

TORRIDGE DISTRICT COUNCIL

PLANS COMMITTEE

Town Hall, Bideford

6 December 2012 at 9.30am

PRESENT: Councillor R Lock (Chair)
Councillor M Brown (Vice Chair)
Councillors: M Langmead, D Lausen, C Leather, H Martin, H Ratledge,
P Watson and R Tisdale (substituting for K Murdoch)

K Miles (Solicitor)
K Little (Head of Strategic Development and Planning)
D Green (Development Manager)
L Andrews and G Spiller (Planning Executives) together with J Peacey, T
Furmidge and B Connolly
L Inch (Committee Clerk)

ALSO PRESENT: Councillor A Dart (for Application No. 1/0336/2011/FULM)

Also in attendance: Approximately 65 members of the public

The Chair highlighted the fire exits to people present at the meeting.

The Chair asked that both Members and Officers introduce themselves, and Members to state the Ward they represent.

80. APOLOGIES

An apology for absence was received from Councillor K Murdoch

81. MINUTES

The Minutes of the meeting held on 8 November 2012 were agreed and signed as a correct record.

(Vote: For 8, Abstentions 1)

82. DECLARATIONS OF INTEREST

The Chair reminded Members to declare their interests when the relevant item was up for discussion. Declarations of interest were made as indicated below and in accordance with the previously agreed arrangements for "dual-hatted" Members.

83. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

There were no Part II items.

84. URGENT ITEMS

The Chair advised that the next Plans Committee would be held on 17 January 2013 and not 10 January.

The Chair mentioned to the Members of public that there should be no recording of the meeting either by taping or videoing.

85. FUTURE SITE VISITS

The Chair informed the Committee that there were currently no site visits planned.

86. PUBLIC PARTICIPATION

The Chair advised the Committee and members of the public of the details in respect of the Council's public participation scheme.

87. APPEAL DECISION

The Committee noted the appeal decisions.

88. PLANNING APPLICATIONS

The following Councillors had attended the site visit listed below:

- a) Councillors: R Lock, M Brown, M Langmead, C Leather, H Martin, P Watson and H Ratledge

Application No:-1/1110/2010/FULM - Retrospective application for a slurry lagoon and channel together with off site highway works – Sedborough Farm, Parkham Ash, Parkham

Interests: Councillor Langmead used to do work for the Applicant but no longer does, but comes with an open mind.

Parish / Ward : Parkham / Kenwith

Officer recommendation : Grant

The planning application had been called in by former ward member Councillor Tony Collins for the following reasons:

"Parkham Parish Council and Parkham Conservation Association has continuing concerns regarding:-

- *The justification of the slurry lagoon capacity for the head of cattle at the farm*
- *Traffic impact on the community and amenity, safety and well-being of local*

residents

- Odour nuisance and the affect on surrounding sensitive properties
- Landscape mitigation and the impact on the slurry lagoon on the Yeo Valley

I also cited Torridge District Council Officers' Recommendation to REFUSE the earlier similar application 1/0130/2010/FULM viz:-

"Reason: In the absence of a transport assessment of the traffic movements to and from Sedborough Farm the Local Planning Authority are unable to determine the impact of the enlarged slurry lagoon on highway safety and any mitigation measures that might be reasonably required. The proposed development is therefore considered to be contrary to policies DVT18 and DVT19 of the Torridge District Local Plan and Policy TRIO of the Devon Structure Plan".

Virtually the entire community have voiced concern regarding the deeply disturbing 'creeping industrialisation' of their Parish which they say is seriously and detrimentally affecting the amenity, safety and well-being of residents and the character of the village and surrounding hamlets, the peace and tranquillity of which are vital to local tourism.

The Planning Officer presented the report and advised Members of the main planning considerations.

A discussion followed concerning Health and Safety issues of a fence being erected around the slurry lagoon with signage. Members also mentioned about excess surface water and where this will go. The Planning Executive confirmed that the cover would prevent surface water and rainfall water entering the lagoon and would run of the channel.

Members considered extra conditions relating to fencing, signage and restricting the times that spreading could take place and received advice on these issues.

It was proposed by Councillor Martin and seconded by Councillor Brown that the application be approved.

RESOLVED

That the application be Granted subject to the conditions stated in the report and the additional Conditions.

(Vote: For 8, Abstentions 1)

Mr Norman Ley addressed the Committee objecting to the application

- b) **Application No:-1/ 0183/2012/FULM** - Mixed use development comprising 232 dwellings (including 32 affordable dwellings), a 59 unit extra care home, public open space and other incidental development: together with a further area of landscaped open space (1.1ha/2.725 acres) for sport and/or recreation use – Land at Moreton

Park, Abbotsham Road, Bideford

Interests: Councillor Langmead – Dual hatted – with an open mind
Councillor Martin – Had been lobbied – with an open mind

Parish / Ward : Bideford/ Bideford South

Officer recommendation : Grant

The planning application has been called in by Councillor AT Inch for the following reasons:

“The development that is subject of this application is of considerable local importance in terms of the provision of new homes and community facilities. It has engendered a significant level of interest from the local population and in particular a large number of people feel that the community facilities (The Bridge Centre) should not have been removed from the proposals. As with the original application, the new proposals involve a departure from the local planning policy that may or may not be justified by alternative benefits on offer.”

The Planning Executive presented the report and advised Members of the Main Considerations.

Councillor Leather suggested that a site visit should be undertaken.

It was proposed by Councillor Leather and seconded by Councillor Brown that the application is deferred to enable a site visit to take place.

RESOLVED

That the application be deferred to enable a site visit to take place.

(Vote: For Unanimous)

Mr T Carrick addressed the Committee to object to the application
Mr P Bowser addressed the Committee to object to the application
Mr L Hawker addressed the Committee in support to the application
Councillor T Inch – an email had been received by the Chair and was read out to Members.

c) The following Councillors had attended the site visit listed below:

Councillors: R Lock, M Brown, M Langmead, C Leather, H Martin and P Watson

Application No:-1/0336/2011/FULM - Erection of six x 86 high wind turbines –
Additional information – Land at Wheelers Cross, Sutcombe, Devon

Interests: Councillor H Ratledge declared an interest as the applicant's father is a friend but attended with an open mind.

Councillor P Watson declared an interest as the applicant's father is a friend but attended with an open mind.

Parish / Ward : West Putford/Waldron

Officer recommendation : Refuse

The planning application had been referred to Plans Committee at the discretion of the Joint Head of Strategic Development and Planning, any wind turbine over 25 metres in height shall be presented to Plans Committee.

The Planning Officer presented the report and informed Members of the following update setting out the Conservation Officers Comments:

Erection of 6 number wind turbines up to 86 metres in height at Wheeler Cross.

Thank you for consulting on this matter.

It is not possible to comment fully on the impact of the proposal on the listed buildings in the vicinity of the site and in this regard there is agreement with colleagues at English Heritage. Chapter 10 of the Environmental Statement addresses the cultural heritage aspects of the application and this is supported by appendices 10.7-10.9 which assess impact in a tabulated form. The impact on the setting of the listed buildings within a 10km radius of the site is assessed. The methodology is set out within the environmental statement (Vol 2) and there are many maps showing the Zone of theoretical visibility on the listed structures but the conclusion from these maps, that there will be no significant affects, is not supported by photographic evidence.

This concern is illustrated by the grade 1 building, the Church of St Stephen at Putford, which is considered to be screened by 'intervening buildings and vegetation.' but there is no photomontage in the vicinity of the church whose character is greatly enhanced by the unspoilt and intimate rural setting. I am concerned the appearance of the turbines may have been underestimated in this case.

There are similar concerns over the churches at Sutcombe and Bradworthy. The latter is a landmark within the conservation area and can be seen within the landscape when approaching on the A388. While the assessment notes the contained nature of the Bradworthy Conservation area when viewed from within the Square there are also longer views of the Settlement where the church tower set amongst trees is an important view. Photo montages of the settlements with the wind turbines in the background have not been supplied and would be very helpful before a final opinion can be reached.

Following a brief discussion it was proposed by Councillor Leather seconded by Councillor Langmead that the application be refused.

RESOLVED

That the application be Refused for the reasons as set out in the report.

(Vote: For 8, Abstention 1)

Mr K Tomlin , on behalf of Bradworthy Parish Council, addressed the Committee objecting to the application

Mrs A Grabis, on behalf on East and West Putford Parish Council, addressed the Committee objecting to the application

Mrs P Geen addressed the Committee objecting to the application

Mr M Rodgers addressed the Committee objecting to the application

Mr A Smith addressed the Committee in support of the application

Councillor A Dart addressed the Committee

d) The following Councillors had attended the site visit listed below:

Councillors: R Lock, M Brown, M Langmead, C Leather, H Martin and P Watson

Application No:-1/ 0582/2012/FUL - Installation of single wind turbine (max height to blade tip 34.4m) – East Ash Farm, Bradworthy, Holsworthy.

Interests: None

Parish / Ward : Bradworthy / Hartland and Bradworthy

Officer recommendation : Grant

The planning application had been referred to Plans Committee at the discretion of the Joint Head of Strategic Development and Planning, as the turbine would exceed 25 metres in height.

Speakers referred to the list of operational turbines and those pending consideration in the area, and stated that the distances from neighbouring properties set out in the report is incorrect. The Development Manager apologised for this and advised that all the other relevant information was correct and would not harm the ability for Members to make a decision.

The Planning Officer presented the report and advised Members of the main planning considerations.

The following issues where discussed:

- The siting of the turbine
- Noise

The Joint Head of Strategic Development and Planning gave advice to Members about the number of turbine application that have been refused by Committee but overturned on appeal.

It was proposed by Councillor Leather seconded by Councillor Brown that the application be refused.

(Vote: For 4, Against 5)

The motion was lost.

It was proposed by Councillor Martin seconded by Councillor Watson that the application be approved.

RESOLVED

That the application be Granted subject to the conditions in the report.

(Vote: For 5, Against 4)

Mr K Tomlin on behalf of Bradworthy Parish Council, addressed the Committee objecting to the application

Mr M Jones addressed the Committee objecting to the application

Mrs A Grabis addressed the Committee objecting to the application

Mrs J Maynard addressed the Committee in support of the application

e) The following Councillors had attended the site visit listed below:

Councillors: R Lock, M Brown, M Langmead, C Leather, H Martin, P Watson and H Ratledge

Application No:-1/0571/2012/FUL - Installation of solar photovoltaic panels to produce up to 5 megawatts of electricity, plus up to 11 small buildings to house associated equipment – Upcott Barton, Beaford, Devon

Interests: Councillor R Lock declared that she was Ward Member and had been lobbied by both sides. She advised that she called in the application but the wording was not on the report correctly and that she come with on open mind.

Parish / Ward : Beaford / Three Moors

Officer recommendation : Grant

The Planning Application had been called in by Councillor Lock for the following reason:

“This major application, for its size, siting and possible impact on landscape character and community benefits, requires a site visit and full debate at Plans Committee to consider the application within the development plan and all material considerations”

The Planning Officer presented the report and advised Members of the main planning considerations. She advised Members of the following amendments:

Wording on the call in by Councillor Lock

- Amendment on page 162 of the report -
- Paragraph on the conclusion should read “The proposed solar farm is considered to make a positive contribution to the nation’s renewable energy targets and is designed and sited without an adverse impact on the character and appearance of the area”.

During discussions the following issues were raised:

- Access roads to the site, and the construction traffic using the roads
- Vehicles/Lorries parking on the site
- The 11 other buildings and the materials to be used

It was proposed by Councillor Langmead and seconded by Councillor Martin that application be approved

RESOLVED

That the application be Granted subject to the conditions set out in the report and the inclusion of a condition which prevented access to the site via Upcott Barton Road..

(Vote: Unanimous)

Mrs J Lye addressed the Committee objecting to the application
Mrs T Lane addressed the Committee objecting to the application
Mr J Wearmouth addressed the Committee in support of the application,

In accordance with the Council Constitution it was proposed, seconded, and:

Resolved: That in view of the fact that 3 hours had elapsed since the meeting had commenced, that the meeting should continue.

(Vote: For 7, Against 2)

f) Councillors: R Lock, M Brown, M Langmead, C Leather, H Martin, P Watson and H Ratledge

Application No:-1/0787/2012/FUL - Erection of a single dwelling - Land Adjacent to Marisco, Primrose Lane, Northam

Interests: Councillor Tisdale – dual hatted – but attended with an open mind

Parish / Ward : Northam / Appledore

Officer recommendation : Refuse

The planning application had been called by Councillor Eastman for the following reasons:

- Reasonable request to downsize to a more suitably sized house

- Proposal is an improvement on the existing permission for a house between application site and neighbour "Speenholme" to south
- Highways issues have been dealt with
- Impact on skyline as viewed from The Burrows and all lower areas of Churchill Way is greatly reduced
- Suggest a site visit for Committee

The Planning Officer presented the application which had been deferred at the Plans Committee meeting held on 8 November 2012 to allow a site visit to be undertaken. He also referred to the additional information submitted by the applicant for consideration:

- A revised plan which shows both the proposed dwelling and "Marisco" being served off the proposed new access. Existing access will still be open to serve electricity substation;
- Cross sectional plans which seek to clarify the single storey nature of the proposed dwelling which show vaulted ceilings or "sun-tubes" through attic space to maximise natural daylight to property;
- Western elevational drawings showing the effect of currently approved unbuilt dwelling between Marisco and Speenholme as well as that of the proposed new house;
- Copies of a letter exchange between the applicant and Mr & Mrs Smith of Valrose who had made a representation on the application. The applicant advises that this exchange shows that Mr Smith's initial fears have been partly addressed as a result of the correspondence;

Amend to reflect additional plans:

Plan Schedule

01. The plans relating to the development hereby refused are:

Drawing Number	Date Received
Site for development adjacent to Marisco	31/08/2012
SP1-2012	31/08/2012
SP1-2012/a	31/08/2012
SP1-2012/b Rev2	28/11/2012
SP1-2012/c Rev2	28/11/2012
SP1-2012/d	31/08/2012
SP1-2012/e Rev2	28/11/2012
SP1-2012/f	31/08/2012
SP1-2012/g	28/11/2012

Members discussed that extant permission that could be implemented, the fact that the site was out side the development boundary and the access. The Joint Head of Strategic Development advised that the lawful use of the site was for agriculture. The Solicitor advised that if approved, Members should also resolve to revoke the previous consent and have an agreement that building would not take place between that site and the existing house, although he questioned that enforceability of this.

It was proposed by Councillor Tisdale and seconded by Councillor Martin that the application be refused.

RESOLVED

That the application be Refused subject to the conditions in the report

(Vote: For 5, Against 4)

It was proposed by Councillor Leather and seconded by Councillor Langmead that the application is approved.

Mr P Hames, on behalf on Northam Town Council, addressed the Committee
Mr D Short addressed the Committee in support of the application
Mr R Heffer addressed the Committee in support of the application

- g) **Application No:-1/665/2012/FUL** - Proposed new dwelling – Montrose, First Raleigh, Bideford

Interests: Councillor R Tisdale – dual hatted – Northam Town Councillor – but attended with an open mind.

Parish / Ward : Northam / Orchard Hill

Officer recommendation : Grant

The planning application had been called in by Ward Member Councillor Leather for the following reason:

“Over-development of the site with concerns regarding overlooking. Issues regarding design, out of keeping with the street scene.”

The Planning Officer presented the application which had been considered at the Plans Committee on 4th October 2012 when the application was deferred for further details to be obtained with regards to surface water treatment and ground stability on the site.

Following a discussion it was proposed by Councillor Leather and seconded by Councillor Lausen that the application be refused for the following reasons:

- Overlooking
- Overdevelopment
- Amenity Space

(Vote: For 4, Against 4) (1 Member absent)

The motion was lost.

It was proposed by Councillor Watson and seconded by Councillor Martin that the application be approved.

RESOLVED

That the application be Granted subject to the conditions stated in the report

(Vote: For 4, Against 4)

The Chair used her casting vote in support of the application.

The application was therefore Granted.

Mrs S Ballard addressed the Committee objecting to the application
Mr S Philp addressed the Committee objecting to the application
Mr G Williams addressed the Committee in support of the application

89. LIST OF PLANNING DECISIONS

RESOLVED

That the Committee receive and note the list of Planning decisions for the period between 31 October 2012 to 28 November 2012.

(Vote – Unanimous)

90. The meeting commenced at 9.30am and ended at 13.50.

Date.....

Chair.....