

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 13th April, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Bulled, Chesters, Davies, Fowler, Gubb, Jenkins, Leaver, Mack, Mackie, Prowse, D. Spear, L. Spear and Tucker

Officers:

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

Also Present:

Councillors Biederman, Cann, Knight and Walker

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Yabsley, who appointed a substitute, Councillor Bulled, to attend in his place.

2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 9TH MARCH 2022.

RESOLVED that the minutes of the meeting held on 9th March 2022 (circulated previously) be approved as a correct record and signed by the Chair.

3. DECLARATION OF INTERESTS

The following declaration of interest was announced:

Councillor Tucker Planning application 72820 Pecuniary interest as the Owner was a close relative

4. 73875: LAND NORTH OF ST ANDREWS ROAD, FREMINGTON

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

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

- The application consisted of the demolition of number 18 St Andrews Road and the building of 161 dwellings, with the access through the site of the demolished dwelling.
- Correspondence had been received from the owners of Church Farm regarding the movement of vehicles alongside their property. Amendments had been made to the application to alleviate this.
- Natural England were satisfied with the proposed access to the Tarka Trail on the provision that a condition was included to monitor and review the mitigation measures proposed. The Environment Agency confirmed they had no objections subject to receipt of an updated Flood Risk Assessment and imposition of a condition to control finished floor levels. Delegated Authority to the Head of Planning, Environmental Health and Housing was sought to update the FRA and impose the above suggested conditions.
- The site access had been reviewed by the Highways Officer and now had improved visibility and surface treatments. Development was now to be further from the western boundary than originally planned.
- Although the site was initially considered within the North Devon and Torridge Joint Local Plan had been found unviable as there was no access. The demolition of 18 St Andrews Road had enabled it to be considered viable and had been approved with no concerns from Devon County Council (DCC).

In response to a question from the Ward Member, the Service Manager (Development Management) confirmed that the photographs presented had not been 'doctored'.

The Service Manager (Development Management) advised that:

- The site would provide a biodiversity net gain of over 44% which gave the application substantial weight.
- Traffic headlight heights would be looked at in relation to lights shining into properties.
- An Air Quality assessment had been submitted. The resulting effects of the development were deemed to be low and the levels were expected to remain at an acceptable standard.
- DCC would use Section 106 contributions towards improvements to be made to the Esso garage junction.
- There would be minimal tree loss and further planting.

Paul Hyde (supporter) and Cllr Graham Bell (of North Devon and Torridge Housing Crisis Group) (supporter) addressed the Committee.

Patricia Ward (objector), Diane Etheridge (objector), Helen Elder (objector), Nancy Child (Reading a statement on behalf of Derrick Slade) (objector), Deborah White (objector), and Kerry Slocombe (objector) addressed the Committee.

Dan Yeates (agent) addressed the Committee.

Councillors Walker (Bickington) and Knight (Roundswell) addressed the Committee as objectors from neighbouring wards. Councillor Biederman addressed the Committee as Ward Member.

In response to questions from the Committee, Paul Young of Devon County Council Highways confirmed:

- Highways were opposed to the development in 2017 as there had been issues to be addressed, however it was now considered that the access met the minimum standards required. There was adequate room for commercial vehicles to pass and the footpaths met the required standards. The only reason for refusal from DCC would be the failure to agree a Section 106 contribution towards improvements at the Cedars and Wrey Arms' junctions. DCC North Devon Highways and Traffic Orders Committee had considered indicative proposals for those improvements.
- On street parking was not found to be a concern at the location.
- Any new access was required to be 2 metres wide. Existing areas were not required to be updated to meet that width. Although the preferred option would be for all to meet the new standards this was not a reason to refuse or object to the proposal.
- The area was residential and classed as a low speed area. Shared use of pedestrians, cyclists and cars was acceptable.
- In response to questions from the Committee, the Service Manager (Development Management) confirmed that the Fremington Neighbourhood Plan had not yet been adopted so it currently held no weight.

The Legal Adviser confirmed that the path was owned by BDW Trading and this path was not expected to be the main access to the site. It was unknown as to whether BDW Trading were connected to the applicant.

RESOLVED (12 for, 0 against, 1 abstained) that the application be DEFERRED for 2 cycles to allow for a site visit to take place in order for:

- (i) The Committee to view the site from a distance,
- (ii) To understand the amenity issues at the 2 access points.
- (iii) The Officers to obtain information from Church Park Farm in relation to the creation of a public right of way across the land, and consider, with Ward Members and Officers, the need for the football pitch, and
- (iv) To allow the developers time to investigate alternative access to the site and consider a 2 metre barrier to reduce noise, and a specialist be invited to attend a future Committee to discuss this.

118. ADJOURNMENT OF MEETING

RESOLVED that it being 12.35 p.m. the meeting be adjourned for a ten minute comfort break and reconvene at 12.45 p.m.

**6. 72820: LAND OFF BIRCH ROAD LANDKEY, BARNSTAPLE,
DEVON. EX32 0JZ**

Councillor Tucker re-declared his pecuniary interest in the application and chose to leave the meeting during the consideration of this planning application.

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

The Senior Planning Officer addressed the Committee and advised that:

- The response from Natural England had now been received. Based on the plans submitted, they considered that, subject to mitigation, the proposed development was unlikely to have significant adverse impacts on designated sites and had no objection.
- Where practical, top soil from the site would be stored and re-used on site in garden and landscape areas to support the retention and re-use of soil in terms of sustainability and in accordance with the Policy DM08 of the North Devon and Torridge Joint Local Plan and paragraph 170 of the National Planning Policy Framework.
- The Parks Team had worked with the Ward Member to identify the following as priorities for Section 106 funding:
 - Provision of a Community Hall
 - Enhancement of Football club site to include land, pitches and buildings
 - Enhancement of play areas within the Parish
- Two further letters of objection had been received since the publication of the agenda.
- The application fell outside of the development boundary as set within the North Devon and Torridge Joint Local Plan (NDTLP) although the lack of a demonstrable five-year land-supply had given the application weight.
- Devon County Council's flood assessment ascertained that the site was capable of dealing with surface water on site.

RESOLVED, that it being 1.10 pm the meeting continue in order for the remaining business to be transacted.

Richard Halliday of Landkey Parish Council addressed the Committee.

Tom Tippett (Supporter), Susan Tiner (objector) and Russell Williams (agent) addressed the Committee.

In response to questions from the Committee, the Senior Planning Officer advised:

- There was no Tree Preservation Order on the existing tree, although it would be replaced with six similar trees on site.
- The Environmental Health Team were satisfied with the Air Quality assessment.
- Section 106 funds could be earmarked for the local primary school.

- The agricultural land was a mix of categories 3A and 3B

RESOLVED (unanimous) that the application be APPROVED as recommended by the Senior Planning Officer, subject to the Senior Planning Officer being delegated authority to secure funding for Landkey Primary School within the Section 106 agreement.

7. 74616: GREEN LANES SHOPPING CENTRE, BARNSTAPLE, DEVON EX31 1UL

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

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

8. 74245: ANCHORWOOD, OLD STICKLEPATH HILL, STICKLEPATH, BARNSTAPLE, DEVON EX31 2BE

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

The Service Manager (Development Management) addressed the Committee.

Robin Upton (Agent) addressed the Committee.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Lead Planning Officer (Majors) subject to the Service Manager (Development Management), utilising Delegated Power, to secure a revised Deed of Variation which adequately reduced the risk of the flood defence works not being delivered through the redevelopment of Seven Brethren.

9. 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 1.47 pm

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