



## Public Document Pack

North Devon Council  
Brynsworthy Environment Centre  
Barnstaple  
North Devon EX31 3NP

K. Miles  
Chief Executive.

To: All Members of the Council  
and Chief Officers

**NOTE: PLEASE NOTE THAT PRAYERS WILL BE SAID AT 6.25 P.M. PRIOR TO THE COUNCIL MEETING FOR ANY MEMBER WHO WISHES TO ATTEND**

### **COUNCIL MEETING**

**YOU ARE HEREBY SUMMONED** to attend a meeting of **NORTH DEVON COUNCIL** to be held in the G107, 1st Floor, South West Institute Development Building, Petroc, Barnstaple - Petroc College on **WEDNESDAY, 27TH MARCH, 2024 at 6.30 pm.**

A handwritten signature in black ink, appearing to read 'K. Miles', is written over a light blue horizontal line.

**Chief Executive**

### **AGENDA**

17. Minutes of Committees

Council is recommended to note the schedule of Committee minutes and approve recommendations as listed below:

- (b) Planning Committee (Pages 7 - 12)
  - (ii) 13 March 2024

**If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253**

## **GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL**

### Part 4, Council Procedure Rules of the Constitution

#### **The basics**

At a meeting of Full Council, Members shall stand when speaking unless unable to do so and shall address the Chair.

While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

Unless notice of motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Speeches must be directed to the question under discussion or to be personal explanation or point of order.

A speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.

Speeches by other Members may not exceed 3 minutes without the consent of the Chair, unless when the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.

#### **The rules of Question Time**

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.



### **North Devon Council protocol on recording/filming at Council meetings**

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. Members of the public that attend meetings must be aware that these meetings are open to the public and so therefore both individuals and the Council itself have the right to record the meeting. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chair of the meeting will make sure any request not to be filmed is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chair of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person recording should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be filmed. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be filmed must advise the Chair at the earliest opportunity to allow them to be directed to an area in the room where they will not be caught on camera. Subject to paragraphs 1, 2 and 3 above, audio recordings shall be permitted at all times during public meetings.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

#### **Notes for guidance:**

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email [memberservices@northdevon.gov.uk](mailto:memberservices@northdevon.gov.uk) or the Communications Team on **01271 388278**, email [communications@northdevon.gov.uk](mailto:communications@northdevon.gov.uk).

Room G107 is located on the first floor of the South West Institute Development building at Petroc, Old Sticklepath Hill, Barnstaple, Devon EX31 2BQ. A lift is available to the first floor.

The following page shows a location plan of Petroc.

G Block on the plan indicates the South West Institute Development building.

### **Parking**

Point 5 on the plan indicates the short stay car park which is located adjacent to the South West Institute Development building which is free to park after 5.00 p.m.

### **Cycle Racks**

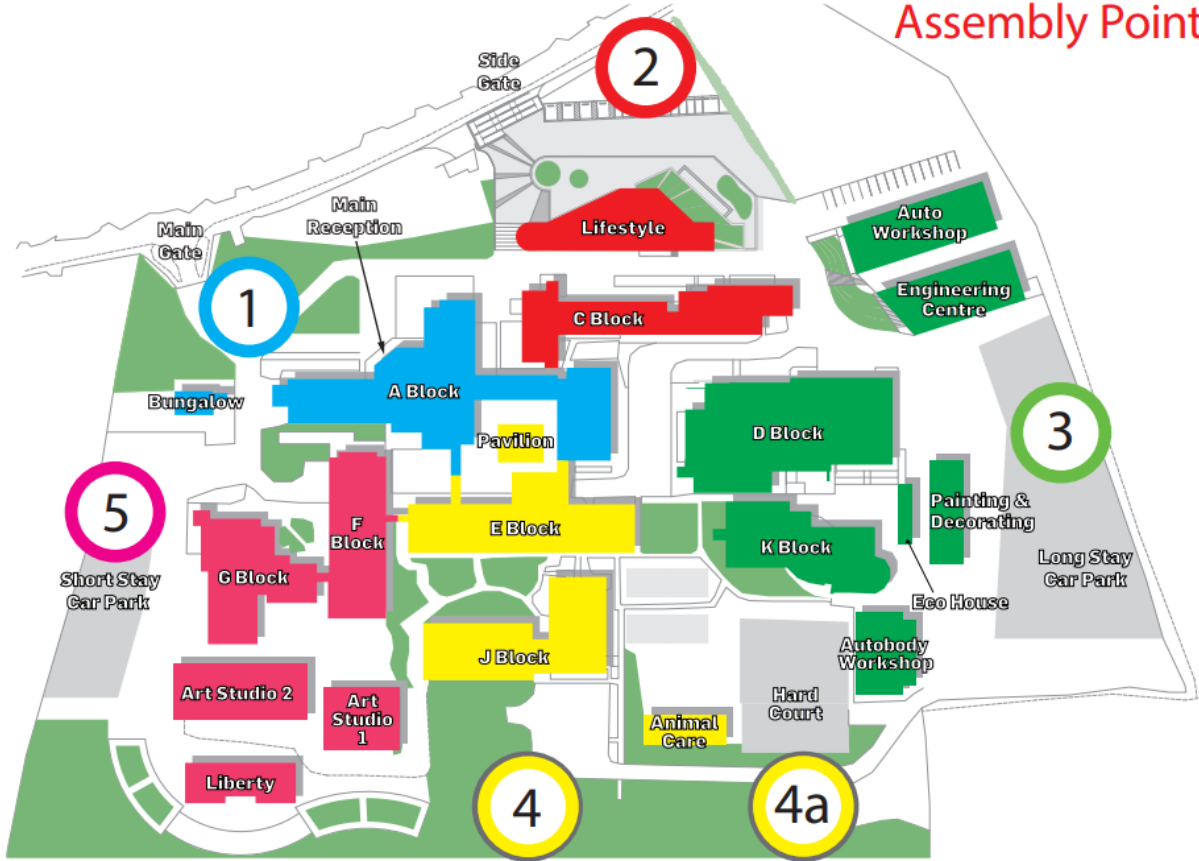
Covered cycle racks are located on the grassed area opposite Petroc's main reception, before the Lifestyle building.

### **Bus Routes**

Stops in **Sticklepath Hill** (East bound) bus service 310  
Wrey Arms (West bound) bus services 5B, 21, 21A, 21C, 62C, 322, 386, 646, 815, 821, 903, 921  
([Sticklepath, Barnstaple – Bus Times](#))

### **Fire evacuation procedures**

Fire evacuation procedures - Upon hearing a constant 2-tone alarm, please leave the building via your nearest marked fire exit and make your way to the nearest assembly point which is the short stay car park (Point 5 on the map). Lifts are not to be used. Please do not take time to pick up personal belongings and leave the building promptly.



**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 13th March, 2024 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Bulled, Crabb, Denton, Haworth-Booth, R Knight, Lane, Maddocks, Prowse, L. Spear, Walker, Whitehead and Williams

Officers:

Service Manager (Development Management), Senior Planning Officer, Legal Advisor and Planning Officer

**78. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor C. Leaver.

**79. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 10TH JANUARY 2024 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 10 January 2024 (circulated previously) be approved as a correct record and signed by the Chair.

**80. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY**

There were no items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.

**81. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Davies – Planning application 78096, disclosable pecuniary interest as the agent.

Councillor R. Knight – Planning application 77944, non registerable interest as a near neighbour and friend of the applicant.

**82. 77944: LAND ADJACENT TO 8 SOUTH VIEW, BISHOPS TAWTON, BARNSTAPLE, DEVON**

The Committee considered a report by the Senior Planning Officer (RB) regarding planning application 77944 (circulated previously).

Kate Nolan (objector) and Graham Townsend (agent) addressed the Committee.

The Highways Officer (PY), Devon County Council Highways Authority addressed the Committee. He advised the following:

- The Highways Authority had raised significant objections to the application.
- As a Highways Authority, it could not prioritise improvements to smaller junctions and access over other priorities.
- The visibility of the access onto the classified highway A377 was restricted by third party boundary walls, with it being 7m and 11m each way. This was below the standard for visibility.
- The applicant's proposal to marking the junction into the carriageway did not make the access safe.
- The reduction in the width of the A377 to such an extent would force vehicles to go over the double white lines which was illegal.
- It was not condoned for a vehicle to have to give way to another vehicle on the A377 when using the junction.
- The access road was a private road and there was no likelihood that this road would become adopted in the future. This would give rise to potential neighbourhood disputes in the future. The responsibility of maintenance of this road would remain with the occupiers. Further development of this site would exasperate the current issues.
- The private access road was only suitable for 3 dwellings and any further development would not result in the access road being adopted.
- There was no scope to make improvements to the access on to the A377.

In response to questions by the Committee, the Senior Planning Officer (RB) advised the following:

- That in terms of whether there had been any changes made to this application following the withdrawal of the application last year, there were no proposed changes in relation to highways and traffic generation. Post application discussions had taken place following the withdrawal of the previous application. It was effectively the same scheme as before.
- In relation to design, discussions had taken place with the applicant to ensure that there was continuous building flow.

The Legal Advisor advised Councillor R. Knight, that he would need to leave the room during deliberations and not able to take part in the vote following his declaration of a non registerable interest.



In response to questions from the Committee, the Highways Officer (PY) advised the following:

- The double white lines straddled the A377. It was illegal for vehicles to park opposite the junction and was an offence for vehicles to pass over the double white lines.
- The Highways Authority was not suggesting that vehicles should park opposite the junction. Vehicles should be parked further away from the junction.
- The width of the A377 had been measured at between 1.5 - 2m at the location of the junction. Any domestic or commercial vehicle would straddle the double white lines.
- The A377 had become a more secondary route to Exeter since the opening of the North Devon Link road.
- The Highways Authority needed to raise the objections to the over intensification of the existing circumstances relating to the junction. The erection of a further single dwelling would exasperate the situation in terms of the junction of being unsafe.
- The absence of accidents in itself did not demonstrate the access/junction to be safe.

In response to questions from the Committee, the Service Manager (Development Management) advised the following:

- The provision of an affordable housing dwelling would need to be considered in accordance with policy ST19. However, the application was for an open market dwelling.
- A proposed dwelling to the front garden, I would question if this would relate to existing built form and it was considered that the application would be contrary to this policy in terms of design.
- The application was outside of the majority of the development boundary.
- The development boundary had been drawn by the Planning Policy team as part of the Local Plan. There may be reasons why part of the site was partially inside and outside of the development boundary. There would be an opportunity to consider this as part of the review of the Local Plan.

Councillor R. Knight left the room prior to deliberations and voting taking place.

RESOLVED (11 for, 1 against, 0 abstained) that the application be REFUSED as recommended by the Senior Planning Officer (RB).

**83.           78056: BRYNSWORTHY ENVIRONMENT CENTRE,  
ROUNDSWELL, BARNSTAPLE, DEVON EX31 3NP**

The Committee considered a report by the Senior Planning Officer (RB) regarding planning application 78056 (circulated previously).

The Senior Planning Officer (RB) reported that since the publication of the agenda, a consultee response from the Lead Flood Authority had been received. He summarised the response to the Committee.

Councillor Crabb left the meeting room and was therefore unable to take part in the vote.

Councillor Denton left the meeting room and was therefore unable to take part in the vote.

In response to questions from the Committee, the Senior Planning Officer (RB) advised the following:

- Currently staff used the footpath that was marked yellow on the proposed site layout plan in the report. Due to the location of the weighbridge, it was proposed that the footpath would be relocated. This would improve the current situation and create a safe footpath for staff.
- Highlighted the proposed safe route for pedestrians on the plan.

In response to a question, the Head of Environmental Enhancement advised that there was currently a marked footpath for staff as marked yellow on the plan which went to the top of the site and provided a safe walkway from the offices to the current modular building. This would be removed and replaced with a footpath on the opposite side of the road.

In response to questions from the Committee, the Service Manager (Development Management) advised the following:

- That there was permission to locate solar panels on the roof of the main building and the Council was currently in the process of applying for grant funding. Separate permission would be required to locate solar panels on the roof of the proposed new building, and it was not part of this application.
- Environmental Health had advised that it was not expected that there would be any contamination, however should any unexpected contamination of soil or groundwater be discovered during the development of the site there was a proposed condition which would cover this.

Councillor Walker addressed the Committee in her capacity as Ward Member.

RESOLVED (11 for, 0 against, 0 abstained) that the application be APPROVED as recommended by the Senior Planning Officer (RB).

**84.           ADJOURNMENT OF MEETING**

RESOLVED that it being 11.15 am that the meeting be adjourned for a short comfort break.

RESOLVED that it being 11.20 am that the meeting be reconvened.

**85.            78096: 2 SOUTH MOLTON STREET, CHULMLEIGH, DEVON,  
EX18 7BW**

Councillor Davies re-declared his disclosable pecuniary interest and left the meeting during the consideration of this item.

Councillor Lane took the Chair.

The Committee considered a report by the Senior Planning Officer (DB) regarding planning application 78096 (circulated previously).

The Committee noted a typographical error within the report and that the name of the agent should have stated “Kevin Davies” and not “Kevin Nursey”.

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

**86.            78163: LAND TO EAST OF VICTORIA PLEASURE GROUNDS,  
WILDER ROAD, ILFRACOMBE**

Councillor Davies returned to the meeting room and took the Chair.

The Committee considered a report by the Planning Officer (KW) regarding planning application 78163 (circulated previously).

The Planning Officer (KW) reported the receipt of a consultation response from Devon County Council Highways Authority since the publication of the agenda. Devon County Council Highways Authority had advised that the relocation of the bus stop would have a detriment to both pedestrians and the highway and raised concerns regarding safety. Therefore, the bus stop would remain in the same location and not moved and that the plans had now been amended to reflect this.

In response to questions from the Committee, the Planning Officer (KW) advised the following:

- The proposed seating would be set back from the road and therefore there would be pavement space for pedestrians to pass. This was a great improvement as there was currently no seating provided for the bus stop.
- The location of the current bus stop.
- The walls would be rendered blockwork. The finials would be cement and the concrete pad would remain as existing. The design, materials and appearance were considered prior to the submission of the application in consultation with the Heritage and Conservation Officer and the Designing Out Crime Officer to ensure that it was functional, safe, usable and sustainable.

In response to questions from the Committee, the Service Manager (Development Management) advised the Committee that consideration would be given to which plans were included within committee reports in future, however it was not possible

to include all plans within reports. All plans were available on the planning portal for Members to view.

Councillor Williams addressed the Committee in her capacity as Ward Member.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Planning Officer (KW) subject to the inclusion of conditions regarding the construction hours and a construction environment management plan.

**87.           APPEAL REPORT**

Councillor Crabb returned to the meeting.

The Committee considered and noted the appeal report by the Senior Planning Support Officer (circulated previously).

The Service Manager (Development Management) provided an update in relation to planning appeals 76435 and 74488.

**88.           TO CONSIDER IF ANY PLANNING SITE INSPECTIONS ARE  
REQUIRED AND TO AGREE THE REASON(S) AND DATE(S) FOR  
THOSE INSPECTIONS TO BE HELD.**

There were no Planning Site Inspections required.

Chair

The meeting ended at 11.54 am

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