

TORRIDGE DISTRICT COUNCIL

PLANS COMMITTEE

Town Hall, Bideford

7 April 2016 at 9.30am

Morning Session – 9.30am

Afternoon Session - 1pm

PRESENT: Councillor R Lock  
Councillors: M Brown, P Hackett, M Langmead, J Langton-Lockton,  
K Davis, P Watson, S Robinson and P Christie

AM

J Hollis (Senior Solicitor)  
D Green (Development Enabling Manager)  
C Stansbury (Team Leader)  
J Pine and L Davies (Planning Officers)  
S Chappell (Conservation Officer) for Application 1/1251/2015/LBC only  
S Cawsey (Democratic Services Officer)

Also in attendance: Approximately 20 members of the public

PM

J Hollis (Senior Solicitor)  
D Green (Development Enabling Manager)  
C Stansbury (Team Leader)  
M Newcombe (Devon County Highways)  
M Bater (Independent Highways Consultant)  
S Cawsey (Democratic Services Officer)

ALSO PRESENT: Councillor P Pennington

Also in attendance: Approximately 120 members of the public

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

121. APOLOGIES

There were no apologies for absence.

122. MINUTES

The Minutes of the meeting held on 3 March 2016 were agreed and signed as a correct record.

(Vote: For - unanimous)

123. 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.

124. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

125. URGENT ITEMS

There were no urgent matters, but the Chair reminded Members of the following:

Thursday 14 April 2016 at 2pm at Riverbank House, Bideford – Pre Application Panel followed by a Planning Evidence Gathering meeting.

Plans Committee meetings rescheduled to the following dates:

- 12 May (was 5 May), site visits Wednesday 4 May
- 9 June (was 2 June), site visits Thursday 2 June
- 8 September (was 1 September), site visits Thursday 1 September
- In response to Councillor Christies previous concerns about Route 39 school use, confirmation was received from Richard Malyon of Government Education Department advising:  
“rumour is completely without foundation. It is the wrong sort of building and the demand does not exist”.

126. FUTURE SITE VISITS

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

127. PUBLIC PARTICIPATION

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

128. APPEAL DECISIONS

The Committee noted the Appeal Decisions.

129. DELEGATED REFUSAL – WIND TURBINES

The Committee noted the Delegated Refusal.

130. DELEGATED DECISIONS – AGMBs

The Committee noted the Delegated Decisions.

131. PLANNING APPLICATIONS

The following Councillors had attended the site visit listed below:

Councillors: R Lock, M Brown, K Davis, J Langton-Lockton, S Robinson and P Watson

- a) **Application no: 1/0042/2016/FUL** - Proposed erection of 1 affordable dwelling - Land at Winterland Lane, Holsworthy, Devon

Interests: None

Officer recommendation : Refuse

The planning application was called into Plans Committee by Councillor Parker for the following reason:

“This Planning Statement is viable and fulfils the following criteria of a new development, as it is located in an existing settlement. It will be in keeping with the form, character, and appearance and address the local, social and economic needs. It is to a modest scale. The applicants and family (5 family members) have lived in Holsworthy all their lives. The family own and run (Jag Signs and Sign Gear) successful businesses for the past 20+ years and are due to expand creating more new jobs”.

Members were informed of the following updates:

- Verbal comments from the Housing Enabling Officer
- Comments in the report in relation to floor area of the dwelling. The Council has a supplementary document on legal obligations in relation to affordable housing. An affordable dwelling must remain affordable in the future, and having given consideration to this, Officers state this proposal would be too large to meet the affordable criteria

The Planning Officer presented the report and advised Members of the main planning considerations and the reasoning for the recommendation of refusal.

During the debate the following issues were raised:

- Sustainability
- Location of dwelling within the site – too close to the boundary of neighbouring property
- S106 Agreement – to include a restriction on the sale price

- Self-build dwelling
- Size of dwelling

The Planning Manager referred to the concern Members had with regard to the proposed dwelling being too close to the boundary of the neighbouring property. Members were advised that if they were minded to approve the application, authority could be delegated to Officers to ensure that the dwelling is relocated within the red line. If the delegated decision was to refuse, the application to be brought back to Plans Committee.

The Planning Officer advised that if the application were to be approved, subject to a Legal Agreement restricting the dwelling to affordable housing and local needs, conditions would be imposed.

It was proposed by Councillor Langmead, seconded by Councillor Watson that the decision be delegated to the Planning Manager to grant planning permission, subject to the satisfactory completion of a S106 Agreement for affordable and local needs restriction and conditions to be imposed as follows:

- Removal of permitted development rights to restrict size of unit to remain affordable, ecological mitigation measures,
- Details of septic tank and soakaway,
- Details of access and parking design.

## **RESOLVED**

**That the decision be delegated to the Planning Manager to grant planning permission, subject to the satisfactory completion of a S106 Agreement and the conditions as stated above**

(Vote: For - unanimous)

R Fursdon, on behalf of Holsworthy Hamlets Parish Council, addressed the Committee in support of the application

L Gardner addressed the Committee in support of the application

M Bailey addressed the Committee in support of the application

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

Councillors: R Lock, M Brown, K Davis, J Langton-Lockton, S Robinson and P Watson

**Application no: 1/0155/2016/FUL** - Removal of condition 4 of planning permission 1/0615/2009/FUL - Hayword House, Broadwoodwidge, Lifton.

Interests: Councillor Watson declared a prejudicial interest – predetermination – left the table and took no part in the debate and decision making

Officer recommendation : Refuse

The planning application had been called into Plans Committee, if Officers were minded to refuse the application, by Ward Member, Councillor P Watson, for the following reason:

“For Committee to have a site visit and then good debate on NPPF paragraph 18, 19, 21 (Building a strong and competitive economy) and NPPF paragraph 28 (Supporting a prosperous rural economy)”.

The Planning Officer presented the report and advised Members of the main planning considerations and the reasoning for the recommendation of refusal.

During the debate the Planning Manager and Planning Officer gave advice to Members. Following comments made by Members the Planning Officer confirmed there was no proposal to tie the residential property to the business unit, so therefore, in the long term, it would be creating a dwelling and office space in the open countryside and to approve would set a precedent for unjustified open markets dwellings in the open countryside.

It was proposed by Councillor Brown, seconded by Councillor Robinson that the application be refused for the reasons as set out in the report.

**RESOLVED**

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

(Vote: For 5, Against 3)

A Worden addressed the Committee in support of the application  
M Worden addressed the Committee in support of the application  
Councillor Watson, Ward Member, addressed the Committee

- c) **Application no: 1/0091/2016/FUL** - Proposed extension to form additional bedroom & dining room - 7 Riversmeet, Appledore, Bideford

Interests: Councillor K Davis declared a prejudicial interest as the applicant, left the room and took no part in the debate and decision making

Officer recommendation : Grant

The planning application had been called into Plans Committee for consideration as the application is an elected Member of Torridge District Council.

Members were informed of the following update:

- An additional letter of comment with regard to drainage

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

Following a brief discussion it was proposed by Councillor Langmead, seconded by Councillor Christie that the application be approved.

**RESOLVED**

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

(Vote: For – unanimous)

- d) **Application no: 1/1251/2015/LBC** - Replacement of 2 ground floor windows resubmission of 1/0964/2015/LBC - 17 The Village, Petrockstowe, Okehampton

Interests: None

Officer recommendation : Refuse

The planning application had been called into Plans Committee by the Ward Member, Councillor Wiseman for the following reasons:

1. “This application complies with the NPPF paragraph 95 to support the move to a low carbon future and actively support energy efficiency improvements to existing buildings.
2. This application also complies with TDC policy aim 2.22(3) Reduction of Greenhouse Gas Emissions and (4) Energy Conservation (b) to promote the incorporation of energy efficiency measures in development.”

The Conservation Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

It was proposed by Councillor Christie, seconded by Councillor Langmead that the application be refused for the reasons as stated in the report.

**RESOLVED**

**That the application be refused for the reasons as stated in the report.**

(Vote: For – unanimous)

O Keates addressed the Committee in support of the application  
Councillor R Wiseman addressed the Committee

- e) **Application no: 1/0117/2016/FUL** - Change of use from offices (Class B1) to outpatient haemodialysis treatment centre (Class D1) - Unit 12, Tamar Business Units, River Tamar Way.

Interests: None

Officer recommendation : Grant

The planning application had been referred to Plans Committee as the application site is in the ownership of Torridge District Council.

Members were informed of the following update:

- Following an objection from Devon County Highways, the Officer clarified the position with the applicant. In light of the information received from the applicant, Devon County Highways had no objection.

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

Following a brief debate, it was proposed by Councillor Robinson, 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)

- f) **Application no: 1/0018/2016/OUT** - Erection of three bungalows re-submission of - 1/0929/2015/OUT - Syringa, Bideford, Devon.

Interests: Councillor K Davis declared a personal interest – dual hatted - Northam Town Council but attended with an open mind

Officer recommendation : Refuse

The planning application had been called into Plans Committee by the Ward Member, Councillor Langton-Lockton for the following reason:

“Impact of the development on the local countryside and needs to be assessed by the Planning Committee (sustainability and landscape character)”.

Following the presentation of the report by the Planning Officer, it was proposed by Councillor Langmead, seconded by Councillor Watson that the application be 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)

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

Councillors: R Lock, M Brown, K Davis, J Langton-Lockton, S Robinson and P Watson

**Application No: 1/0040/2016/OUTM** - Demolition of dwelling, erection of up to 200 dwellings, extension of existing care home, associated multi-use open space, additional car parking for care home, diversion of a Public Right of Way, other associated infrastructure with all matters reserved other than primary access ( Affecting a public right of way) - Resubmission of 1/0863/2014/OUTM - Land At Heywood Road, Bideford, Devon.

Interests: None

Officer recommendation: Grant subject to a Legal Agreement

The planning application had been called into Plans Committee by the Ward Member, Councillor Langton-Lockton for the following reasons:

“Due to planning history – previously considered by Plans Committee. Local concerns regarding site and highways”.

Prior to the presentation of the application the Senior Solicitor clarified the position with regard to pre-determination of the application. He advised that although the application was an identical re-submission of the previous proposal, there is now additional information for Members to consider, and therefore Members should attend with an open mind.

Members were informed of the following updates:

- Additional representation letters received – repeat objections of those already made and referred to in report
- Letter from the CPRE objecting to the proposal – no new issues raised
- Comments received in response to the Highways Consultants Report
- Lengthy objection received from the Residents Group
- Query as to whether all landowners had been notified with Part B as part of the application – yes all had been notified
- Concerns with regard to foul and surface water drainage
- Response received from Ramblers Association
- Email received with concerns regarding storm water pipe
- Diversion of the public right of way



- Financial contributions secured through a S106 – monies to be go to travel vouchers and not to the refurbishment of the skateboard park in Bideford
- Response letter received from the Landscape Architect
- An additional condition – recommendation from the Environment Agency that no development in the 15m corridor and the layout and landscaping to be agreed prior to commencement of works.
- An additional informative to the decision

The Team Leader presented the report and advised Members of the main planning considerations.

The following responses were given to comments raised by the Speakers:

- Surface water drainage and SUDS – Devon County Council who are the Lead Local Flood Authority and Environment Agency are both satisfied with the details provided. Devon County Council has advised that underground storage tanks will not be acceptable and above ground SUDS to be used.
- Reptile translocation site – discussions have taken place with all relevant organisations. Devon Wildlife Trust and Devon Biosphere Reserve are satisfied with the chosen site.

A lengthy discussion followed. During the discussion the issues and concerns raised included:

- Flooding issues
- Highways issues, in particular the increase in traffic movement on Heywood Road roundabout and Torridge Bridge
- The monitoring of emergency access only onto Lenwood Road – lockable bollards to be used
- Entrance into the site
- S106 financial contribution towards a new school
- Historic environment – site previously a dumping ground and therefore made up land and not solid ground
- Pavement on the western side being too narrow
- The creation of a right hand turning lane
- Transport Assessment considered to be acceptable by Devon County Council, but concerns were raised that it was “out of date”

The Planning Manager gave advice with regard to the emerging Local Plan and the weight and consideration Members should be giving to it. Members were reminded that the site had been allocated for development land within the emerging Local Plan and that the draft Plan had been agreed by Council for submission to the Secretary of State for examination. The fact that the site is in the emerging Local Plan also demonstrated that the Authority had agreed that the site is sustainable and appropriate for development. Therefore this was a material consideration for Members. Members also needed to consider that if the application was refused on this site, another site would need to be identified to provide for houses as part of the Plan. Advice was also given with regard to sustainability of the site.

The Planning Manager reminded Members that all statutory consultees had no objections to the proposal, and that the following concerns raised at the previous proposal had been addressed:

- Highways issue - an independent Highways Consultant had been appointed and had reported that there are no highways issues
- Landscaping grounds – this had been covered by a Landscape and Visual Appraisal Addendum
- Listed Buildings – the Conservation Officer had no objections.

Mr Newcombe, Devon County Highways Officer addressed the concerns raised and confirmed that Highways had no objections to the proposal.

Mr Bater, independent Highways Consultant addressed the meeting and also confirmed that he had no objections to the proposal.

The Chair, Councillor Lock, referred Members to the comments of the Statutory Consultees all of whom had no objections to the proposal. She added that therefore in planning terms there were no grounds for refusal.

The Senior Solicitor gave legal advice on the issues raised and in particular to reasons for refusal if Members were minded so to do.

Further discussion followed on reasons for refusing the application. Members put forward the following reasons and Policies which they considered the proposal could be contrary to:

1. The benefits proposed are insufficient to overcome or merit any departure from the Local Plan
2. The adverse effects of the proposals outweigh the implied benefits
3. Specifically the proposals are either at variance with or inadequately address the requirements of the following:

DVT2c – Development in the Open Countryside – none of the permissions listed here are appropriate to this site, and even where argued that DV2c be set aside due to the absence of a five-year housing supply, the following linked policies still exclude this site;

DVT6 – Local Distinctiveness, esp. 3.85 and 3.86;

DVT8 – (2) Landscaping, esp. 3.112: “There is a need for landscaping to maintain, restore and enhance environmental quality and to maintain sense of place [my italics]”;  
DVT9 – Protection of Open Spaces, esp. 3.122;

DVT18 – Impact of Development on Traffic, esp. (1) and (2);

NPPF7 – Environmental, social and economic aspects of sustainable development – these must all be positive

NPPF 32 – Transport proposals both for Heywood Road and Lenwood are inadequate

NPPF47 - Need to justify the proposed approval in the absence of a five year housing supply, but reference is to a “deliverable” site, i.e. whose benefits (environmental, social and economic) outweigh the adverse effects

NPPF109, 117 and 118 – Protecting, enhancing and developing biodiversity. All these aspects are compromised in these proposals. None of the three tests against disturbance of protected specified and their environment is capable of being passed, while the development could quite easily be located on an alternative site (in the absence, in its truest sense, of a sequential test). Bird boxes do not replace lost habitat.

NPPF103 – Flood Risk. These proposals will not only increase the flood risk within the site but will exacerbate the risk already identified elsewhere downstream. Not only does the site lie within a Critical Drainage Area but its water course runs into Bideford via Kenwith. There is a surface water drain running through the site, but no clear detail of to where it will be re-routed. Even the finished floor levels imply that the flood risk – the “System Drainage Exceedance Event” – is possible if not probable.

It was proposed by Councillor Robinson, seconded by Councillor Davis that the application be refused.

A second motion was proposed by Councillor Lock, seconded by Councillor Watson that the application be approved.

The first motion was voted on and carried; therefore no vote was taken on the second motion.

## **RESOLVED**

**That the application be refused.**

(Vote: For 6, Against 3)

P Hames, addressed the Committee on behalf of Northam Town Council, objecting to the application

A Yeo addressed the Committee objecting to the application

A Barstow addressed the Committee objecting to the application

I Mellow addressed the Committee in support of the application

## 132. LIST OF PLANNING DECISIONS

### RESOLVED

That the Planning decisions for the period 22 February 2016 to 24 March 2016 be noted.

The meeting commenced at 9.30 am and was adjourned at 11.30am  
The meeting reconvened at 1 pm and ended at 3.30 pm

Date.....

Chair.....