

**NORTH DEVON COUNCIL**

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

PRESENT: Members:

Councillor Ley (Chair)

Councillors Crabb, Fowler, Jenkins, Leaver, Mack, Mackie, Prowse, D. Spear, L. Spear, Walker and Yabsley

Officers:

Service Manager (Development Management), Senior Planning Officer, Chief Executive, Chartered Legal Executive and Paralegal

Also Present:

Councillors Wilkinson and Worden

**76. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chesters, Davies, Gubb, and Councillor Tucker, who appointed a substitute, Councillor Walker, to attend in his place.

**77. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 10TH NOVEMBER 2021**

RESOLVED that the minutes of the meeting held on 10 November 2021 (circulated previously) be approved as a correct record and signed by the Chair subject to reference to "Councillor Yabsley declared an interest as a South Molton Town Councillor" in minute 72 being amended to the following:

"Councillor Yabsley declared an interest as the Devon County Councillor".

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

The Service Manager (Development Management) advised the Committee that the Planning Team was experiencing reduced staffing levels at present and the Councillors could contact her direct if they were unable to reach a particular member of staff.

**79. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillors Ley, Yabsley and Prowse:

Planning application 72695: Personal interest as they had been lobbied in relation to the application.

Councillor Prowse: Planning application 74232: Personal Interest as Lead Member for Economic Development and Strategic Development.

**80. 71956: THE ORCHARD, GUNSWELL LANE, SOUTH MOLTON, EX36 4DH**

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

The Senior Planning Officer addressed the Committee and advised that:

- The application had been called in by the Ward member due to the impact of the application on the Highway.
- Devon County Highways had raised concerns over the application: due to access onto a single carriage lane, with limited visibility
- The Conservation Officer had concerns over the impact on the conservation area.
- The application was for outline permission for three dwellings within the boundary of South Molton.
- The revised plan included an improved visibility splay at the site entrance and parking for two vehicles.
- There would be a net decrease of traffic to and from the site. A passing place would be provided. The traffic assessment had been found to be sound. The concerns of Highways would be alleviated with these improvements,
- The proposed dwellings would be of sufficient distance from neighbouring properties.

Marc Cornelius (South Molton Town Council) addressed the Committee.

Virginia Hobart (objector) addressed the Committee.

The Corporate and Community Services Officer read a letter from Guy Monk (objector) to the Committee.

Phil Duffy (objector) addressed the Committee.

The Corporate and Community Services Officer read letters from Veronica Johnston (objector), and Mrs and Mrs Hoskins (applicants) to the Committee.

Councillor Worden addressed the Committee as Ward Member.

In response to questions from the Committee, the Senior Planning Officer advised that the land was categorised under class E/G1 and had an established use as 'commercial'. Although the builders' yard had not been used as such for a number of years it remained under a commercial classification for use as offices.

Councillor Yabsley declared a Personal interest as the County Councillor for the area.

RESOLVED (7 for, 4 against, 0 abstained) that the application be APPROVED as recommended by the Senior Planning Officer.

**81. ADJOURNMENT OF MEETING**

RESOLVED that it being 11.07 a.m. the meeting be adjourned for a five minute comfort break and reconvene at 11.12 a.m.

**82. 72695: SOUTH HAYNE QUARRY, NEWTON CROSS, BISHOPS NYMPTON, SOUTH MOLTON, EX36 3QP**

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

The Service Manager (Development Management) advised the Committee that:

- The application was for the removal of an agricultural occupation condition.
- The original outline application was not submitted by the current applicant.
- There were no issues in relation to the character or landscaping as the dwelling was within a well screened, small site.
- The policy was that if land was no longer required for agriculture it needed to be marketed prior to application. This had not been done.
- There was no residential dwelling on the site at present.
- The Environment Health Officer had raised concerns regarding the proximity of the proposed dwelling to the existing business.
- The business, and the proposed residential dwelling, would not be within the ownership of the same person. The applicant did not own the business. This prevented the creation of a business tie between the two.
- The application did not adhere to the Planning Authority's policies.
- The Officer's recommendations for refusal were set out within the report and that there was no compelling evidence to justify the removal of the current condition of occupancy.

Ian Cowling (Bishops Nympton Parish Council) addressed the Committee.

Hugh Marshall-Sims (supporter), Mrs Roshni Mahajan (applicant) and Mr Vikas Mahajan (applicant) addressed the Committee.

Councillor Worden (Adjoining Ward Member) addressed the Committee. Councillor Worden declared a Personal Interest as the applicants were known to him.

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

- The proposed dwelling was in exceptional circumstances as the business was on the same site but under different ownership. The application was for an open market dwelling. The application had to be considered as such, and consistent with the North Devon and Torridge Local Development Plan (NDTLDP).
- The right of access to the dwelling was not a planning matter nor a material planning condition.
- The planning system did not favour personal 'ties' to be linked to a property although they could be used in very exceptional circumstances.

RESOLVED (unanimous) that the application be APPROVED subject to a method being found by the Service Manager (Development Management), utilising Delegated Power, in consultation with the Ward Member and Applicant to tie the financial benefits arising from the potential release of the condition to the business.

**83. ADJOURNMENT OF MEETING**

RESOLVED that it being 12.33 p.m. the meeting be adjourned for a five minute comfort break and reconvene at 12.38 p.m.

**84. 73748: SEAVIEW MEADOW, WOOLACOMBE STATION ROAD, WOOLACOMBE, EX34 7AN**

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

The Service Manager (Development Management) advised that:

- A virtual site visit had been carried out at the request of the Committee, and the footage had been emailed to the Members in advance of this Committee.
- The site was well-screened by vegetation, and the plans proposed additional vegetation to further screen the dwelling.
- The dwelling was well-screened and of simple design and traditional materials. There were no issues regarding the design elements.
- The application was for a three bedroomed, single-storey dwelling with two car parking spaces.
- Devon County Highways had raised concerns regarding the visibility and steepness of the access onto the main highway.
- The proposed visibility splay did not meet Highways' standards and the land needed to deliver the required visibility was not within the ownership of the applicant.

- The Officer's recommendations for refusal were set out within the report. This included that the plot was well-outside the development boundary.
- The building of one dwelling would have little-effect on the five year housing supply.
- The application could have been considered under 'local needs' guidance but had been submitted as an open market property.
- The application had been called in for consideration by the Committee by the Ward Member.

Steve Woodman (Mortehoe Parish Council) addressed the Committee.

The Corporate and Community Services Officer read a letter from Ramona Thomas (Supporter) to the Committee.

Peter Bond (Supporter) addressed the Committee.

RESOLVED, that it being 1.00 pm the meeting continue in order for the remaining business to be transacted.

Mike Whipp (applicant) and Graham Townsend (agent) addressed the Committee.

Councillor Wilkinson addressed the Committee as Ward Member.

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

- The agent had mentioned an identifiable need for local people but had not put that forward within the application.
- The application could be deferred to consider the addition of a Local Occupancy clause, (with delegated authority to agree the wording).
- The plot was one kilometre from the existing settlement boundary, with no footpath connecting it to those facilities.

The Chair invited the agent to address the Committee.

Graham Townsend (agent) addressed the Committee. He confirmed that the applicant had made enquiries about financing the build if local restrictions were in place. If restrictions were imposed, the applicant requested that a Mortgagee in Possession clause be added to the legal agreement issued by the Planning Authority.

RESOLVED (unanimous) that the application be APPROVED and that the Service Manager (Development Management) using Delegated Power ensure that a Mortgagee in Possession clause be added to the legal agreement.

**85. 73836: BRAUNTON GARAGE, BRAUNTON ENGINEERING, EXETER ROAD, BRAUNTON, EX33 2JP**

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

The Service Manager (Development Management) advised the Committee that the Officer's recommendations for approval were set out within the report. The application had been presented to the Committee for decision as the applicant was associated with a member of staff.

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

**86. 74232: 37 BOUTPORT STREET, BARNSTAPLE, EX31 1RX**

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

The Service Manager (Development Management) advised the Committee that the Officer's recommendations for approval were set out within the report. The application had been presented to the Committee for decision as the applicant was North Devon Council.

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

**87. APPEALS REPORT**

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.

Chair

The meeting ended at 1.38 pm

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