

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 8th February, 2023 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Service Manager (Development Management), Lead Planning Officer (North), Lead Planning Officer (Major Applications), Solicitor and Senior Planning Officer

**114. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**115. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11TH JANUARY 2023.**

RESOLVED that the minutes of the meeting held on 11 January 2023 (circulated previously) be approved as a correct record and signed by the Chair subject to minute 112, fourth bullet point on page 2 being amended to "...which he had been advised by a **Highways Officer** had been plotted on the map incorrectly...."

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

(a) Dates of meetings

The Chair advised that dates for a meeting of the Committee in April and site inspections needed to be arranged and would be agreed following the conclusion of the Committee meeting.

(b) Informal briefing

The Chair advised the Committee that an informal briefing would be provided for the Committee by the Planning Policy Officer regarding the National Planning Policy Framework.

(c) 5 Year Housing Land Supply

The Chair requested an update position on the 5 Year Housing Land Supply.

Councillor Prowse, Chair of the Joint Planning Policy Committee advised that following the last meeting of the Joint Committee a further report would be presented to the March 2023 Joint Committee meeting to provide an update on the 5 Year Housing Land Supply and a recommendation would then be made to Council. An update would also be provided to the Joint Committee on the review of the Local Plan.

**117. DECLARATION OF INTERESTS**

The following declaration of interest was announced:

Councillor Fowler – planning application 76256, other registerable interest as Chair of the Ilfracombe Harbour Board and Trustee of Ilfracombe Yacht Club.

**118. 74895: LAND AT BACK LANE, CHULMLEIGH, DEVON.**

The Committee considered a report by the Senior Planning Officer (DB) (circulated previously) in relation to planning application 74895.

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

- The landowner was in control of when the remainder of the site would come forward for development. The landowner had advised that there were currently no plans to come forward with the remainder of the site as the land was used for access to farm buildings.
- The SHLAA/HELA process has allocated this site for the development of up to 20 dwellings.
- No consultation response had been received from the Housing Enabling Team as the application was for 5 dwellings, which was below the trigger threshold for affordable housing. However, it was assumed that there was a housing need within the parish of Chulmleigh.
- The Devon hedge bank would be considered as part of reserved matters.
- No indication had been provided in terms of the size of the dwellings, however it was likely to be single storey dwellings to reflect the dwellings on the opposite side of the road.
- The same landowner owned the whole site.

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

- Advised the Committee of the outcome of a Torridge District Council planning appeal in January 2022, whereby the applicant had put forward an application for 5 dwellings, where the site allocation was for 30.
- As the application had submitted an appeal to the Planning Inspectorate for non-determination, the Committee could make a recommendation to the

Planning Inspectorate that if the remainder of the site allocation came forward, which was under the same ownership, that the 5 dwellings be taken into account and the 6<sup>th</sup> dwelling would therefore be affordable.

- As it was an allocated site, the 5 year housing land supply had less weight.
- Officers were satisfied with the density of the site and that the remaining 15 dwellings could fit on to the rest of the allocated land. The density was reflective to density of the opposite site. The site allocation was for up to 20 dwellings.
- The appeal for non-determination of the application could not be withdrawn to her knowledge.

Councillor Davies addressed the Committee in his capacity as Ward Member.

In response to a question from the Committee, the Solicitor advised that the ministerial statement issued by Michael Gove, was only a statement of intent which advised that a consultation process would be undertaken and therefore the changes were only those anticipated at this time. She warned the committee against taking this statement into consideration.

RESOLVED (unanimous) that the following recommendation be submitted to the Planning Inspectorate who will make the final decision:

- (a) That the principle of development of this site and the access arrangements be accepted but the Committee would wish to seek:
  - a. the removal of the reference of 5 dwellings
  - b. a higher density of the site
- (b) This was due to the Committee expressing concerns regarding the application not being compliant with the requirements of paragraph 125 (c) of the National Planning Policy Framework "Making Effective Use of Land" and part 1 of Policy CHU02 as it did not consider the application to be reflective of local needs.

**119. 75797: YELLAND QUAY, WEST YELLAND, YELLAND, DEVON.**

The Committee considered a report by the Lead Planning Officer (Majors applications) (circulated previously) in relation to planning application 75797.

In response to a question, the Lead Planning Officer (Majors applications) advised that a section had been included within the report regarding the use of section 106 commuted sums for affordable housing.

In response to a question, the Housing Enabling Officer advised that there was a cascade system in place regarding the allocation of affordable housing. He advised that firstly affordable housing would be offered to households within the parish with a high identified need. Affordable housing would only be allocated outside of the parish if there was no-one with an identified need in the parish of Fremington. If the Committee was minded to approve the full section 106 commuted sum for affordable housing, this would provide an additional two dwellings.

RESOLVED (unanimous) that the Deed of Modification be APPROVED subject to the section 106 agreement being amended to allocate £335,500 for affordable housing and that the Lead Planning Officer (South) be delegated authority to amend the Section 106 agreement accordingly.

**120. 76081: CAR PARK, QUEEN STREET, BARNSTAPLE, DEVON.  
EX32 7DA**

The Committee considered a report by the Lead Planning Officer (North) (circulated previously) in relation to planning application 76081.

The Lead Planning Officer (North) advised that since the publication of the report, consultee responses had been received from the Highways Authority who had no further objections and from the Waste and Recycling Commercial Services who confirmed that they would still be able to collect waste and recycling in the area. He also reported the receipt of an updated Landscaping Plan from the applicant which confirmed there would be a net gain. Therefore, the recommendation for approval would need to be amended to relate to the new landscaping plan received.

Duncan King (objector) and Bernard King (objector) addressed the Committee.

In response to comments made by the objectors, the Lead Planning Officer (North) advised the following:

- Appropriate public consultation had been undertaken which included site notices and neighbour notifications.
- No other options had been put forward for consideration.
- No conditions had been recommended by the Environmental Health Officer to mitigate noise levels or air pollution (consultation response included within page 68 of the report). The same Environmental Health Officer was in post at the time when the two dwellings located at 19 and 20 Alexandra Road were considered for change of use from office accommodation into residential dwellings.
- The issues raised in relation to highways had been considered by the Highways Authority.

In response to questions from the Committee, the Lead Planning Officer (North) advised the following:

- The Highways Authority were in agreement to use the layby to access the site in order to retain the freeflow movement of traffic along the urban relief road as it was a principle road artery through the town and therefore needed to be protected.
- There were very limited options available to mitigate noise at the front of 19 and 20 Alexandra Road. Greenery would not prevent noise. The Environmental Health Officer had advised that it was unlikely that there would be a significant difference to noise levels than that is currently demonstrated. It was very difficult to provide any effective screening.

- If the access was moved further north, it would be closer to the traffic lights and there were also changes in gradients. The proposed scheme had been approved by the Highways Authority.

In response to a question, Councillor Leaver confirmed that the Devon County Council Barnstaple and Bideford Local Cycling and Walking Information Plan would take into account the proposed scheme.

Councillor Mack, in his capacity as Ward Member, addressed the Committee.

RESOLVED (11 for, 2 against and 1 abstained) that the application be APPROVED as recommended by the Lead Planning Officer (North) subject to the conditions being amended to relate to the new landscaping plan.

**121. ADJOURNMENT OF MEETING**

RESOLVED that it being 11.55 am that the meeting be adjourned for a five minute comfort break and reconvened at 12.00 pm.

Councillor Mack left the meeting.

**122. 76256: LARKSTONE WATERSPORTS HUB, LARKSTONE LANE, ILFRACOMBE, DEVON. EX34 9QG**

The Committee considered a report by the Lead Planning Officer (North) (circulated previously) in relation to planning application 76256.

The Lead Planning Officer (North) reported the receipt of a revised fencing elevation drawing since the publication of the agenda and recommended that reference to the fence elevation drawing in the proposed condition 2 be amended to reflect the revised drawing.

Matt De-Havilland (supporter) and Trevor Hill (applicant) addressed the Committee. The Senior Corporate and Community Services Officer read statements to the Committee received from Paul Smith (objector), David Thomas (objector), Ian McCurdy (objector) and Cheryl McCurdy (objector).

Councillor Crabb, in his capacity as Ward Member, addressed the Committee.

In response to a question from the Committee, the Lead Planning Officer (North) advised that the proposed condition 8 restricted the height of canoe racking/storage apparatus fitted with a roof covering shall not exceed 2 metres in height. The original height proposed for the fence was 2.4 metres. This had now been reduced to 2 metres in height which was a more appropriate height and visibility through the fence.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Led Planning Officer (North) subject to:

(a) Condition 2 being amended to reflect the revised fence elevation drawing.

(b) An additional condition being included stating that the fence shall not exceed 2 metres in height.

**123. 76313: 36 BOUTPORT STREET, BARNSTAPLE, DEVON. EX31  
1RX**

The Committee considered a report by the Lead Planning Officer (North) (circulated previously) in relation to planning application 76313.

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

**124. APPEAL REPORT**

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

Chair

The meeting ended at 12.49 pm

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