

TORRIDGE DISTRICT COUNCIL

PLANS COMMITTEE

Town Hall, Bideford

9 May 2013 at 9.30 am

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

K Little (Head of Strategic Development & Planning) – pm session  
K Miles (Solicitor)  
D Green (Development Enabling Manager)  
G Spiller (Planning Executive) – am session  
L Andrews (Planning Executive)  
B Connolly (Planning Officer)  
S Cawsey (Democratic Services Officer)

ALSO PRESENT: Councillors Christie and Brenton

Also in attendance: Approximately 150 members of the public (rotated dependent on matter under consideration)

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.

132. APOLOGIES

An apology for absence was received from Councillor Ratledge.

133. MINUTES

The Minutes of the meeting held on 4 April 2013 were agreed and signed as a correct record.

134. 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.

Councillor Christie addressed the meeting raising concerns of pre determination of wind turbine applications by Councillor Leather. He made reference to the election campaign leaflet circulated by Councillor Leather. The Solicitor stated that this issue had been raised previously and having looked into this matter was satisfied that the election material referred to did not show pre determination. The leaflet had stated the views of a national party and not those of an individual.

Councillor Leather confirmed that he had supported and opposed wind turbine applications in the past, and took each application on its merits.

135. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

(Vote: unanimous)

136. URGENT ITEMS

The Chair informed the meeting that Application no. 1/0831/2012/FUL had been withdrawn from the Agenda.

Members were reminded that the next briefing session would be held on 23 May 2013 at Riverbank House, Bideford.

137. FUTURE SITE VISITS

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

138. PUBLIC PARTICIPATION

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

139. APPEAL DECISION

The Committee noted the appeal decision.

(Vote : For - unanimous )

140. PLANNING APPLICATIONS

The following Councillors had attended the site visit listed below:

Councillors: Langmead, Leather, Martin and Watson

**Application No:-1/0226/2013/FULM** – Installation of temporary buildings for use by the Route 39 Academy (education use D1); creation of temporary outdoor play area and associated works (temporary consent for up to 3 years) – Land at Milky Way Adventure Park, Downland Farm, Higher Clovelly

Interests: Councillors Brown and Martin declared an interest having been lobbied by a local school but attended with an open mind.

Officer recommendation : Grant

The planning application had been referred to Plans Committee at the discretion of the Head of Strategic Development and Planning due to the significant level of public interest.

The Planning Executive presented the report and informed Members of the following updates:

- Page 15 of the report 'Representations' – additional letters of objection and support had been received. The total was now 189 of which 91 were objections and 95 in support.
- Page 20 of the report 'Plans Schedule' - Plan 13105–SKC001 Revision B received on the 12 April 2013.

During the discussion Members raised concerns with regard to the following:

- Sustainability of the use
- Highway safety, in particular the access to the site

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

(Vote: For 3, Against 5)

The motion was lost.

It was proposed by Councillor Lausen, seconded by Councillor Murdoch that the application be refused for the following reason :

“The proposal, by reason of its isolated countryside location away from any settlements would constitute an unsustainable development. Notwithstanding the submission of a Travel Plan, the school would be heavily reliant on the private car for school trips, many of these journeys being along narrow country lanes which by reason of their width and alignment are unsuitable to cater for this additional traffic,

adding to additional danger all users of these roads. The proposal is therefore considered contrary to Policy DVT18 of the Torridge District Local Plan and Paragraph 32 of the National Planning Policy Framework”.

## **RESOLVED**

**That the application be refused for the reason as stated above.**

(Vote: For 5, Against 3)

Mr K Hunt addressed the Committee in support of the application  
Mr R Bence addressed the Committee in support of the application  
Mr D Fitzsimmons addressed the Committee objecting to the application  
Sallie Salvidant addressed the Committee objecting to the application  
Mr R Edmonds on behalf of Woolsery Parish Council addressed the Committee objecting to the application

The following Councillors had attended the site visit listed below:

Councillors: Lock, Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0922/2012/FUL** - Erection of wind turbine (84m to blade tip) and associated infrastructure - Agricultural land near Witherdon Wood, Broadwoodwidge

Interests: Councillor Watson declared an interest as the landowner is a good friend and therefore took no part in the debate or decision making.

Officer recommendation : Grant

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

The Planning Executive presented the report and informed Members of the following updates:

- Letter received from Councillor Parsons, conveying his apologies for not being able to attend the meeting and raising concerns with regard to noise, sustainability and impact on the landscape.
- Letter received raising questions with regard to human rights

The following concerns were raised and discussed:

- Archaeological Impact
- Impact on heritage assets
- Noise impact on residential amenity
  
- Size of the wind turbine
- Health impact
- Landscape and visual impacts

The Development Enabling Manager addressed the meeting with regard to noise assessment and health impact issues.

Councillor Lock noted that no condition had been included, as stated in the report, with regard to the impact on heritage assessment. The Planning Executive confirmed that if Members were minded to approve the application, an additional condition would be added.

It was proposed by Councillor Leather and seconded by Councillor Langmead that the application be refused for the following reason:

“The proposed turbine by reason of its siting and height would result in significant adverse visual impacts on the character and appearance of the surrounding landscape. It would result in the introduction of a large vertical element into the landscape with significant visual impacts on the surrounding landscape. This is considered to be contrary to the aims of Torridge District Council's "Landscape Sensitivity Assessment for Torridge: an Assessment of the Landscape Sensitivity to Onshore Wind Energy & field scale Photovoltaic Development" and Policies DVT2C, DVT6, DVT7, ENV1 and ENV5 of the Torridge District Local Plan and the objectives of the National Planning Policy Framework.”

## **RESOLVED**

**That the application be refused for the reason as stated above.**

(Vote For 5, Against 1, Abstentions 1) – one Member away from the table

Mr R Miller addressed the Committee in support of the application  
Emma Down addressed the Committee objecting to the application  
Mr I Buxton addressed the Committee objecting to the application

The following Councillors had attended the site visit listed below:

Councillors: Lock, Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0831/2012/FUL** – Erection of a single wind turbine (maximum height to blade tip 77m), formation of new vehicular access track and associated infrastructure – Amended address – Land at Battledown Farm, Buckland Filleigh (part of site within Shebbear) Beaworthy

This application had been withdrawn from the Agenda.

The following Councillors had attended the site visit listed below:

Councillors : Lock, Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/1123/2012/FUL** - Erection of a 50 kW wind turbine, measuring 25m to hub and 35m to tip, with ancillary equipment - Densham Farm, Ashreigney, Chulmleigh

Interests: None

Officer recommendation : Grant subject to legal agreement

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

The Development Enabling Manager advised the meeting that further information had been received that morning from the Environmental Health Manager, and he asked that the application be deferred to allow Officers sufficient time to consider this additional information.

It was proposed by Councillor Lock and seconded by Councillor Brown that the application be deferred.

## **RESOLVED**

**That the application be deferred to allow Officers sufficient time to consider the additional information provided.**

(Vote For - unanimous)

The following Councillors had attended the site visit listed below:

Councillors : Lock, Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0179/2012/FUL** – Installation of 1 no. wind turbine (34.2m height to blade tip), access and associated works (amended proposal) - Land at South Dodscott, St Giles in the Wood

Interests: Councillor Martin – dual hatted – Gt. Torrington Town Council – but attended with an open mind

Officer recommendation : Grant

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

The application had also been called in by Councillor Martin on the grounds that full debate should be had regarding impacts on the village, its listed buildings, the surrounding area, some of which is conservation area, and wildlife, in particular the barn owl.

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

The following concerns were discussed:

- Too close to residential properties
- The proximity to a public highway

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

## **RESOLVED**

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

(Vote For 4, Against 3, Abstentions 1)

Julie O'Rourke addressed the Committee in support of the application  
Mr L Gandee addressed the Committee objecting to the application  
Mr P Delahoy addressed the Committee objecting to the application

Members were advised that letters had been sent stating that the Atlantic Park applications would be presented commencing at 2 pm. A change to the Agenda order was therefore agreed and applications 1/0971/2012/FUL, 1/0972/2012/CON and 1/1156/2012/FUL be brought forward.

(Vote: For – unanimous)

**Application No:-1/0971/2012/FUL** - Redevelopment of former printing works as detached house – 37 Fore Street, Hartland, Bideford

Interests: None

Officer recommendation : Grant

The planning application had been referred to Plans Committee as the applicant is a Member of Torridge District Council.

The Planning Executive presented the report and informed Members of the main planning considerations.

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

## **RESOLVED**

**That the application be Granted subject to the conditions as stated in the report.**

(Vote For - unanimous)

**Application No:-1/0972/2012/CON** – Demolition of buildings - 37 Fore Street, Hartland, Bideford

Interests: None

Officer recommendation : Grant

The planning application had been referred to Plans Committee as the applicant is a Member of Torridge District Council.



The Planning Executive presented the report and informed Members of the main planning considerations.

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

**RESOLVED**

**That the application be Granted subject to the conditions as stated in the report.**

(Vote For – unanimous)

**Application No:-1/1156/2012/FUL** - Material minor amendment to Planning permission 1/0941/2008/FULM – addition of roof garden to southern flat of the development – Latitude 51 Bath Hotel Road, Westward Ho!

Interests: Councillor Murdoch declared an interest and took no part in the debate or decision making.

Officer recommendation : Grant

The planning application had been referred to Plans Committee as the owner of the land is a Member of Torridge District Council.

The Planning Executive presented the report and informed Members of the main planning considerations.

Members raised concerns regarding the height of the balustrades and discussed health and safety issues. The Planning Executive confirmed this would require Building Regulation approval and would only be granted if they were satisfied health and safety issues had been addressed.

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

**RESOLVED**

**That the application be Granted subject to the conditions as stated in the report.**

(Vote: For – unanimous)

141. LIST OF PLANNING DECISIONS

RESOLVED

That the Committee receive and note the list of Planning decisions for the period between 26 March 2013 to 30 April 2013.

(Vote: For - unanimous )

The afternoon session commenced at 2 pm.

The following Councillors had attended the site visit listed below:

Councillors : Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0932/2012/FULM** - Erection of 70 bed hotel (Class C1) and associated family restaurant/bar (Class A3/A4) plus associated access, car parking, landscaping and infrastructure works – Amended details – Atlantic Park, Land opposite Atlantic Village, Clovelly Road, Bideford

Interests: Councillor Lausen declared an interest.

Councillor Langmead – dual hatted – Bideford Town Council but attended with an open mind

Councillor Murdoch declared an interest

Officer recommendation : Refusal

The planning application had been referred to Plans Committee at the discretion of the Head of Strategic Development and Planning due to the scale of the development.

The presentation given by the Planning Executive included applications 1/0932/2012/FUL and 1/0933/2012/FULM as they were both for the same site.

Members were informed of the following updates :

- A petition objecting to the application
- A letter from Boyer Planning dated 8 May 2013 who act for the adjacent landowner

- An extract on the applicants own site plan
- A list of recommendations and conditions if Members were minded to approve the application

The Planning Executive advised the Committee of the main planning considerations and clarified the reasoning for the recommendation of refusal.

Members expressed the importance of protecting and retaining the trees on the road frontage and protecting amenities of adjacent properties on the eastern boundary, and as such they felt that a good quality landscaping scheme was essential before any decision could be made.

Officers tabled the following conditions to address the above points:

1. The submission of a detailed plan indicating all trees to be retained
2. The submission of a acceptable detailed landscaping/tree planting scheme to protect the amenity of residential properties to the east of the site and to enhance the frontage of the site and to include a Devon hedgebank at the southern edge of the site between the Brewers Fayre Restaurant and the public highway.
  - a) A Section 106 agreement securing the agreement and implementation of an acceptable Woodland Management Scheme.
  - b) A Section 106 agreement securing the provision of a commuted sum of £65,500 for the implementation and ongoing maintenance of the highway works and traffic controlled junction.
  - c) Section 106 agreement securing the implementation of the submitted Travel Plan, including a financial contribution towards a bus service between Atlantic Village and Bideford Town Centre for a further two years beyond that agreed when granting planning permission for the expansion of Atlantic Village.
  - d) The securing of a pedestrian/vehicular/cycle link between the application site and the adjacent site (if deemed necessary and required)

## GRANT

1. Standard 3 year condition
2. Development in accordance with the Plans Schedule.
3. Implementation of approved landscaping scheme.
4. Protection of trees – (in accordance with the amended plan as required above).
5. Archaeological condition.
6. No additional fences/means of enclosure (maintain open plan appearance).
7. Details of materials – ie: natural stone and roofing slate.
8. Details of attenuation pond prior to works commencing on site.
9. Conditions as recommended by DCC (Highways Authority).
10. Details of all floodlighting.

09/12

It was proposed by Councillor Leather and seconded by Councillor Langmead that the decision be delegated to the Head of Strategic Development and Planning to grant planning permission subject to the above,

## **RESOLVED**

**That the decision be delegated to the Head of Strategic Development and Planning to grant planning permission subject to the above.**

(Vote: For - unanimous)

Mr J Emms, on behalf of the Chair of Bideford Chamber of Commerce, addressed the Committee in support of this application and application 1/0933/2012/FUL  
Mrs M Bailey addressed the Committee in support of the application  
Rosemary Haworth Booth addressed the Committee objecting to this application and application 1/0933/2012/FUL  
Rupert Hawley addressed the Committee objecting to this application and application 1/0933/2012/FUL  
Mr Bob Wootton on behalf of Bideford Town Council addressed the Committee  
A letter on behalf of Councillor A Inch was read to the Committee

The following Councillors had attended the site visit listed below:

Councillors : Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0933/2012/FUL** - Drive-through restaurant with access, car parking, landscaping and attenuation pond – amended details – Land at Atlantic Park, Land opposite Atlantic Village, Clovelly Road, Bideford

Interests: Councillor Lausen declared an interest.  
Councillor Langmead – dual hatted – Bideford Town Council but attended with an open mind  
Councillor Murdoch declared an interest

Officer recommendation : Refusal

The planning application had been referred to Plans Committee at the discretion of the Head of Strategic Development and Planning due to the scale of the development.

The presentation given by the Planning Executive included applications 1/0932/2012/FUL and 1/0933/2012/FULM as they were both for the same site.

Members expressed the importance of protecting and retaining the trees on the road frontage to the west of the McDonald site and felt that a good quality landscaping scheme was essential before any decision could be made. Any such scheme should include full details of landscaping along the south boundary of this site, providing it did not completely obscure the McDonalds building.

Officers tabled the following conditions to address the above points:

1. The submission of a detailed plan indicating all trees to be retained along the frontage of Clovelly Road and to the west of the proposed “drive-through” restaurant
2. The submission of a acceptable detailed landscaping/tree planting scheme to include a Devon hedgebank (see attached plan) at the southern edge of the bank between the drive-through restaurant and Clovelly road (edge of highway verge)
  - a) A Section 106 agreement securing the agreement and implementation of an acceptable Woodland Management Scheme.
  - b) A Section 106 agreement securing the provision of a commuted sum of £65,500 for the implementation and ongoing maintenance of the highway works and traffic controlled junction.
  - c) Section 106 agreement securing the implementation of the submitted Travel Plan, including a financial contribution towards a bus service between Atlantic Village and Bideford Town Centre for a further two years beyond that agreed when granting planning permission for the expansion of Atlantic Village.
  - d) The securing of a pedestrian/vehicular/cycle link between the application site and the adjacent site (if deemed necessary and required)

#### GRANT

1. Standard 3 year condition
2. Development in accordance with the Plans Schedule.
3. Implementation of approved landscaping scheme.
4. Protection of trees – (in accordance with the amended plan as required above).
5. Archaeological condition.
6. No additional fences/means of enclosure (maintain open plan appearance).
7. Details of materials – ie: natural stone and roofing slate.
8. Details of attenuation pond prior to works commencing on site.
9. Conditions as recommended by DCC (Highways Authority).
10. Details of all floodlighting.

09/14

It was proposed by Councillor Leather and seconded by Councillor Langmead that the decision be delegated to the Head of Strategic Development and Planning to grant planning permission subject to the above.

**RESOLVED**

**That the decision be delegated to the Head of Strategic Development and Planning to grant planning permission, subject to the above.**

(Vote: For 7, Abstentions 1)

Mr Simon Coles addressed the Committee in support of the application  
Mr Bob Wootton on behalf of Bideford Town Council addressed the Committee

The following Councillors had attended the site visit listed below:

Councillors : Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0960/2012/ADV** - Proposed Height Restrictor and signs – Land at Atlantic Park, Land opposite Atlantic Village, Clovelly Road, Bideford

Interests: None

Officer recommendation : Refusal

The planning application had been called into Plans Committee by Councillor Brenton for the following reason :

“Inappropriate for a Bideford location”

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

It was proposed by Councillor Leather and seconded by Councillor Watson that the decision be delegated to the Head of Strategic Development and Planning to grant Advertisement Consent, subject to planning permission being granted for application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.

**RESOLVED**

09/15

**That the decision be delegated to the Head of Strategic Development and Planning to grant Advertisement Consent, subject to planning permission being granted for application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.**

(Vote: For - unanimous)

The following Councillors had attended the site visit listed below:

Councillors : Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0961/2012/ADV** - Installation of freestanding 8 metre totem sign – Amended details – Land at Atlantic Park, Land opposite Atlantic Village, Clovelly Road, Bideford

Interests: None

Officer recommendation : Refusal

The planning application had been called into Plans Committee by Councillor Brenton for the following reason :

“Inappropriate for a Bideford location”

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

Councillor Langmead expressed concern regarding the height of the totem sign.

It was proposed by Councillor Leather and seconded by Councillor Watson that the decision be delegated to the Head of Strategic Development and Planning to grant Advertisement Consent, subject to planning permission being granted for application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.

## **RESOLVED**

**That the decision be delegated to the Head of Strategic Development and Planning to grant Advertisement Consent, subject to planning permission being granted for application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.**

(Vote: For 6, Against 1, Abstentions 1)

09/16

Mr Simon Coles addressed the Committee in support of the application  
Mr Andy Ross addressed the Committee in support of the application  
Mr Bob Wootton on behalf of Bideford Town Council addressed the Committee

The following Councillors had attended the site visit listed below:

Councillors : Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0962/2012/ADV** - Proposed fascia signs – Amended details –  
Land at Atlantic Park, Land opposite Atlantic Village, Clovelly Road, Bideford

Interests: None

Officer recommendation : Refusal

The planning application had been called into Plans Committee by Councillor  
Brenton for the following reason :

“Inappropriate for a Bideford location”

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

It was proposed by Councillor Leather and seconded by Councillor Langmead that  
the decision be delegated to the Head of Strategic Development and Planning to  
grant Advertisement Consent, subject to planning permission being granted for  
application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.

## **RESOLVED**

**That the decision be delegated to the Head of Strategic Development and  
Planning to grant Advertisement Consent, subject to planning permission  
being granted for application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.**

(Vote: For - unanimous)

Mr Andy Ross addressed the Committee in support of the application  
Mr Bob Wootton on behalf of Bideford Town Council addressed the Committee



09/17

The following Councillors had attended the site visit listed below:

Councillors : Langmead, Lausen, Leather, Martin, Murdoch and Watson

**Application No:-1/0086/2013/ADV** - Primary and secondary freestanding and wall mounted signs for advertising – Land North East of Atlantic Village, Brewers Fayre and Premier Inn, Clovelly Road, Bideford

Interests: None

Officer recommendation : Refusal

This planning application is related to the proposal under consideration by Plans Committee.

It was proposed by Councillor Brown and seconded by Councillor Leather that the decision be delegated to the Head of Strategic Development and Planning to grant Advertisement Consent, subject to planning permission being granted for application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.

## **RESOLVED**

**That the decision be delegated to the Head of Strategic Development and Planning to grant Advertisement Consent, subject to planning permission being granted for application nos. 1/0932/2012/FULM and 1/0933/2012/FUL.**

(Vote: For - unanimous)

Claire Cope addressed the Committee in support of the application  
Mr Bob Wootton on behalf of Bideford Town Council addressed the Committee

The meeting commenced at 9.30 am and was adjourned at 12.15 pm  
The meeting reconvened at 2 pm and closed at 3.30 pm

Date.....

Chair.....