

NORTH DEVON COUNCIL

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

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Bonds, Chesters, Crabb, Edmunds, Edgell (substitute for Councillor Yabsley), Fowler, Gubb, Lane, Leaver, Prowse, Spear, Tucker and Worden.

Officers:

Lead Planning Officer (BP), Senior Planning Officer (TB), Solicitor (DH), Senior Lead for Environmental Protection (AC) and Senior Corporate and Community Services Officer (BT).

Also Present:

Highways Officer (PY) Devon County Council

59 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Croft, Flynn and Yabsley (substitute appointed Councillor Edgell).

60 MINUTES

RESOLVED that the minutes of the meeting held on 10th October 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

61 DECLARATIONS OF INTEREST

The following declarations of interest was announced:

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

62 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 provided an update following the deferral of the application at the meeting of the Committee on 10th October 2018. He advised that since the publication of the agenda, a further 11 additional letters of objection had been received which raised no new issues. An email had been received from the agent on 12th November 2018, which had been circulated to all Members of the Committee via email on 13th November 2018 which requested that the Committee defer consideration of the application to allow the viability review process to be finalised and re-consulted upon. He read the contents of the email to the Committee. He recommended that consideration of the application be deferred for maximum of three cycles and that it be brought back to the committee prior to that date if possible.

The Chairman asked whether those persons registered to address the Committee still wished to speak in light of the officer's recommendation.

Alan Bannister (objector) addressed the Committee.

RESOLVED (unanimous) that consideration of the application be DEFERRED for maximum of three cycles and that it be brought back to the committee prior to that date if possible.

63 64059: RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 1 - 4) OAKLANDS POULTRY FARM (PT HILLANDS) EAST ANSTEY EX36 3PH

64060 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 5 -8)

64061 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 9 – 12)

64062 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 13 - 16)

64063 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 17 - 20)

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

Kevin Bateman (supporter), Mike Bellamy (supporter), Councillor Ian Vigus (East Anstey Parish Council representative), Helen Pearce (objector), Lucie Moore (objector), Heather Warne (objector), Ian Bew (objector) and Councillor Reg Howe (representing Knowstone Parish Council) addressed the Committee.

In response to a question, the Senior Planning Officer confirmed that planning application 62753 for the construction of an agricultural building for rearing young poultry had been granted under delegated powers in 2017.

In response to questions, the Senior Lead for Environmental Protection referred to the consultation response contained within the report. He had requested that the applicant submit detailed information on how waste would be managed in the form of a Manure and Fly Management Plan. The applicant had now provided a Plan which set out ways to minimise the environmental impact and he was satisfied with the contents of the plan. He was unaware of details as to how the applicant was disposing of the waste.

The Senior Planning Officer confirmed that the waste was not being spread on the site.

The Chairman advised that the agent had confirmed at the site inspection on 7th September 2018 that the waste was being transported to Bishops Tawton.

In response to questions, the Senior Lead for Environmental Protection advised that if any complaints were received in relation to odour from the transfer of waste, they would be investigated under the statutory nuisance regime. He suggested that the containers used for the transfer of chicken waste could be enclosed to minimise complaints regarding odour. The Environment Agency had made no comment on the application. He confirmed that a number of complaints had been received from residents at Blackerton regarding odour and flies. These complaints had been investigated. One particular complaint related to a neighbouring farmer spreading chicken waste on a field. The management controls in place were considered to be acceptable. All complaints had now been closed and the residents had been advised. If there were any other issues, the residents had been advised to contact Environmental Health. There were currently no other statutory complaints. The consultation response submitted was based on information provided by the applicant and on professional judgement on larger developments in other parts of the country where the poultry units were closer to residential properties.

In response to questions, the Highways Officer advised that the starting point for considering visibility from a site was based on an increase in traffic movement and change in character of traffic to be generated. It was difficult to quantify the traffic

movements currently. There was little control that could be placed in planning terms as to where the removal of waste was transported and the delivery of food stuff. It would be difficult to enforce the routes of vehicles to and from the site. It was recognised that there would be some increase in traffic movements, however the applicant had stated it would be minimal. The B3227 was a fast, free flowing class 2 county road. There was a need to consider the number of accidents and the potential increase. The element of risk for an accident would be serious or fatal due to the nature of the road and slow moving vehicles. The applicant had been requested to undertake a formal speed assessment. From the top 85 percentile of speeds, it had been calculated that the fixed design speed was 56mph. Following this assessment the appropriate level of guidance had been considered by the County Highways Department. The Manual for Streets Guide requires visibility of 160 metres in each direction. However, it was not considered appropriate to rely upon this guidance in relation to this application. Instead, the Highways Officers advised that the Design Manual for Roads and Bridges which requires visibility of 215 metres in each direction was considered to be the minimal acceptable standard. Although improvements had been made to the visibility, there were still significant shortfalls in the level of visibility. An increase in traffic would generate additional risk to the sub-standard visibility. He confirmed that a traffic count had not been undertaken as it was not considered necessary.

In response to a question, the Senior Planning Officer advised that it was not considered that the site was located in a Sites of Special Scientific Interest (SSSI) impact risk zone, therefore Natural England had not been consulted. The proposed development had been screened and was not subject to Environmental Assessment.

In response to questions, the Solicitor advised that the loss of the delivery of affordable housing in relation to application 55662 could potentially be a material consideration if it can be shown that the development would have an impact on the value of the open market dwellings which could then impact upon the delivery of the affordable housing. However, there was currently no evidence available to support this assertion.

In response to a question, the Senior Planning Officer confirmed that condition 5 would require an ecological impact assessment to be undertaken prior to any works being undertaken to the visibility splays.

RESOLVED (unanimous) that the applications be DEFERRED for a maximum of three cycles to enable the Head of Place to:

- (a) Obtain evidence regarding whether the applications would have an impact on the viability of planning application 55662;
- (b) Have the opportunity to investigate how and where waste was being transported;
- (c) Check whether the site was in a SSSI Impact Risk Zone.

The Committee requested that when the applications were reconsidered that the location plan identify each planning application and measurements of distances between the site and residential properties at Blackerton.

64 **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.

65 **65312: FLOOD DEFENCE IMPROVEMENT WORKS COMPRISING THE PART REMOVAL AND REPLACEMENT OF A FLOOD WALL ALONG THE SOUTHERN BANK OF THE RIVER TAW, OPEN SPACE, BARNSTAPLE**

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

Mark Cullen (agent) addressed the Committee.

Following questions, the Senior Planning Officer advised that she would liaise with the applicant regarding the type of material used for the finish on the flood wall due to the concern raised that use of render would encourage graffiti.

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

66 **65329: LISTED BUILDING APPLICATION FOR THE INSERTION OF AN EXPANDING FOAM SEAL ON THE WEST, EAST SIDE AND THE JUNCTION OF THE PROPOSED NEW FLOOD DEFENCE WALLS, LONG BRIDGE, THE SQUARE, BARNSTAPLE**

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

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

67 **65497: CONVERSION OF AGRICULTURAL BUILDING TO FORM LIVE/WORK UNIT (PART RETROSPECTIVE), DEER HAVEN, GREEN LANE, SWIMBRIDGE, BARNSTAPLE, EX31 0FF**

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

Maria Bailey (agent) and Tamar Venner (on behalf of the applicant) addressed the Committee.

In response to a question, the Senior Planning Officer confirmed that the application did not meet the requirements of Policy DM27 within the Joint Local Plan.

RESOLVED (7 for, 4 against and 0 abstained) that the application be DEFERRED for one cycle pending a report to be prepared by the Head of Place outlining the implications associated with taking a decision against the officer's recommendation.

Chairman

The meeting ended at 12.49 p.m.

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