

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Virtual - Online meeting on Wednesday, 9th September, 2020 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Davies, Gubb, Knight, Leaver, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Head of Place, Solicitor, Lead Planning Officer (North) (BP), Lead Planning Officer (South) (JW), Lead Officer - Planning Policy (AA), Planning Officer (DB), Conservation Officer, Contracts Delivery Manager, Senior Planning Officer (JM), Sustainability Officer and Parks, Leisure and Culture Officer

Also Present:

Councillors Davis, Mack, Henderson and Worden

93. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officer confirmed the names of those Councillors and officers present and advised that members of the public were also in attendance to address the Committee and to listen to proceedings.

94. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

95. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 12TH AUGUST 2020

RESOLVED that the minutes of the meeting held on 12 August 2020 (circulated previously) be approved as a correct record and signed by the Chair.

96. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Chesters Planning application 64000: Personal interest as the Applicant was her neighbour.

Councillor Yabsley Planning application 70467: Personal interest as the owner lived in Witheridge.

97. 64000: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 94 DWELLINGS (ALL MATTERS RESERVED)(ADDITIONAL ECOLOGICAL INFORMATION)(AMENDED INFORMATION), LAND AT CHIVENOR CROSS, CHIVENOR, DEVON

Councillor Chesters re-declared her personal interest in the above application and chose to leave the meeting during the consideration of this planning application.

The Committee considered a report by the Head of Place (circulated previously).

Councillor S. Crowther (Vice-Chair of Heanton Punchardon Parish Council), Graham Townsend (agent) and Stuart Maskell (applicant) addressed the Committee.

Councillor Davis (Ward Member) addressed the Committee.

In response to questions, the Head of Place advised that the Joint Local Plan was adopted in October 2018. The Senior Planning Officer (JM) referred to an appeal decision in Torrington whereby the Inspector had come to the conclusion that North Devon and Torridge District Councils were unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements as the Councils had insufficient evidence for the current deliverability of the housing land supply. The lack of a five year housing land supply had a material impact on the determination of future applications. However, should the application be approved it would have a positive impact on the five year housing land supply.

The Lead Officer Planning Policy advised that since the adoption of the Joint Local Plan, the National Planning Policy Framework had changed the way in which Authority's could include sites which could contribute to the five year housing land supply. The Inspector determined as part of the appeal decision in Torrington that emails from developers could not be included as clear evidence of future delivery. Due to Covid 19 a high level of build out was not anticipated until market confidence was re-established. The five year housing land supply was determined at a point of time, therefore both Councils needed to maintain a five year supply. Build out rates will increase and decrease. Both Councils needed to re-establish the five year housing land supply and ensure that there were sufficient deliverable sites.

In response to a question, the Senior Planning Officer (JM) advised that it had been proposed by the applicant to provide 50% affordable dwellings but at that time the

site would have been classed as a rural exceptions site and so the starting point was 100%. Affordable housing reduced only by cross subsidised market housing demonstrated through viability. However, following the Inspector's appeal decision in Torrington the site was outside of the development boundary and policies ST17 and ST18 applied. These policies required the provision of affordable housing to be 30% for this development. There was now no planning policy basis to require the provision of 100% or 50%. If the Committee was minded to approve the application it could attach additional conditions provided that they met the six tests of reasonableness. As the applicant had agreed to policy compliant contributions an independent viability assessment would not be sought. If the applicant could not deliver the amount of affordable housing required, then the applicant would be required to submit an application to vary the Section 106 agreement.

In response to questions, the Highways Officer (PY), Devon County Council addressed the Committee. He advised that pre-application discussions had taken place during 2017/18, however there had been little engagement with DCC since that time and the applicant had not fully addressed the highways issues that had been raised. No proposals had been advanced since the initial discussion with the Highways Authority in January 2018. A transport assessment had been carried out to assess whether the junctions had capacity and rigorously assessed whether the impact of the development would warrant refusal of the application. It had been concluded that although there would be an increase in traffic, it would not materially have an impact on the junctions. Within the last two weeks, the applicant had indicated that the highways improvements would be undertaken and included within a section 106 agreement, however the applicant had not provided any detail of the improvements to be made and so he was concerned that the applicant did not appreciate the level of works that were required. The existing crossing near to the Bovis homes housing development was fit for purpose. A new Toucan crossing would be provided approximately 50-60 metres away from Chivenor and would replace the informal crossing. The proposed footway to be provided had not been fully identified. He also expressed concern regarding the potential loss of highway improvements as in other applications these had been removed due to viability. He advised that DCC had assessed whether any improvements could be made to the junction in the centre of Braunton, however very little improvement could be made and any improvements made would not fully address the traffic congestion.

In response to comments made by the Highways Officer, the Senior Planning Officer (JM) advised that the chronology of consultation that had been undertaken with DCC Highways was detailed on page 16 of the report. Work had been proactively undertaken with the applicant over the past nine months to actively address the concerns that had been raised. There had been two responses from the Highways Officer and no request had been made, within those responses, for detailed designs for off-site highway improvements. Therefore, the applicant had not been requested to provide a detailed design. A section 106 agreement and detailed designs for off-site highway improvements could be drawn up. The most recent consultation response had been received in April 2020. The Senior Planning Officer (JM) advised any departure from these requirements would result in the scheme coming back to committee.

In response to suggestions by the Committee to include additional conditions regarding carbon neutrality, all dwellings were required to be built to modern standards and in accordance with the Building for Life 12 standards and would be considered as part of the reserved matters application. In relation to a proposed condition to secure a cycleway/footpath at the western end of the development onto the highway, this would also be considered as part of the reserved matters application. In response to further questions from the Committee, she advised that if the application was deferred for a period of two months it would only result in the receipt of technical drawings for off-site highway improvements from the applicant. The applicant had already agreed to provide the highways works required by the Highways Officer. If these improvements could not be provided, then the matter would be brought back to the Committee for consideration.

In response to a question, the Head of Place advised that if the application was refused and the applicant appealed, that it was likely that the applicant would be successful on the basis of the five year housing land supply.

The Lead Officer Planning Policy advised that the success of any appeal was based on the robustness of any reasons for refusal.

The Solicitor advised that North Devon Council and Devon County Council would be required to draft heads of terms and therefore the terms needed to be clear. Any additional conditions imposed would be required to meet the six tests for imposing planning conditions.

In response to the suggestions of the inclusion of additional conditions, the Senior Planning Officer (JM) outlined the six tests for imposing conditions. In relation to carbon neutrality of dwellings and the inclusion of electric vehicle charging, these would both be considered as part of the reserved matters application. A condition linking footpaths to the highway would be considered as part of the layout as part of the reserved matters application.

RESOLVED (6 for, 5 against, 0 abstained) that the application be APPROVED as recommended by the Head of Place subject to that if there were substantive highways issues that could not be resolved between the Highways Authority and the applicant within the next two months that the application be brought back to the Committee for consideration.

98. ADJOURNMENT OF MEETING

RESOLVED that it being 12.05 p.m. the meeting be adjourned for a five minute comfort break and reconvene at 12.10 p.m.

99. 70467: OUTLINE APPLICATION FOR THE ERECTION OF 26 DWELLINGS AND ASSOCIATED CAR PARKING AND SOME MATTERS RESERVED (APPEARANCE AND LANDSCAPING), LAND OF SOUTHLEY ROAD, SOUTH MOLTON, EX36 4BL

Councillor Chesters returned to the meeting.

The Committee considered a report by the Head of Place (circulated previously).

Councillor Marc Cornelius (South Molton Town Council) addressed the Committee.

Councillors Henderson and Worden (Ward Members) addressed the Committee.

In response to a question, the Planning Officer (DB) confirmed that the application was for the erection of 26 dwellings.

In response to questions, the Lead Planning Officer (JW) advised that the land at Mill Street and Pannier Market end of the site were under separate ownership. The section 106 would require the pavement to be built to an adoptable standard and that the long term aim would be for adoption once the pavement connected to the public highway by Devon County Council.

RESOLVED (9 for, 2 against, 1 abstained) that the application be APPROVED as recommended by the Head of Place.

100. 71912: APPLICATION FOR A NON MATERIAL AMENDMENT TO PLANNING PERMISSION 71405 TO CHANGE APPROVED TIMBER CLADDING TO A COMPOSITE MATERIAL FOR THE ELEVATIONS, TARKA TENNIS CENTRE, SEVEN BRETHERN BANK, BARNSTAPLE, DEVON, EX31 2AS

The Committee considered a report by the Head of Place (circulated previously).

Molly Leonard (agent) addressed the Committee.

RESOLVED that it being 1.00 p.m. that the meeting continue in order for the remaining business to be transacted.

Councillor Knight (in his capacity as Ward Member) addressed the Committee.

In response to questions, the Lead Planning Officer (JW) advised that the change of the approved timber cladding to a composite compressed fibre cladding material for the elevations was considered to be more appropriate for a modern design building. The composite material would visually look like timber and would have a softening impact. Concerns had been raised regarding the timber claddings ability to stand up to weather erosion.

RESOLVED (10 for, 1 abstained, 1 against) that the application be APPROVED as recommended by the Head of Place.

101. APPEALS REPORT

The Committee considered and noted a report by the Head of Place (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

Chair

The meeting ended at 1.13 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.