

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 8th September, 2021 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Biederman (substitute for Councillor Gubb), Chesters, Davies, Hunt (substitute for Councillor Tucker), Jenkins, Mack, Mackie, Prowse, D. Spear, L. Spear and Yabsley and Walker (substitute for Councillor Leaver)

Officers:

Service Manager (Development Management), Lead Planning Officer (South), Lead Planning Officer (North), Senior Planning Officer, Senior Solicitor/Monitoring Officer and Planning Officer

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fowler, Gubb (substitute Councillor Biederman), Leaver (substitute Councillor Walker) and Tucker (substitute Councillor Hunt).

51. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11TH AUGUST 2021

RESOLVED that the minutes of the meeting held on 11 August 2021 (circulated previously) be approved as a correct record and signed by the Chair subject to reference to "The Ward Members (Councillor L. Spear, Councillor D. Spear and Councillor Chesters) addressed the Committee" in minute 42 being amended to the following:

"The Ward Members for Braunton East Councillors L and D Spear and for Braunton West and Georgeham Councillor Chesters addressed the Committee".

52. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Hunt – Planning application 73324: Prejudicial interest as the applicant.

Councillor Prowse – Planning application 72836: Prejudicial interest as he was a close friend of the main objector

53. 65448: LAND AT WESTACOTT, NORTH OF A361, LANDKEY

The Committee considered a report by the Lead Planning Officer (circulated previously).

The Lead Planning Officer advised of the following corrections to be made to the committee report:

- The area of land edged in blue on the plan showing the site allocation was in the control of the applicant Barwood however it did not form part of this planning application.
- Section 106 Agreement Heads of Terms and Viability – paragraph 12.3, reference to the “Serviced Primary School site” should state “1.8 hectare” as Devon County Council had requested a total of 1.8 hectare (1.3ha and 0.5ha for expansion) for the new primary school site.

The Lead Planning Officer advised that Matt Collins, Devon County Council Highways Officer was in attendance.

Nick Mathews (representing the applicant) addressed the Committee.

Sue Petters (Assistant Town Clerk for Barnstaple Town Council) advised that Rob Ward was unable to attend and confirmed that she did not wish to address the Committee.

In response to questions, the Lead Planning Officer advised the following:

- It was proposed that the viability of the scheme would be reviewed half way through the construction of the development. If the target sales within the viability assessment were exceeded then it was anticipated that a share of the profit would be used to deliver additional affordable housing. There would not be a “downward review” in relation to the provision of affordable housing and the minimum number of affordable housing units delivered on the site would be 82.
- The Park and Change parking areas could be used more flexibly for onward travel such as for public transport or traveling by bike to onward destinations.
- The construction of a new primary school would form part of the phasing plan. The community hub was at the heart of the scheme, however the key spine road needed to be constructed and survey works for the school needed to undertaken prior to construction works commencing on the new primary school. There would be a quantum of housing delivered first and the school would be delivered at the earliest point in the scheme.
- Devon County Council Public Health had requested a financial contribution towards the expansion of the existing medical centre provision in the town. It would not be used for the provision of a new facility. This financial contribution would be released to the NHS at the earliest opportunity. The Council would work with the NHS in relation to the drafting of the section 106 agreement to tie the financial contribution to a particular scheme.

- There was no local plan policy in relation to the occupancy of dwellings.
- The Housing Infrastructure Fund would enable an additional 3% affordable housing units to be provided as part of the development.
- The community hub would be provided by the developer. If it could not be provided then section 106 financial contributions would be sought.
- Due to the uncertainty of the access road being provided through the park, the masterplan would secure a secondary road which would terminate at the boundary and would be aligned to the proposed accesses shown on the adjoining development site. This would allow for the roads to be linked in the future. There were limited points on the site that the secondary road could be provided to ensure onward connectivity. Devon County Council had recommended that conditions be included regarding points of access to the boundary of the site.
- Devon County Council Children's Services in their consultation response dated 21 January 2019 advised that the Barnstaple primary school provision was now at capacity across the entire town. Orchard Vale primary school was at capacity. The primary school provision was likely to attract pupils from the Landkey and areas nearby.
- There was no planning policy on self build properties and it did not form part of this scheme.
- If the application was refused it would have a significant impact on the 5 year housing land supply. The development was ready to be delivered and the scheme included a phasing plan. The developer would commence the scheme in 12 months and the Council was seeking an early delivery within the next 2 years. 80 housing units would be provided per annum and would be a significant contribution to the 5 year housing land supply.

In response to questions, Matt Collins, Devon County Council Highways Officer advised the following:

- The Park and Exchange would be used mainly for parking. Devon County Council would wish to secure the management arrangements for this site, which would include the management of the site and arrangements for charging.
- Devon County Council would be working with the bus company and initially 1 new bus service would be provided which would be increased to 2 as the number of houses increased on the development.
- There was a potential for people travelling to Barnstaple from the South Molton side of town to use the Park and Change facility.
- The Park and Change facility would remove a small number of vehicle movements from the South Molton/Landkey direction traveling through the town centre.

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

- The current Joint Local Plan did not include self build, however the Council was taking the housing crisis seriously and considering what actions could be

taken. These would be considered as part of the review of the Joint Local Plan.

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

The Committee requested that a letter be sent to the Government expressing its concerns regarding the current housing crisis.

54. ADJOURNMENT OF MEETING

RESOLVED that it being 11.29 am the meeting be adjourned for a comfort break and reconvene at 11.36 a.m.

55. 72836: LAND OFF DOWN LANE, BRAUNTON, DEVON

Councillor Prowse declared a prejudicial interest in the above application and left the meeting.

The Committee considered a report by the Senior Planning Officer (circulated previously).

RESOLVED that the meeting be adjourned for 2 minutes to enable the officer to obtain a glass of water.

RESOLVED that the meeting be reconvened.

The Senior Corporate and Community Services Officer read out 2 statements received from Cathie Hamilton and Sue Prosper, Love Braunton (objectors) to the Committee.

Ruth McDonough (objector), Gary Baddick (applicant) and Robert Cocker (agent) addressed the Committee.

In response to questions, the Senior Planning officer advised the following:

- The Highways Officer from Devon County Council was unable to attend the meeting.
- The Lawful Development Certificate had been approved which lawfully permitted the movement of vehicles from the site.
- If the application was refused and challenged at appeal, it was likely that the appeal would be lost as the Lawful Development Certificated has been granted.
- Details of the materials had now been provided and included within the report. The conditions had been amended to reflect the change in materials.
- Overhead power cables was a matter for consideration by the developer and the applicant would be required to liaise with the appropriate utility provider.

- The scheme was of a modern design. It was considered that the visual impact would not be harmful to the character of the locality.
- The transport assessment detailed the number of vehicle movements which had been agreed.
- The dispute regarding the joint party boundary hedge was a civil matter.

In response to questions, the Senior Solicitor and Monitoring Officer advised the following:

- The liability to and payment of Business Rates and Council Tax were useful indicators but were not determining factors in the consideration of applications for Lawful Development Certificates. The major consideration was the evidence provided as to the established use of the land.
- Lawful Development Certificates could be revoked however this was only in rare circumstances if it became clear that the evidence that had been presented was false.
- The evidence that had been presented was for the storage of materials.

In response to questions, the Lead Planning Officer (MB) advised the following:

- That the site was within the development boundary of Braunton.
- It was considered that the application was acceptable in terms of the visual impact, scale, Planning Policy DM04 and the National Planning Policy Framework as detailed in the report.

RESOLVED (6 for, 3 against and 1 abstained) that the application be APPROVED as recommended by the Senior Planning Officer.

**56. 73324: WOODSIDE, MIDDLE MARWOOD, BARNSTAPLE EX31
4EG**

Councillor Hunt declared a prejudicial interest in the above application and left the meeting.

The Committee considered a report by the Planning Officer (BC) (circulated previously).

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

57. APPEALS REPORT

Councillors D. and L. Spear left the meeting.

The Committee noted a report by the Senior Planning Support Officer (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

The Service Manager (Development Management) advised that she would prepare a briefing note for Members in relation to change of use of land and properties for housing. She advised that the Georgeham Neighbourhood Plan was in the process of being finalised which included a requirement that all new dwellings were occupied by principal residents.

Chair

The meeting ended at 12.48 pm

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