

NORTH DEVON COUNCIL

Minutes of a meeting of the PLANNING COMMITTEE held at the Rugby Club, Barnstaple on Wednesday 10th October 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Bonds, Chesters, Crabb, Edmunds, Flynn, Gubb, Lane, Leaver, Prowse, Spear, Tucker, Worden and Yabsley.

Officers:

Head of Place, Head of Corporate and Community Services, Lead Planning Officer (BP), Senior Planning Officer (MB) and Senior Corporate and Community Services Officer (BT).

53 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Croft and Fowler.

54 MINUTES

RESOLVED that the minutes of the meeting held on 12th September 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

55 ITEM BROUGHT FORWARD BY THE CHAIRMAN

(a) Order of agenda

RESOLVED that planning application 65465 be considered prior to planning application 63167 on the agenda.

56 DECLARATIONS OF INTEREST

The following declarations of interest was announced:

Councillor Worden Planning application 63167: Personal interest as knew some of the objectors.

57 65465: LISTED BUILDING APPLICATION FOR INSTALLATION OF FLUE TO THE ROOF OF THE BUILDING TOGETHER WITH INTERNAL ALTERATIONS TO ENABLE A SHOPFIT, 16 BUTCHERS ROW, BARNSTAPLE, EX31 1BW

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

The Senior Planning Officer (MB) reported the receipt of two additional late letters of representations received from the occupier of the public house (Dawn Blackmore) and brewery (Hugh O'Rourke) seeking assurance that there would be no unacceptable impact in relation to odour. Advice had been previously sought from Environmental Health in relation to this issue and any impacts were deemed to be acceptable.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place.

58 63167: DEMOLITION OF EXISTING HOTEL, ERECTION OF 23 DWELLINGS, FORMATION OF NEW PUBLIC OPEN SPACE, EXTENSION TO EXISTING CAR PARK, ERECTION OF CAFÉ AND WC BLOCK AND ASSOCIATED LANDSCAPING, DRAINAGE AND HIGHWAY WORKS (AMENDED PLANS AND DOCUMENTS) (REVISED INFORMATION) (ADDITIONAL INFORMATION), LEE BAY HOTEL, LEE, ILFRACOMBE, EX34 8LR

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

The Lead Planning Officer (BP) reported that since the publication of the agenda the receipt of a petition from Lee and Lincombe Residents Association containing in excess of 3000 signatures, three letters of objections, one letter from the agent with associated documents which had been sent to all Members of the Committee, response from the Landscape and Countryside Officer and statements received from Ward Members Councillors Fowler and Meadlarkin.

The Lead Planning Officer (BP) outlined the issues raised in the three late letters of representation. He advised that the Landscape and Countryside Officer had no objection in principle and recommended conditions if the application was granted approval. The applicant had submitted a full viability assessment and had requested that the assessment be kept confidential. Therefore, the Council's own advisor had been requested to provide an opinion on the viability of the site for both 23 and 18 unit schemes and had concluded that a scheme of 18 dwellings was viable. The conclusion was public information. A copy of the response from the Council's advisor was tabled.

The Lead Planning Officer (BP) advised that should the application be refused he recommended that an additional reason "there was no section 106 agreement in place" be included.

Councillors Crabb and Edmunds declared personal interests as Members of Ilfracombe Town Council as the Town Council owned the public conveniences in Lee.

Eric Couling (objector), Alan Bannister (objector), Lucy Scarrott (objector), Bill Harvey (objector), Pat Coates (objector), Paul Scarrott (objector), Daniel Lugsden (agent) and Duncan Powell (applicant) addressed the Committee.

The Senior Corporate and Community Services Officer read out statements received on behalf of Councillors Fowler and Meadlarkin (Ward Members) who were unable to attend the meeting.

In response to questions, the Lead Planning Officer (BP) advised that a condition could not be imposed regarding the occupancy of the dwellings. The pallet of materials proposed that had been negotiated reflected the conservation area of Lee. The Ministerial Statement advised that if a new development was less than the existing floor area, then the vacant building credit could be applied and there was no requirement to provide affordable housing. A judgement had to be made as to whether the building was abandoned and it was considered that it was not abandoned. The applicant had submitted a conversion options report in respect of conversion to 14 apartments and had advised that it would not be possible to proceed with such conversion due to financial and technical reasons relating to the condition of the existing building. The Conservation Officer had advised that the building should be conserved and converted. In response to a question he confirmed that there was no school in the village and a housing local needs survey had not been undertaken recently to his knowledge. It was considered that a smaller number of units on the site would be more acceptable. Reason two for refusal was in relation to development in an area of outstanding natural beauty and did not just refer to design and appearance but to the range of tests set out in the National Planning Policy Framework for major development in an AONB.

The Head of Corporate and Community advised that there was a duty to take a decision in accordance with the Development Plan unless material considerations dictate otherwise which included the emerging Local Plan. The amount of weight given changed at different stages of the adoption of the Local Plan. He confirmed that significant weight could be given to policies within the emerging Local Plan. The current Development Plan and policies were taken into account when a decision was taken.

The Head of Place confirmed that the policies within the emerging Local Plan in relation to environment and landscape were not significantly different to the current Local Plan. Therefore the policy context would not change between now and when the emerging Local Plan was adopted.

RESOLVED (10 for, 0 against, 3 abstained) that the application be DEFERRED for one cycle pending negotiations being undertaken between the applicant and Head of Place regarding the reduction of the number of units, redesign of the scheme to open up the centre of the site, provision of affordable housing and to secure a section 106 agreement to be agreed in principle for contributions for public open space and education.

Chairman

The meeting ended at 11.50 a.m.

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