

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 2 November 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)

Mrs J Roach and Mrs M E Squires

Present Officers:

Thea Billeter (Area Planning Officer), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Alison Fish (Area Planning Officer), Catherine Marlow (Conservation Officer), Jo Cavill (Enforcement Officer) and Sally Gabriel (Member Services Manager)

91 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

92 PUBLIC QUESTION TIME (00-02-31)

Miss Coffin referring to Item 11 (Menchine Farm) stated that in view of the duplicitous and misleading previous applications from this applicant and other Greener for Life group members; what mitigating and enforceable conditions. are the Councillors going to impose so as to ensure that this pelletising shed (which is larger than required for Menchine fibre digestate alone) is not used to facilitate the fibre digestate from other Green for Life Groups AD's, as experienced to date by Templeton Parish with the other part of the AD energy process, liquid digestate, being imported to Crossparks slurry pit from other Greener for Life AD's across the south west. This is resulting in unplanned increased large and heavy traffic on unsuitable roads causing increased odour/fly and noise nuisance for nearby residents.

I repeat, how will Councillors prevent this happening with fibre digestate at Menchine Farm?

The Chairman indicated that the question would be answered when the item was debated.

93 **MINUTES OF THE PREVIOUS MEETING (00-04-07)**

Subject to an amendment to Minute 89 on the second line of the emboldened paragraph on page 21: replacing “not” with “nor”, the minutes of the meeting held on 5 October 2016 were approved as a correct record and signed by the Chairman.

94 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the meeting that in the absence of the Head of Planning and Regeneration today, her role would be replaced by senior planning officers.

95 **ENFORCEMENT LIST (00-06-58)**

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/16/00147/UDRU – untidy land caused by the unauthorised storage of unroadworthy vehicles container, trailer, tyres and various other discarded items – land at NGR 302809 109606 – Willand Road, Cullompton***).

The Enforcement Officer outlined the contents of the report stating that the car sales unit had recently been leased to a new operator who had confirmed that the car valeting building and the area surrounding it was completely separate from his business. Members were shown photographs of the area around the car valeting yard which highlighted the items of unsightly appearance.

RESOLVED that the Legal Services Manager be given delegated authority to take any appropriate legal action including the service of a notice or notices seeking the improvement of the appearance of the land. 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 by Cllr R L Stanley and seconded by Cllr R J Dolley).

Note: The Chairman read a statement from Willand Parish Council who were in support of the enforcement action.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00180/NUDRU – without planning permission, within the last four years the carrying out of engineering operations on the land with the use of heavy machinery and plant including the excavation and reprofiling of land, land drainage works including formation of 3 drainage ponds and the erection of a blockwork building – Higher Barn, Bampton***).

The Enforcement Officer outlined the contents of the report by way of presentation highlighting the land in question and the extensive works that had taken place without planning permission. Photographs were provided which identified the works that had taken place to the land and highlighted the ancient monument to the north west

corner of the site. She informed the meeting that she had met with the newly appointed agent acting on behalf of the landowner the previous day who had reported that he was in the process of preparing planning applications in relation to the site.

Consideration was given to the views of both the legal representatives for the neighbouring residents and the landowner:

- Concerns were raised regarding the flagrant breach of planning control
- The earth moving works and total lack of respect for the local environment
- The need for effective enforcement
- The impact of the works on the neighbouring property
- Drainage issues created by the extensive works.
- The planning agent's plans to make good and further enhance the area in discussion
- Work that was taking place to put forward planning applications.

Discussion took place regarding:

- Drainage issues which had arisen since the work had taken place and the impact on the neighbouring property leading into the winter
- The total lack of regard for planning control

It was therefore:

RESOLVED that: the Legal Services Manager be given delegated authority to

- a) Issue an enforcement notice, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed schedule of works as directed by the Head of Planning and Regeneration in conjunction with the Legal Services Manager;
- b) Take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

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

Notes:

- i) Cllrs B A Moore and R L Stanley declared personal interests as they had been in contact with the supporters of the enforcement action in their roles as Ward Members;
- ii) Mr Mason spoke on behalf of the local residents;
- iii) Mr Cookson and Mr Collett spoke on behalf of the landowner;
- iv) The following late information was reported: The Area Planning Officer and Enforcement Officer met with the newly appointed agent acting on behalf of the owner yesterday. He is in the process of preparing planning applications in

relation to this site, and has requested that additional time be allowed for this to be submitted before we serve an Enforcement Notice. Your officers consider that it remains important to protect the Council's position, and if Members are minded to amend the recommendation, the following is suggested:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue an enforcement notice, should an application for planning permission in relation to the site not be submitted within two calendar months, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed schedule of works the compilation of which to be delegated to the Head of Planning and Regeneration in conjunction with the Legal Services Manager. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event on non-compliance with the notice.

- c) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00257/UDRU – without planning permission, within the last four years the carrying out of engineering operations on the land with the use of heavy machinery and plant including the excavation and reprofiling of land, land drainage works including formation of 3 drainage ponds and the erection of a blockwork building – Land to the north and east of Higher Barn, Bampton***).

The Enforcement Officer outlined the contents of the report by way of presentation highlighting the land in question and the extensive works that had taken place without planning permission. Photographs were provided which identified the works that had taken place to the land and highlighted the ancient monument to the north west corner of the site. She informed the meeting that she had met with the newly appointed agent acting on behalf of the landowner the previous day who had reported that he was in the process of preparing planning applications in relation to the site.

Consideration was given to the views of both the legal representatives for the neighbouring residents and the landowner:

- Concerns were raised regarding the flagrant breach of planning control
- The earth moving works and total lack of respect for the local environment
- The need for effective enforcement
- The impact of the works on the neighbouring property
- Drainage issues created by the extensive works.
- The planning agent's plans to make good and further enhance the area in discussion
- Work that was taking place to put forward planning applications.

Discussion took place regarding:

- Drainage issues which had arisen since the work had taken place and the impact on the neighbouring property leading into the winter
- The total lack of regard for planning control

- The impact of the works on the ancient monument at “The Mount”

It was therefore:

RESOLVED that: the Legal Services Manager be given delegated authority to

- a) Issue an enforcement notice, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed scheduled of works as directed by the Head of Planning and Regeneration in conjunction with the Legal Services Manager;
- b) Take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

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

Notes:

- (i) Cllrs B A Moore and R L Stanley declared personal interests as they had been in contact with the supporters of the enforcement action in their roles as Ward Members;
- (ii) Mr Mason spoke on behalf of the local residents;
- (iii) Mr Cookson and Mr Collett spoke on behalf of the landowner;
- (iv) The following late information was reported: The Area Planning Officer and Enforcement Officer met with the newly appointed agent acting on behalf of the owner yesterday. He is in the process of preparing planning applications in relation to this site, and has requested that additional time be allowed for this to be submitted before we serve an Enforcement Notice. Your officers consider that it remains important to protect the Council’s position, and if Members are minded to amend the recommendation, the following is suggested:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue an enforcement notice, should an application for planning permission in relation to the site not be submitted within one calendar month, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed schedule of works the compilation of which to be delegated to the Head of Planning and Regeneration in conjunction with the Legal Services Manager. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event on non-compliance with the notice.

- c) No. 4 in the Enforcement List (***Enforcement Case ENF/16/00247/LIS – Listed building in a poor state of repair and illegal/unauthorised internal alterations – 12 St Andrew Street, Tiverton.***)

The Conservation Officer outlined the contents of the report highlighting by way of presentation the poor state of the building and the impact this was having on the neighbouring properties. She also explained the negotiations that had taken place with the property owner.

RESOLVED that the Legal Services Manager be given delegated authority to:

- a) Take the appropriate legal action including the service of a notice or notices seeking the repair and redecoration of the exterior of the listed building. In addition in the event of a failure to comply with any notice served or refusal to regularise or correct any unauthorised works to the listed building, authority to seek prosecution, direct action and or a court injunction.
- b) In addition, in the event of the failure to provide access to the interior of the building, to authorise the seeking of a magistrate's warrant to ensure access be provided

(Proposed by Cllr B A Moore and seconded by Cllr Mrs H Bainbridge)

- d) No. 5 in the Enforcement List (***Enforcement Case ENF/16/00248/LIS – Listed building in a poor state of repair – 3 Bridge Buildings, West Exe North, Tiverton.***)

The Conservation Officer outlined the contents of the report by way of presentation highlighting the poor state of the building and she informed the meeting that the building had been gutted internally just before the building had been formally listed in 2000, hence the exterior of the property was the issue of any enforcement action.

RESOLVED that the Legal Services Manager be given delegated authority to take any appropriate legal action, including the service of a notice or notices seeking the repair and redecoration of the exterior of the listed building. In addition, in the event of a failure to comply with any notice served, to authorise prosecution, direct action and/or authority to seek a court injunction.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs C A Collis)

Note: Cllr R J Dolley declared a personal interest as he had had discussions in his role as Ward Member.

96 **DEFERRALS FROM THE PLANS LIST (1-00-01)**

The Chairman informed the meeting that Item 1 on the Plans List (Ingleton Farm, Ashill) had been deferred to enable further work to take place on the application.

97 **THE PLANS LIST (1-03-36)**

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 (16/01117/FULL – Change of use of agricultural land and buildings to form camping site, to include provision for 2 shepherds hut pitches, 2 safari tent pitches and 6 bell tent pitches; conversion of existing stables for shower/toilets, office, meeting room, sensory room for visitors, washing facilities and storage, erection of 2 new blocks to serve campsite and formation of equestrian area for grazing of miniature horses – Ingleton Farm, Ashill.*

This item had been deferred as explained earlier in the meeting.

(b) No 2 on the Plans *List (16/01121/FULL – Erection of extension to provide a 2 bay carport, office, ancillary storage, workman’s shower, changing area and utility space – Lucas Farm, Uffculme).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and the outline application that had been granted. She identified the details of the extension: the glazed link that was proposed to adjoin the extension to the dwelling, the existing and proposed elevations and floor plans, the roof plans and photographs from various aspects of the site. She stated that there was a need for additional facilities on site but that it was the officer’s opinion that the extension was too large and that there was no need for the glazed link between the buildings.

Consideration was given to:

- The acreage of the site
- The original plans approved at the outline stage
- Whether the farm office and facilities could be situated somewhere else on the site away from the main house
- The need to expand the business and therefore the facilities
- The need to have the extension attached to the house for business and biodiversity reasons
- The agricultural tie

RESOLVED that planning permission be approved for the following reason that the existing farm business has grown significantly since being established and now employs 20 members of staff; as a result of this level of success, the scale of the extension is acceptable and the needs of the business justify the accommodation proposed. The development will enable the proper running of the business and provide suitable areas for staff to rest. The application is in accordance with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM10 of Local Plan Part 3 (Development Management Policies) and that delegated authority be given to the Head of Planning and Regeneration to produce a set of conditions to include:

1. The development hereby permitted shall begin no later than three years for the date of this decision. REASON: – In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the schedule on the decision notice. REASON: - For the avoidance of doubt and in the interests of proper planning.
3. The materials used for the external surfaces of the development hereby approved shall match those on the existing dwelling (including in colour and texture and the colour of mortar used). REASON: To ensure the use of appropriate materials so that the development does not adversely impact upon the amenity of the existing dwelling, in accordance with policies DM2 and DM13 of Local Plan Part 3 (Development Management Policies).
4. Other than the two storey glazed link shown on the approved plans, the development hereby approved shall only be used in conjunction with the operation of the agricultural activities associated with the holding presently known as Lucas Farm and shall not be used as domestic or residential accommodation. REASON: To ensure the accommodation provided is used to support the agricultural activities of the holding and to ensure that the accommodation does not become part of the main dwelling, the resultant size of which could not be justified by the size of the holding, in accordance with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1) and DM10 of Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr R L Stanley and seconded by Cllr R J Dolley)

Notes:

- (i) Cllr R F Radford declared a personal interest as a fellow chicken farmer and chose to leave the meeting during the discussion thereon;
- (ii) Mrs Labdon (Applicant) spoke;
- (iii) The Chairman read a statement from Cllr R J Chesterton (Ward Member) in support of the application;
- (iv) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded;
- (v) Cllr P J Heal requested that his vote against the decision be recorded;
- (vi) The following late information was reported: The plans on the file have been updated; there has been an internal reconfiguration along with the removal of the car port element.
- (c) No 3 on the Plans *List (16/01210/FULL – Variation of Condition 2 of planning consent 15/00537/MFUL to extend temporary planning permission term granted from 25 years to 30 years from the date of operation – land at NGR 274885 105456 (Sharland Farm), Morchard Bishop).*

The Area Planning Officer outlined the contents of the report stating that the previous application had been granted for 25 years, the latest application only sought to extend the terms of the planning permission by 5 years. He highlighted by way of

presentation the site location plan, the block plan identifying the panel layout, and photographs from various locations around the site.

Consideration was given to:

- The nearby site at Ellicombe which had received an extension of time
- The support of the Parish Council

RESOLVED that the planning application be approved subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 1 to read: The development hereby permitted shall begin no later than three years from 8th July 2016, which is the date of the original planning permission as granted under LPA ref: 15/00537/MFUL.

(Proposed by Cllr P J Heal and seconded by Cllr J D Squire)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, 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 all made declarations in accordance with the Protocol of Good Practice for Councillor in dealing with planning matters as they had received correspondence from the applicant;
 - (ii) Cllr J D Squire declared a personal interest as the landowner was known to him;
 - (iii) Mr Ryan (Applicant) spoke
 - (iv) Cllr Mrs M E Squires spoke as Ward member
 - (v) Cllr R J Dolley, B A Moore and R L Stanley requested that their abstention from voting be recorded;
 - (vi) The follow late information was reported an amendment to Condition 1 as outlined above.
- (d) No 4 on the Plans *List (16/01429/FULL – change of use of hairdressing salon (Class A1) to self contained bed sit (Class C3 (Revised Scheme), Lawrences Hair Salon, 3A Exeter Road, Silverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the proposal, the plan layout of the proposed bedsit, the main living space and the proposed outdoor space.

Consideration was given to:

- The size of the proposal
- The access to the outside space
- The reasoning behind the proposal and the benefits of such a proposal
- The salon had been marketed but remained unsold
- The demand within Silverton for cheap accommodation

- Planning policy

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

(Proposed by Cllr B A Moore and seconded by Cllr F W Letch)

Notes:

- (i) Cllr R L Stanley declared a personal interest as the applicant was known to him;
- (ii) Mr Freeman (Agent) spoke;
- (iii) Cllr Mrs J Roach spoke as Ward Member;
- (iv) Cllr R L Stanley requested that his abstention (because he felt that his relationship with the applicant was too close) from voting be recorded.
- (e) No 5 on the Plans List ***(16/01448/FULL – Variation of condition 2 of planning permission 15/00132/FULL to allow substitute plans in respect of change of design – 25 Exeter Road, Silverton***

The Area Planning Officer outlined the contents of the report stating that the property had not been built in accordance with approved plans and that the application sought to regularise the planning status of the development. She highlighted by way of presentation the approved plans and the elevations as built, photographs from various aspects of the site which depicted the effect on the street scene and the impact on the neighbouring property.

Consideration was given to:

- The fact that the application had been the result of an enforcement officer visit
- A condition was in place to prevent any further development on the site
- Legislation that allowed changes to be made to approved plans
- The increased height of the dwelling
- The impact of the development on the street scene
- Mechanisms in place to revise applications after approval
- Issues with regard to amendments to plans made retrospectively and the impact on the residents of the neighbouring properties
- The need for firm enforcement

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

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

Notes:

- (i) Mrs Woodman (Agent) spoke;
- (ii) Cllr Mrs J Roach spoke as Ward Member;

(iii) Cllr R L Stanley requested that his vote against the decision be recorded.

98 **THE DELEGATED LIST (2-29-35)**

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

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

99 **MAJOR APPLICATIONS WITH NO DECISION (2-31-52)**

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

It was **AGREED** that with regard to application 16/01424/MOUT - Uplowman Road, Tiverton, that a site visit take place.

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

100 **APPEAL DECISIONS (2-32-58)**

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.

101 **ERECTION OF NEW BUILDING FOR PROCESSING DIGESTATE FIBRE IN ASSOCIATION WITH EXISTING AD PLANT - LAND AT NGR 283096 113579 (MENCHINE FARM) NOMANSLAND - (2-33-10)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application which had been deferred from a previous meeting for more information on the need for the size and capacity of the building proposed in relation to the digestate produced from the Menchine Farm AD Plant with a maximum of 500kw output.

The Area Planning Officer outlined the contents of the report explaining the history of the application and the detail of the application which included the traffic impact issues that had been discussed previously. He highlighted the proposed site plan and gave a photographic tour of the site depicting the various buildings within the business location.

He responded to the question posed in Public Question Time stating that Conditions 4 and 5 would address the issues raised with regard to the number of vehicular trips generated on the local highway network. Issues with regard to Crossparks could not be considered as part of this application.

Consideration was given to:

- The processed material already produced on the site

- The size of the proposed building
- Whether the location would sit well within the site
- The number of road trips
- Monitoring requirements

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

(Proposed by Cllr P J Heal and seconded by Cllr D J Knowles)

Notes:

- i) Cllr R F Radford declared a personal interest as a local chicken farmer and chose to leave the meeting during the discussion thereon;
- ii) Cllr Mrs F J Colthorpe declared a personal interest as the applicant and extended family were known to her, she also knew some of the objectors;
- iii) Cllr R J Dolley, B A Moore and R L Stanley declared personal interest as some of the objectors were known to them;
- iv) Cllr Mrs M E Squires declared a personal interest as the applicant and objectors were known to her;
- v) Mr Cole (Applicant) spoke;
- vi) Cllr Mrs M E Squires spoke as Ward Member;
- vii) Cllr R J Dolley requested that his vote against the decision be recorded;
- viii) *Report previously circulated copy attached to signed minutes.

102 **PERFORMANCE (2-59-22)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the Planning Service quarter two of the 2016.17 financial year.

The Area Planning officer outlined the contents of the report stating that generally targets were being met. There were still some staffing issues however all posts within the enforcement team had now been filled.

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

(The meeting ended at 5.30 pm)

CHAIRMAN