

NORTH DEVON COUNCIL

Minutes of a meeting of the PLANNING COMMITTEE held at the Rugby Club, Barnstaple on Wednesday 14th March 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Ley (Chair)

Councillors Bonds, Chesters, Crabb, Edmunds, Fowler, Lane, Moore, Prowse, Spear, Tucker, Wood, Worden and Yabsley.

Officers:

Chief Planning Officer, Lead Planning Officer (JW), Senior Planning Officers (S-J M-S, MP, MB and TB), Solicitor (DH) and Senior Corporate and Community Services Officer (BT).

Also Present:

Councillors Biederman, Brailey, R. Cann and Wilkinson.

107 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Croft and Flynn. Councillor Barker had been appointed to substitute for Councillor Flynn.

108 MINUTES

RESOLVED that the minutes of the meeting held on 14th February 2018 (circulated previously) be approved as correct record and signed by the Chairman.

109 DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Barker Planning application 61119: Personal interest as a Member of the North Devon Crematorium Joint Committee.

Councillor Lane Planning application 61119: Personal interest as a Member of the North Devon Crematorium Joint Committee.

Councillor Prowse Planning application 64454: Disclosable pecuniary interest as the applicant.

Councillor Spear Planning application 64454: Disclosable pecuniary interest as the applicant was his brother-in-law.

Councillor Wood Planning application 64322: Personal interest as a Member of Fremington Parish Council who rent the land from North Devon Council.

Councillor Yabsley Planning application 61119: Personal interest as the Chair of the North Devon Crematorium Joint Committee.

110 61119: ERECTION OF 236 DWELLINGS, ACCESS OFF OLD TORRINGTON ROAD & ASSOCIATED WORKS (AMENDED PLANS & DOCUMENTATION)(FURTHER AMENDED PLANS & ECOLOGICAL REPORT)(AMENDED DESCRIPTION), LARKBEAR, TAWSTOCK, BARNSTAPLE

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (S-J M-S) reported the receipt of 11 additional letters of representation received since the publication of the agenda in relation to the bus gate.

Michael Pagram (objector), Michael Pagram (on behalf of Michelle Ward – objector), Helen Blackman (objector), Mr Howell (objector) and Andy West (applicant) address the Committee.

Councillor Mathews addressed the Committee as Devon County Council Member.

Councillor Brailey (Ward Member) addressed the Committee.

Councillor Biederman (adjoining Ward Member) addressed the Committee.

The Chief Planning Officer confirmed that when the Committee in September 2017 resolved to defer the application, it requested that officers negotiate with the applicant in relation to the relocation of the bus gate prior to the commencement of development. This was a steer by the Committee to assist officers in the negotiations. Since that time officers had undertaken negotiations with the applicant. A meeting had been held with planning officers, the applicant and Highways Authority during February 2018. The applicants had considered the Committee's request for the relocation of the bus gate to be secured prior to commencement of works and were aware of the strength of feeling of the community in this regard; however, the applicants had advised that they cannot accept a pre-commencement condition, which precluded any development happening at this site when they had no control over the success or timing associated with the Traffic Regulation Order. The applicants had offered to seek to provide the relocation of the bus gate much earlier than had been secured previously as part of the outline application and were offering to make reasonable endeavours to meet the timetable as detailed on page 6 of the report. Only a small number of

dwellings would be built during the first 12 month period, therefore it was considered that there would be no material planning impact

Councillor Yabsley declared a personal interest as a Member of Devon County Council and Chair of North Devon Highways and Traffic Orders Committee.

The Highways Officer (PY) advised the Committee of his attendance at the meeting with the applicant in February 2018. There had been no progress since the September 2017 Committee meeting in relation to securing a traffic regulation order and if an application had been made at that time, there would have been certainty regarding the relocation of the bus gate. There was no guarantee that an application for a traffic regulation order to relocate the bus gate would be successful.

The Chief Planning Officer advised that a condition could be imposed requiring a traffic regulation order to be submitted within a set timescale, as set out on page 6 of the report and suggested that the wording of the conditions be agreed with Ward Members.

The Highways Officer (PY) confirmed that it would be reasonable to assume that the time taken for processing an application for a traffic regulation order would be approximately three months. The Highways Authority was still awaiting detailed drawings from the applicants to enable the valuation of works to be calculated. He expressed concern regarding the delivery of the new junction on the A361.

The Lead Planning Officer (JW) advised that it was not reasonable for the Planning Authority to require the applicant to provide full engineering drawings as part of the planning application. The infrastructure development contributions would be index linked and should contribute 29% of total cost of the scheme based on costings provided at this stage in the Transport Assessment. The trigger point for the delivery of the junction on the A361 was 450 dwellings in the outline application. The figures were based on the developers own costings to undertake such works. She confirmed that all triggers were in place to secure the delivery of the junction on the A361.

The Senior Planning Officer (S-J M-S) explained that the Highways Authority had not advised that it would object to the application if they failed to grant the traffic regulation order.

The Chief Planning Officer advised that a condition could not be imposed restricting the sale of dwellings prior to securing a traffic regulation order. It was recommended that the wording of the conditions be delegated to the Chief Planning Officer to ensure that they were robust. It was not necessary for the applicants to engage with the local community on the traffic regulation order as the applicants would have already consulted with the local community as part of the planning application process. Only consultation with the Crematorium would be required. The timetable offered by the applicant could be amended to ensure the delivery of the bus gate more quickly.

RESOLVED (13 for, 1 against, 0 abstained) that the application be APPROVED as recommended by the Chief Planning Officer subject to the delegated authority given to the Chief Planning Officer to apply appropriate conditions in consultation with the Ward members and adjoining Ward Members and that the following conditions be reflected in the Section 106 heads of terms in relation to the timescales to provide the relocation of the bus gate:

- (a) within three months of the issuing of the decision notice, the applicants engage with the Crematorium to gain their views of the location, type and form of the required bus gate;
- (b) within three months of the issuing of the decision notice the applicants submit a traffic regulation order application to Devon County Council;
- (c) within nine months of the issuing of the decision notice the applicants construct the bus gate.

111 **ADJOURNMENT OF MEETING**

RESOLVED that the meeting be adjourned to enable a five minute comfort break.

RESOLVED that the meeting be re-convened to consider the remaining business.

112 **61689: OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR ERECTION OF 12 DWELLINGS (4 AFFORDABLE & OPEN MARKET) TOGETHER PUBLIC OPEN SPACE, ATTENUATION POND AND ASSOCIATED LANDSCAPING (AMENDED DESCRIPTION)(AMENDED DRAWINGS)(AMENDED DRAINAGE, FLOODING & HIGHWAYS INFORMATION), LAND ADJACENT TO STATION HILL & ARCHIPARK, SWIMBRIDGE, BARNSTAPLE, EX32 0QS**

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (TB) reported that since the publication of the agenda the receipt of a response from the Devon County Council Archaeologist advising that the application had no impact and from Mr Alan Williams (objector) raising concerns with Swimbridge having recently suffered flooding that the new development would intensify the risk of flooding.

Melanie Rhodes (objector) and Maria Bailey (agent) addressed the Committee.

RESOLVED (unanimous) that the application be APPROVED subject to the completion of a section 106 agreement as recommended by the Chief Planning Officer.

113 **64122: ERECTION OF ONE TEMPORARY RESIDENTIAL DWELLING IN CONNECTION WITH THE OPERATION OF A HORTICULTURAL ENTERPRISE, ERECTION OF GARDEN BOUNDARY FENCE TO DELINEATE ASSOCIATED AMENITY SPACE, ERECTION OF TWO DOMESTIC WIND TURBINES TO FRONT OF DWELLING, FORMALISATION OF ACCESS ROAD TO PARKING AND TURNING AREA, AND RETROSPECTIVE APPLICATION FOR WIDENING OF VEHICULAR ACCESS AND ERECTION OF GATES, WILLOW SPRINGS / MORTEHOE FRUIT FARM, POOL LANE, MORTEHOE, EX34 7AP**

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

Nigel Salmon (objector) and Paul Thomas (objector) addressed the Committee.

Councillor Wilkinson (Ward Member) addressed the Committee.

RESOLVED (unanimous) that the application be REFUSED as recommended by the Chief Planning Officer.

114 **64313: REPLACEMENT OF THIRD FLOOR EXTERNAL STRUCTURE TO FACILITATE THE IMPLEMENTATION OF PRIOR APPROVAL 64114 (CHANGE OF USE OF FIRST, SECOND AND THIRD FLOORS FROM B1(A)(OFFICES) TO C3 (DWELLINGHOUSES)(31 FLATS)), REGENT HOUSE, QUEEN STREET, BARNSTAPLE, EX32 8RR**

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (MB) advised that Building Control had confirmed that the applicant had addressed the concerns raised and that the Heritage and Conservation Officer did not consider the application would have an impact on the conservation area.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer subject to conditions 6 and 7 being amalgamated to allow for the consideration of materials.

As a result condition 6 to read:-

(6) The external finishing materials to be used for the development hereby permitted shall not be installed until details of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority.

115 **64322: APPLICATION UNDER REGULATION 3 OF T & C P
GENERAL REGULATIONS 1992 FOR EXTENSION TO &
CONVERSION OF WATER TOWER TO FORM A POTTER'S
STUDIO & RETAIL OUTLET, WATER TOWER, FREMINGTON
QUAY, FREMINGTON**

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (S-J M-S) reported that since the publication of the agenda the receipt of a petition objecting to the application which gave no reason for the objection and further letter of representation objecting to the rationale of the scheme. She advised that the 'Issues raised by members of the public' in the report should be extended to include foul drainage proposal, amenity concerns and Impact on the Conservation Area, all of which are considered in the report and that Fremington Parish Council had advised of two typographical errors. One error was on page 154 whereby the reference to the road should have been "B3233" and not "B3232" and the other error was on page 155, first paragraph under conclusion should have stated "Fremington Quay" and not "Yelland Quay".

The Senior Planning Officer (S-J M-S) advised that since writing the report Fremington Parish Council had resolved not to allow the use of the Fisherman's car park for parking and as such she recommended that a Grampian condition be imposed requiring a parking strategy to be in place and replacement parking provided prior to commencement of the development.

David Jury (objector), David Jury (on behalf of Peter Morris – objector), Mr Danks (objector) and Councillor David Chalmers (representing the Parish Council) addressed the Committee.

Councillor R. Cann (Ward Member) addressed the Committee. He declared a personal interest as a North Devon Council representative on the Fremington Quay Community Interest Group and a Member of Fremington Parish Council.

Councillor Biederman (adjoining Ward Member) addressed the Committee. He declared a personal interest as a Member of Fremington Parish Council and a member of the Fremington Quay Management Committee.

RESOLVED (unanimous) that the application be DEFERRED pending the receipt of the following information:

- (a) consultation response being sought from the Highways Authority regarding impact of this development on the highway network;
- (b) a car parking strategy for Fremington Quay;
- (c) consultation response being sought from Environmental Health regarding noise, fumes and disposal of waste;
- (d) confirmation regarding land ownership; and
- (e) timescales for the grant funding stream.

116 CONTINUATION OF MEETING

RESOLVED that it being 1.05 pm that the meeting continue in order for the remaining business to be transacted.

117 64359: REPLACEMENT OF ROOF TOGETHER WITH INTERNAL & EXTERNAL ALTERATIONS, MILL COTTAGE, HIGH STREET, SWIMBRIDGE, BARNSTAPLE, EX32 0PR

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

118 64360: LISTED BUILDING APPLICATION FOR REPLACEMENT OF ROOF TOGETHER WITH INTERNAL & EXTERNAL ALTERATIONS, MILL COTTAGE, HIGH STREET, SWIMBRIDGE, BARNSTAPLE, EX32 0PR

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

119 64454: EXTENSION & ALTERATIONS TO DWELLING, MIDDLE KNIGHTACOTT, BRATTON FLEMING, BARNSTAPLE, EX31 4SF

Councillors Prowse and Spear declared disclosable pecuniary interests and left the room during the consideration thereof.

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

Councillor Chesters declared a personal interest as the agent was her architect.

Matt Steart (agent) confirmed that he did not wish to address the Committee.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

120 **64540: CONVERSION OF GARAGE TO ADDITIONAL LIVING ACCOMMODATION, TERRINGTON HOUSE, BRADIFORD, BARNSTAPLE, EX31 1QZ**

Councillors Prowse and Spear returned to the meeting.

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (MB) advised that Barnstaple Town Council had recommended approval subject to no adverse comments being received from the neighbour.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

121 **PLANNING COMMITTEE: DATE OF MEETING SCHEDULED IN MAY 2018**

RESOLVED that the date of the meeting of the Planning Committee which was scheduled to be held on Wednesday 16th May 2018 be changed to Wednesday 2nd May 2018 at 10.00 am owing to the unavailability of the Rugby Club.

Chairman

The meeting ended at 1.19 p.m.

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