

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 11th January, 2023 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Crabb, Fowler, Gubb, Jenkins, Leaver, Mackie, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Service Manager (Development Management), Solicitor and Senior Planning Officer

**108. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chesters, Davies and Prowse.

**109. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 30TH NOVEMBER 2022 (ATTACHED ) AND 14TH DECEMBER 2022 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 14 December 2022 (circulated previously) be approved as a correct record and signed by the Chair.

The Committee noted that the minutes of the meeting held on 30 November 2022 had been previously approved as a correct record by the Committee at its meeting on 14 December 2022.

**110. 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 by the Chair as a matter of urgency.

**111. DECLARATION OF INTERESTS**

The following declarations of interest was announced:

Councillor Yabsley – planning application 74775, other registerable interest as the Devon County Councillor.

**112. 74775: LAND AT STONELANDS CROSS, RACKENFORD, DEVON**

The Committee considered a report by the Senior Planning Officer (DB) (circulated previously) in relation to planning application 74775.

The Senior Planning Officer (DB) provided an update following the deferral of the application by the Committee at its meeting on 14 December 2022 as detailed in the report. She advised that the Highways Officer was present at the meeting to help clarify traffic data in relation to the vehicle accident and traffic movements along the A361. In relation to the amendment to the hedgerow, she advised that the Highways Officer had confirmed that changes to the hedgerow were not required in terms of highway safety and that the Highways Authority had assessed all of the information provided by the applicant and had no technical grounds for the refusal of the application.

Sarah Child (Parish Council representative), Ian Lucas (objector), Pete Cruceon (objector), Mr Comley-Payne (objector), Susanna Coffin (objector), Sarah Coffin (objector), David Morgans (objector) and Andy Pryce (applicant) addressed the Committee.

In response to a question from the Committee regarding the reasons why Devon County Council Highways Authority changed their consultation response from refusal to no objection, the Highways Officer (MC) advised the following:

- The original planning application submitted contained very little information in relation to transport. It stated that customers may walk or cycle to the site, therefore the Highways Authority had recommended refusal.
- The applicant had since submitted a detailed transport assessment and modelling, which he had carefully gone through which showed that there were no capacity issues at the junction with the A361.
- He had had discussions with Devon County Council's Director of Climate, Environment and Transport and the Highways Improvement teams who had made significant improvements at the Borners Bridge junction and there was no evidence of the need for any improvement either with or without development in this area.
- He had reviewed the collision data for this area and it was correct to the best of his knowledge with the exception of one incident which he had been advised by a member of the public had been plotted on the map incorrectly. This had now been corrected.
- The Highways and Traffic Orders Committee had recently received a presentation at its meeting regarding the safety of the highway network.
- There was no evidence that this development would have an impact on the safety of the junction with the A361.
- The applicant had undertaken and provided a "gap assessment" which identified that there were a significant number of gaps for traffic to join the

A361 on a normal day. There would be an increase in traffic on Bank Holidays and the applicant would be aware of this and plan for that.

- The tractor servicing would take place on farms and it was unlikely that many farmers would drive to the site, although machinery would travel to the site on lorries.
- There was no policy reason to support the refusal for this application.

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

- The applicant had offered to provide count down markers (300, 200 and 100 yards) before the junction, which would indicate to drivers that they were approaching a junction.
- It was common for collisions to take place when vehicles were slowing down to turn left and to be shunted by a vehicle behind.
- The visibility splay was provided when the North Devon Link Road was constructed. If trees were encroaching, these could be cut back.
- The location of the hedgerow was a matter for the Committee to consider in terms of landscaping and the environment. If the hedgerow was removed it would open up the site to drivers. The Road Safety team had advised that a number of collisions had occurred on the A361 due to the lack of interest along the road, compared when travelling in an urban area which consisted of people, buildings and signs. If the site was opened up, it could potentially have some benefits in terms of road safety.
- It was proposed that normal directional signage would be provided along the A361 and no additional signage had been offered by the applicant.
- If the application was refused and the applicant appealed against this decision, the Highways Authority would not be involved in the appeal as it had not raised an objection to the application.
- If there was an appeal for non-determination of the application, he was confident that the Highways Authority had evidence to support no objection to the application.
- In terms of the average vehicle movements per hour on the A361, the highest average in August was 1555, which was the busiest month of the year. The maximum number of vehicles that could accommodate a two second gap was 1800.
- The gap assessment that was undertaken by the applicant was carried out in May and counted the number of seconds between vehicles. There were three gaps of two seconds, one gap of two seconds and then a longer gap of 56 seconds. There would be “bunching up” of vehicles travelling behind slower vehicles which would then result in a larger gap and then a platoon. The analysis undertaken was at the busiest time of the day which was 8.00 – 9.00 am and 5.00 – 6.00 pm. The traffic was significantly lower during the middle part of the day. During the summer time and change over days, the traffic movements were busier.
- If the application went to court, then the Highways Authority would attend and provide all of the necessary evidence required.

In response to questions, the Senior Planning Officer (DB) advised the following:

- The Exmoor National Park Authority had not been consulted as it was very doubtful that the site would be visible from the National Park. The applicant had submitted a Landscape Impact Assessment.
- The Flood Authority had provided a consultation response and recommended technical details to be resolved as part of conditions which was not uncommon.
- The relevant Local Plan policies were addressed and included in the main section of the report.
- The application would be restricted to agriculture and to classes E and B. The floor space and business units would be restricted to agricultural use.

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

- The planning balance very clearly outlined that the application was not strictly in accordance with planning policy.
- A sequential test had been undertaken by the applicant and no sites in South Molton, Tiverton or Witheridge were suitable and achievable. The sequential test was a snap shot in time of the sites that were available at that time.
- Paragraph 85 of the National Planning Policy Framework supported that other sites could be identified in rural areas to meet local business needs.
- The development was sensitive to the surroundings and there was no unacceptable impact on the road network.
- The Highways Authority would not support an appeal. There was risks to the Council to have costs awarded as there was no technical evidence why the application should be refused.
- She had recently visited the site to view it from the A361. The hedgerow screened the development and the previous development on the site could be viewed from the A361. She considered that it was more beneficial not to remove the hedgerow, however it could be translocated and all year planting could be provided to screen the development.
- The height of the hedge could be conditioned and for the landscaping to be carried out in the first planting seasons. The Highways Authority had advised that the hedge did not have an impact on the visibility.
- Policy DM14 should not be used for a reason for refusal as it was not a small scale development and was larger than 250 sq m.
- The development would not provide any retail, it was for larger agricultural goods and services and the vets would be constrained to larger animals.
- She read Policies ST07 and ST11 (7) to the Committee.
- The Council always relied on Devon County Council Highways Authority for an independent assessment.

In response to a question, the Solicitor and Data Protection Officer advised the following:

- The Committee's decision needed to be in line with planning law and planning policy. There were two areas, where the Committee needed to balance its

decision in terms of: highways impact and economic, social and environmental benefits.

- If the Committee was mindful to refuse the application, it had to consider that the application either significantly and demonstrably outweighed the benefits of the scheme or it had significantly adverse impacts which was demonstrated by technical representations and evidence. The Highways Authority were the Council's technical advisors.
- The Highways Officer and Road Safety Team had considered the technical reports provided by the applicant and concluded that there were no capacity issues at the junction and there were no need for improvements to be made to the junction. Although highway improvements were not required by the Highways Officer, the applicant had put forward proposals for improvements.
- The Council was not legally responsible for any traffic accidents that occurred and that there were a number of elements for an accident to take place.

The Highways Officer suggested that a presentation be provided to Members on road safety and statistics following the District Council elections in May 2023.

RESOLVED (6 for, 4 against, 0 abstained) that the application be REFUSED as the application did not accord with the following Local Plan policies:

- (a) ST11 (7) as it conflicted with other Local Plan policies;
- (b) ST01 – asked to make a judgement in terms of the social, economic and environmental impact and it was considered that the application did not outweigh the economic benefits;
- (c) ST07 – as the site was outside of the designated development boundary and it had not been demonstrated that the social and economic need outweighed the policy.

## **113. APPEALS REPORT**

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

Chair

The meeting ended at 12.20 pm

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