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

K. Miles  
Chief Executive.

### **PLANNING COMMITTEE**

A meeting of the Planning Committee will be held in the Barum Room - Brynsworthy on **WEDNESDAY, 3RD APRIL, 2024 at 10.00 am.**

**NOTE:** Please note that copies of letters of representation have been placed on North Devon Council's website and are also available in the Planning Department.

**ALSO:** A break at lunchtime may be taken at the discretion of the Committee dependent upon the speed of progress of determining the planning applications on the agenda.

Members of the Planning Committee                      Councillor Davies (Chair)

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

### **AGENDA**

2. To approve as a correct record the minutes of the meetings held on 28th February 2024 (attached) and 13th March 2024 (attached) (Pages 7 - 12)

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

**NOTE: Pursuant to Part 3, Annexe 1, paragraph 3 of the Constitution, Members should note that:**

*"If a Member:*

- (a) *Arrives at a meeting during the consideration of an item; or*
- (b) *Leaves a meeting at any time during the consideration of an item;*

*They shall not:*

- (i) *propose or second any motion or amendment; or*

(ii) cast a vote

### **REGISTERING TO SPEAK**

- If you wish to address the Planning Committee you should contact the Committee Administrator in advance of the Committee on 01271 388253 or speak to them just before the meeting commences.

### **WHAT HAPPENS AT COMMITTEE?**

- The Chairman will introduce himself/herself
- The Planning Officer will present his/her report
- The Chairman will call out the names of individuals who have registered to speak
- Speakers will be **restricted to 3 minutes each** (which is timed and bleeped). **A maximum of six supporters and six objectors of the application may speak at committee.** The applicant or agent and representative of the parish council may also speak at committee.
- **Once public participation has finished, the Planning Officer will be given the opportunity to respond or to clarify any points that have arisen from the public participation exercise**
- The Members of the Committee shall then debate the application (**at this point the public shall take no further part in the debate**)

### **WHEN SPEAKING**

- State clearly your name, who you are representing and whether you are supporting or objecting to the application
- Speak slowly, clearly and loud enough for everyone to hear you, and direct your comments to the Chairman and the Committee
- Try to be brief, avoid being repetitive, and try to prepare what you want to say beforehand.

### **WHAT HAPPENS NEXT?**

- **A record of the decisions taken at the meeting is produced (known as the “minutes of the meeting”)**
- The minutes of the meeting are published on the Council’s Website:  
[www.northdevon.gov.uk](http://www.northdevon.gov.uk)



**APPOINTMENT OF SUBSTITUTE MEMBERS  
AT MEETINGS OF THE PLANNING COMMITTEE**

In accordance with the North Devon Council Constitution, a Member or Leader or Deputy Leader of a Political Group, appointing a substitute shall notify the Proper Officer of the name of his/her substitute.  
**Notification by a Member purporting to be a substitute Member will not be accepted.**

In the case of a substitution to the Planning Committee, the substitute Member shall sign and lodge this certificate with the Corporate and Community Support Manager confirming the acceptance of the appointment and that they have completed all Planning training modules provided to Members.

**DATE OF PLANNING COMMITTEE: ..... [Insert date]**

For completion by Member of the Planning Committee requiring a substitute

I, Councillor..... [print name], hereby declare that I appoint  
Councillor ..... [insert name of substitute Member] to substitute for  
me at the above mentioned meeting of the Planning Committee:

[signature]..... [date].....  
**OR**

For completion by Leader/Deputy Leader of a political group nominating a substitute

I, Councillor..... [print name of group Leader/Deputy Leader],  
hereby declare that I appoint Councillor ..... [insert name of  
substitute Member of same political Group] to substitute for Councillor  
.....[insert name] at the above mentioned meeting of the Planning  
Committee.

[signature]..... [date].....  
**AND**

For completion by substitute Member accepting appointment of substitute

I, Councillor ..... [print name], hereby confirm that I  
accept the appointment of Substitute for the above mentioned Planning Committee and  
hereby confirm that I have undertaken all appropriate Planning training modules in  
relation to the same.

[signature]..... [date].....

**NOTE: FORM TO BE COMPLETED AND RECEIVED BY CORPORATE AND COMMUNITY SUPPORT  
PRIOR TO THE COMMENCEMENT OF THE MEETING**

## **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).

**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.