

**NORTH DEVON COUNCIL**

Minutes of a meeting of the PLANNING COMMITTEE held at the Rugby Club, Barnstaple on Wednesday 13<sup>th</sup> June 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Ley (Chair)

Councillors Bonds, Chesters, Edmunds, Flynn, Fowler, Gubb, Lane, Leaver (for minutes 16 to 20), Luggar (substitute for Councillor Croft), Prowse, Spear, Tucker, Worden and Yabsley.

Officers:

Head of Corporate and Community Services, Lead Planning Officers (BP and JW), Senior Planning Officer (MB), Solicitor (DH) and Senior Corporate and Community Services Officer (BT).

Also Present:

Councillors Biederman, Moores and White.

**13 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Croft. Councillor Luggar had been appointed as a Substitute Member in Councillor Croft's absence.

**14 MINUTES**

RESOLVED that the minutes of the meetings held on 11<sup>th</sup> April 2018 and 8<sup>th</sup> May 2018 (circulated previously) be approved as correct records and signed by the Chairman.

**15 DECLARATIONS OF INTEREST**

The following declarations of interest were announced:

Councillor Bonds	Planning application 63290: Prejudicial interest as the applicant undertook work for his company sometimes.
Councillor Chesters	Planning application 63290: Prejudicial interest as owned a property close by.
Councillor Edmunds	Planning application 62344: Personal interest as a Member of Ilfracombe Town Council.

Councillor Flynn                      Planning application 64068: Personal interest as the applicant was known to her.

Councillor Fowler                     Planning application 62344: Personal interest as a Member of Ilfracombe Town Council.

**16                      63290: OUTLINE APPLICATION FOR DEMOLITION OF EXISTING MAINTENANCE & REPAIR WORKSHOP & ERECTION OF 4 OPEN MARKET & 2 AFFORDABLE DWELLINGS (ALL MATTERS RESERVED), FAIR OAK FARM, BRAUNTON ROAD, BARNSTAPLE, EX31 4AU**

Councillors Bonds and Chesters declared prejudicial interests in the above application and left the room during the consideration thereof.

The Committee considered a report by the Head of Corporate and Community Services (circulated previously – now appended).

The Senior Planning Officer advised that the report contained some inaccuracies with regard to the relocation of the business and that the report needed to be amended to clarify that the Pottington business had relocated to the Anchor Mills site and that it had not relocated from the Ashford site. He highlighted the inaccuracies within the report, particularly in relation to the following paragraphs:

- Page 4 “Economic Argument”:
  - Third paragraph, second sentence to be amended to “The argument was put forward that the sale of the present site would assist in the redevelopment of the site at **Anchor Mills**, make the relocation viable and “enable the applicant to move his business forward””.
  - Fourth paragraph to be amended to “Members should note however that the applicant has already relocated **the Pottington operation to Anchor Mills but continued to operate as always at the Fair Oak site.**
  - Sixth paragraph, omit “Given the fact that it has already taken place.”
  - Ninth paragraph, to be amended to “However, for the reasons noted above, approval of the scheme as presently presented may not be supported on planning grounds on the basis of economic cross-subsidy”.

The Senior Planning Officer advised that the decision notice had not been issued and the legal agreement had now been drafted. Since the application had been considered a letter had been received from Richard Buxton Environmental and Public Law on behalf of a local resident, a copy of which had been attached to the agenda requesting that the application be reconsidered as the Committee had “approached the matter wrongly in particular by taking into account the economic benefit to the business as a

whole as a material consideration in granting planning permission". He advised that the Head of Corporate and Community Services had sought advice from Counsel, and this was summarised in the report as necessary. The Committee was therefore required to re-consider the application.

Councillor Leaver arrived.

Steven Bunce (supporter), Alan Gordon-Lee (supporter), Andrew Evans (objector) and Nick Sampson (applicant) addressed the Committee.

Alan Gordon-Lee (supporter) advised that the applicant had submitted a request to view the instructions to Counsel and a full copy of Counsel's advice and therefore requested that the Committee defer the consideration of the application for two cycles to give the applicant the opportunity to view this information and for officers to correct the inaccuracies within the report.

The Head of Corporate and Community Services advised that the applicant had requested a copy of Counsel's advice, however the request had been refused as it was private to the Council and contained privileged information. He reported that the Council had now received a Freedom of Information request which was currently being processed. He was satisfied that any misunderstanding regarding the relocation of the premises to Anchor Mills had now been satisfactorily addressed following the presentation made by the Senior Planning Officer. As the decision notice had not been issued, the Committee could reconsider its decision and the report contained all issues relating to the application.

RESOLVED (9 for, 0 against, 2 abstained) that the application be APPROVED for the following reasons:

- (a) the overall economic benefit to the whole of North Devon outweighed any harm;
- (b) it would improve the visual impact from the Tarka Trail;
- (c) the environmental benefit from the removal of the conflicting use from the area;
- (d) the substantive benefit in relation to the provision of affordable housing as there were no other allocated sites in the parish.

Councillors Bonds and Chesters returned to the room.

**17            62344: ERECTION OF 4 FLOODLIGHTS (AMENDED LIGHTING SCHEME), THE BENDRICKS SKATE PARK, LARKSTONE GARDENS, ILFRACOMBE**

The Committee considered a report by the Head of Corporate and Community Services (circulated previously – now appended).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Corporate and Community Services.

**18            63710: ERECTION OF A FREE-RANGE EGG PRODUCTION UNIT TOGETHER WITH FEED SILOS, HARD STANDING & NEW ACCESS & SITING OF A TEMPORARY SUPERVISORY DWELLING (AMENDED PLANS AND ADDITIONAL INFORMATION) (AMENDED PLANS), BROADVIEW, ROAD FROM EASTACOTT CROSS TO BROADMOOR CROSS, UMBERLEIGH, EX37 9DW**

The Committee considered a report by the Head of Corporate and Community Services (circulated previously – now appended).

The Lead Planning Officer advised that the Devon County Council Lead Local Flood Authority were now satisfied with the amended scheme and therefore had withdrawn their objection subject to the inclusion of a condition requiring a drainage management scheme to be in place during the construction phase. The Lead Planning Officer recommended that this condition was delegated to officers to resolve.

Christopher Sherwood (objector), Maria Bailey (agent) and Brian Webber (son of applicant) addressed the Committee.

Councillor White (Ward Member) addressed the Committee.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Corporate and Community Services subject to the wording of drainage conditions to include the requirement of a drainage management scheme to be in place during the construction phase being delegated to the Head of Corporate and Community Services.

**19            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.

**20            64068: RESERVED MATTERS APPLICATION FOR ERECTION OF TEN DWELLINGS (OUTLINE PLANNING PERMISSION 58606) (AMENDED DRAWINGS), THE PONY FIELD, LAND NORTH OF MARINE PARADE, INSTOW EX39 4LF**

The Committee considered a report by the Head of Corporate and Community Services (circulated previously – now appended).

The Lead Planning Officer (JW) advised the Committee that a number of late letters or representations had been received since the publication of the agenda from Jacqueline Hopson (Company Secretary – Neatwelcome), Instow Parish Council, South West Water, Environment Agency, Devon County Council Lead Local Flood Authority and Environmental Health and that a copy of their representations had been circulated via email to all Members of the Committee on 12<sup>th</sup> June 2018. A copy was tabled. She also reported the receipt of a further late letter of representation today from Robert Allen. She outlined the late representations received to the Committee.

The Committee noted that reference to Local Plan Policy INS03 had not been included within the list on page 55 of the report.

The Lead Planning Officer (JW) advised that following the comment made by Instow Parish Council in the late representation, South West Water had been contacted and confirmed that there were “no issues with this application which has been reviewed on a number of occasions due to concerns from residents connecting to the public foul sewer network which has capacity to accept its foul flows.” Devon County Council Lead Local Flood Authority had advised that they were unable to withdraw their objection but would be happy to provide a further substantive response when the applicant had formally submitted additional information in relation to surface water drainage aspects and clarification as to who would be responsible for the maintenance of the proposed surface water drainage system, likely maintenance requirements and whether a permanent water level was still proposed within the basin. Therefore, it was recommended that the wording of conditions in relation to future management and monitoring arrangements for surface water drainage and the design and construction of the estate road and lighting be delegated to the Head of Corporate and Community Services.

Pauline Allen (on behalf of Anne Jenkin – objector), Robert Allen (objector), Mr Mellor (objector), Mr Roper (objector) and Mr John Shardelow (agent) addressed the Committee.

Councillor Moores (Ward Member) addressed the Committee.

Councillor Biederman addressed the Committee as Devon County Council Member.

The Lead Planning Officer stated that she would confirm that the height of the bund was sufficient with the Environment Agency. She confirmed that Instow

Parish Council and North Devon Council had declined the opportunity to take over the management of the public open space. The public open space would be maintained by a management company.

RESOLVED (11 for, 1 against, 1 abstained) that the application be APPROVED as recommended by the Head of Corporate and Community Services subject to the wording of conditions being delegated to the Head of Corporate and Community Services in relation to the following:

- (a) future management and monitoring arrangements for surface water drainage to the satisfaction of the Lead Flooding Authority;
- (b) the design and construction of the estate road and lighting.

Chairman

The meeting ended at 12.22 p.m.

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