme shall be so retained.

13. The Tree Planting scheme submitted and approved plan WIN01\_Redlinhay2\_PP\_004 shall be undertaken and completed within one month of the completion of the archaeological works subject to condition 6 above or within the next planting season following completion of the archaeological works, October-March whichever is the sooner. 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, unless the Local Planning Authority gives written consent to any variation.

14. Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am – 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm – 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm – 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00–07.00hrs).

\*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

15. Once the plant is fully operational, the operator provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant. This assessment must be submitted to the planning authority within 3 months from the Operational commencement of the AD unit.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition, details of which shall have first been submitted in writing and approved in writing by the local Authority.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

16. The emergency flare stack shall not be operated for maintenance or for testing purpose except between 0700 and 1700 hours on any day (not including Bank Holidays)

17. Heavy and light Goods vehicles along with plant under the control of the operators which deliver waste, remove digestate or biofertiliser or operate at the site shall only use non-intrusive broadband (white noise) vehicle noise alarms and/or reversing cameras. On such vehicles, there shall be no use of single or multi-pitch reversing beepers.

18. Written notification confirming the cessation of operations is to be given to the Local Planning Authority 3 month prior to the cessation of the use of the Anaerobic Digester plant hereby approved.

19. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings bunds and any wastes within a period of six months from the date of cessation. After removal of the above, the surface of the site shall be regraded and be covered with topsoil to a depth of 500mm within a period of three months. The site shall then be planted in accordance with details to be agreed in writing by the LPA

20 Notwithstanding the submitted details, within 1 month from the date of the grant of planning permission, details of an earth bund to enclose the western and southern sides of the site together with a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The bund shall be provided in accordance with the agreed details prior to the development becoming first operational and the landscaping scheme shall be completed in accordance with the agreed details within the first planting season following the development becoming first operational. Once provided the bund and

landscaping scheme shall be so retained. 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, unless the Local Planning Authority gives written consent to any variation.

21 The visibility splay at the site entrance shall be provided and laid out in accordance with plan 13425/T03 within 1 month of the date of this permission with no obstructions within the visibility area over 1m above the adjacent carriageway level. It shall thereafter be so maintained for that purpose.

#### REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2.
5. In the interest of highway safety and to ensure that adequate passing facilities are available for vehicles attracted to the site in accordance with DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
6. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development
7. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with policies DM2, DM22 and DM27 of the local Plan Part 3 (Development Management Policies).
8. To reduce odour levels within the site and to prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies)
9. In the interest of the visual amenity of the area and to protect the setting of the Grand Western Canal in accordance with policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
10. The application has been considered as a site accepting these feedstock types only and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been

made on this basis and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).

11. To protect the rural character of the area in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).

12. To prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies).

13 To ensure the archaeological works are completed prior to the planting of the screening to minimise disturbance to the planting scheme and to provide further screening for the site and assist with reducing any potential noise.

14 To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3

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18 To ensure the Local Authority are made aware of the impending cessation of the use to enable proper consideration of the removal of the items on the site.

19 To achieve a satisfactory landscape/restoration

20 Reason: In the interest of the visual amenity of the area in accordance with policies DM2, DM22 of the Local Plan Part 3

21 To provide adequate visibility from and of emerging vehicles

(iv) \*Implications report previously circulated, copy attached to minutes.

**32 APPLICATION 16/00352/MFUL - CONSTRUCTION OF A NEW TWO STOREY SCHOOL ON EXISTING SCHOOL GROUNDS, WITH ASSOCIATED LANDSCAPING WORKS AND DEMOLITION OF EXISTING SCHOOL BUILDINGS AT CASTLE PRIMARY SCHOOL, BARRINGTON STREET, TIVERTON (2-34-00)**

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 highlighting the application by way of presentation which included the demolition of Blagdon House. Members viewed the block plan, the proposed new building and play areas, the mature trees on the site most of which would be retained but with some loss' the site plan, highlighting the existing and proposed buildings, the proposed elevations, the external materials, a model of the proposals and a 3D view, the proposed ground floor and first floor plans and proposed sections; the drainage

plans, landscaping proposals and photographs from various aspects of the site. The architectural merits of the original buildings were also identified.

In response to the questions posed in public question time, the old Grammar School had accommodated more children but that they were older children the school and the facilities available were not suitable for 4-11 year olds. The new school would increase the capacity by 60 children. Members had visited the site and understood the issues with regard to water ingress, the need to regulate the heating and the inappropriate environment that the children were being taught in; there was a need to assess the loss of the Edwardian building against the establishment of a new school.

Consideration was given to:

- The safety issue with regard to Blagdon House
- The condition of the school and the need for a replacement school to be built
- The suitability of the school for the children
- The available funding to provide a new school
- Concerns from objectors with regard to the loss of a heritage asset
- The concerns raised by the Conservation Officer
- The covenant on the land
- The building materials and the possible negotiation that could take place with regard to the stone finish
- The need for a suitable school to be available for the children and the need to take the opportunity of funding available
- The views of the Civic Society

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with delegated authority being given to the Head of Planning and Regeneration to negotiate amendments to the external materials and colour.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr D J Knowles)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest in the matter as she had in the past chaired the Tiverton Education Foundation which owned the land the school was built on and chose to leave the meeting whilst discussion took place; (Cllr P J Heal, Vice Chairman took the chair);
- ii) Cllr R F Radford declared a personal interest as a County Councillor;
- iii) Cllr D J Knowles declared a personal interest as a Member of the Civic Society and that some of the objectors were known to him;
- iv) Mrs Noble (Headteacher) spoke in support of the application;
- v) Cllr C J Eginton spoke as a member of the public in objection to the application;
- vi) Cllrs Mrs B M Hull and Mrs E J Slade spoke as Ward Members in support of the application;



- vii) The following late information was reported: Since the publication of the officer report, two letters of representation have been received from the Tiverton Civic Society and The Victorian Society. These are summarised below:

The Victorian Society

The Victorian Society strongly object to the proposal and fully endorse the views of both Historic England and Teignbridge District Council

The Tiverton Civic Society

The Tiverton Civic Society support the proposal, as the reuse of the building would be costly and unfeasible and a new functional and economically viable building would significantly benefit the local area.

These updates are not considered to impact upon the officer recommendation.

- viii) \*Report previously circulated, copy attached to minutes.

**33 TREE PRESERVATION ORDER 16/00001/TPO - MIXED SPECIES OF WOODLAND INCLUDING OAK, HAZEL, ASH, PINE AND MAPLE AT RED DEER HOUSE, OAKFORD (3-19-55)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application which had been deferred from the previous meeting due to the lack of photographic evidence.

The Area Planning Officer outlined the contents of the report identifying the location of the group of trees via a set of photographs.

Members felt that the group of trees were both prominent and of value and therefore:

**RESOLVED** that the Tree Preservation Order be confirmed.

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

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

**34 REVIEW OF PLANNING COMMITTEE PROCEDURES - RECOMMENDATIONS FROM THE SCRUTINY COMMITTEE (3-26-23)**

Arising from a report of the Head of Planning and Regeneration (previously considered by the Planning Committee on 20 April 2016), the Scrutiny Committee at its meeting on 23 May 2016 had requested that further consideration be given to:

- a) The length of time that a Ward Member is allowed to speak to an application;
- b) That photographs be posted on the website, (Public Access), in advance of the meeting; and
- c) The process for examining business cases for applications be reviewed to give reassurance of the validity of the information with the possibility of sending for external examination.

The Head of Planning and Regeneration explained the background behind the recommendations of the Scrutiny Committee. Consideration was given to:

- Whether unlimited time for Ward Members to speak was beneficial
- If the powerpoint presentation was available on the website there could be data protection issues with regard to publishing pictures of the internal layout of local residences and possible technical issues with regard to uploading such a presentation in the appropriate place on the website and that the majority of the information was already available in Public Access.
- The possibility of producing guidance and a possible proforma to help validate information with regard to business cases.

It was therefore:

**RESOLVED** that:

- a) Ward Members be given 5 minutes to speak on issues within their Ward.
- b) Photographs and the powerpoint presentation NOT be made available on the website but continue to be made available at Planning Committee meetings.
- c) The possibility of producing clear guidance and a possible proforma to aid the validation of business cases be investigated.

(Proposed by the Chairman).

(The meeting ended at 6.15 pm)

**CHAIRMAN**