

NORTH DEVON COUNCIL

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

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

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

Also Present:

Councillors Henderson and Worden

130. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mack.

131. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 8TH FEBRUARY 2023 (ATTACHED) AND 3RD MARCH 2023 (ATTACHED)

RESOLVED that the minutes of the meetings held on 8 February 2023 and 3 March 2023 (circulated previously) be approved as correct records and signed by the Chair.

132. 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 which in the opinion of the Chair should be considered by the meeting as a matter of urgency.

133. DECLARATION OF INTERESTS

There were no declarations of interest announced.

134. 73784: LAND AT GLEBELAND VILLAS BISHOPS NYMPTON SOUTH MOLTON DEVON EX36 4PT

The Committee considered a report by the Lead Planning Officer (Major applications) (circulated previously) in relation to planning application 73784.

The Lead Planning Officer (Major Applications) advised the following:

- There were no additional representations received following the close of re-consultation.
- Since the publication of the agenda, a late consultation response had been received from Bishops Nympton Parish Council dated 28 February 2023, which she read to the Committee.
- There had been no other new matters raised as a result of the late consultations received.
- The Property Manager from North Devon Council and the Highways Officer from Devon County Council was present at the Committee meeting to answer any questions.
- There was no longer a requirement to seek a Section 106 agreement and therefore it was recommended that this reference be deleted from the recommendation on page 43 of the report.

Catherine Gaze (objector), Bill Mallinson (objector), Frances Evans (objector), Joy Padworth (objector), Charles Bradfield (objector), Amanda Sing (objector), Ian Cowling (Parish Council representative) and Matthew Steart (agent) addressed the Committee.

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

- That the proposed scheme would provide four additional car parking spaces.
- The garages were originally built for vehicle parking and to serve the Glebeland Villas development.
- Over a period of time due to the sale of the housing stock there had been a segregation of land ownership.
- The garages were now unsafe for use, however they had been previously available for use and rental by the tenants. Over time this arrangement had ended.
- The occupiers of the majority of properties were tenants of North Devon Homes.
- The 17 spaces proposed were for general parking for residents and would not be allocated to properties.
- A further two spaces were proposed to be provided for short stay drop offs for carers and deliveries for a period of 15 minutes. As it was a privately owned road, North Devon Homes would be responsible for enforcement of the short stay spaces. A longer period could be provided for short stay which could be controlled by a condition.
- There were currently 17 garages which were not available to use as they were unsafe and there were 13 spaces available in front of the garages for parking which had been utilised, however there was no formal agreement in place.
- The proposed development would create 15 new spaces and a further two spaces in a layby for short term parking.

- There was currently the ability to park on street at the lower section of the site, which was an area of 41 meters and accommodated 6.8 vehicles i.e. six vehicles. Due to the width of the road, vehicles could not park either side of the road as it would cause an obstruction.
- North Devon Homes had advised that they would secure the two dwellings as affordable dwellings in a development agreement with North Devon Council outside of the planning system using their own mechanisms.

The Highways Officer (PY), Devon County Council addressed the Committee and advised the following:

- There was a finer geometric layout at Glebeland Villas.
- It was not a public highway maintained by Devon County Council and was maintained by North Devon Homes.
- If vehicles were prohibited from turning, then this was a civil matter for North Devon Homes and affected parties.
- There was a need for a tracking arrangement to be carried out to check whether vehicles could turn, which he did not believe had been carried out. This could be required at a later stage.

The Property Manager of North Devon Council addressed the Committee and advised the following:

- The sale of housing stock was part of the LSVT transfer of assets which took place in 2000 where many sites were transferred over to North Devon Homes.
- Many sites were retained by the Council for specific purposes such as the garages which were let to residents in the short term. The garages had become unsafe due to asbestos and some had been damaged as a result of a vehicle driving into some.

In response to questions, the Highways Officer (PY), Devon County Council advised the following:

- He considered that the parking assessment for this development was the most complicated he had seen for some years in terms of reality and theoretical assessments.
- A number of assumptions had been made. Many years ago the removal of the existing garages would be seen as a loss. Consideration also had to be given to what the reaction would be for the replacement of the garages with modern sized garages. The existing garages were below standard and undersized and had not been used for many years. Was that justification to remove the garages.
- The Highways Authority view was that the garages were derelict and out of commission. If the garages had been allocated to a property, then the occupiers of that property could park in front of their garage. There was a loss of parking, which had been replaced with additional parking. The traffic generation from the two proposed dwellings was not a significantly material consideration to recommend the refusal of this application and would not have an impact of any difficulties currently experienced in relation to turning of

vehicles. This proposal provided formal parking spaces. The existing garages due to the size were probably used for garden equipment storage, motorcycles, tools etc, but were not used for cars.

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

- It is a difficult point to answer without knowing the specific details however, there were no “squatters rights” for the occupation of land in front of the existing garages for parking for over a 20 year period as how the spaces had been occupied and by whom over that period could not be ascertained. It was likely that the parking spaces had been occupied by a number of different people over the years and that there had been an interrupted period of use. There would have been a fluid use which would have also included visitors and deliveries.

In response to a question from the Committee, the Property Manager advised the following:

- That following approval of the application, the next stage would be agree with North Devon Homes a way forward in conjunction with Bishops Nympton Parish Council following the comments raised by the Parish Council. A separate report would also need to be presented to the Strategy and Resources Committee regarding the development agreement.

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

- There was not currently a good arrangement in place for the turning of vehicles, as witnessed as the site inspection with the reversing of a food delivery vehicle.
- Informal parking currently took place on site. The land was owned by North Devon Council and this informal parking could be removed at anytime.
- Parking would also be provided for the two new proposed dwellings.
- She considered that it would be a planning betterment as more parking spaces would be provided as part of a formal arrangement and two additional short stay spaces would be provided.

Councillor Yabsley declared an other registerable interest as a Member of Devon County Council.

RESOLVED (unanimous) that the application be REFUSED for the following reason:

- (a) The Council do not consider the development to be good place making and contrary to policies DM04 and DM01 “amenity design principles” and paragraph 130 (f) of the National Planning Framework “place making”; and an informative be placed on the decision notice advising the following:

- (i) That the Council look corporately at the issue and work together with Bishops Nympton Parish Council and North Devon Homes prior to the submission of a further planning application.

135. ADJOURNMENT OF MEETING

RESOLVED that it being 11.37 am that the meeting be adjourned for a comfort break and reconvened at 11.50 am.

**136. 75731: WESLEY HOUSE NORTH STREET SOUTH MOLTON
DEVON EX36 3AW**

The Committee considered a report by Senior Planning Officer (DB) (circulated previously) in relation to planning application 75731.

The Senior Planning Officer (DB) advised the Committee of two proposed additional conditions to be included as part of the recommendation:

- The requirement for the submission of a construction method statement to deal with waste and vehicle management during the demolition of the dwelling.
- To ensure where possible that existing materials are re-used.

Peter Jones (objector), Reverend Stuart Innalls (supporter), Martin Hickman (supporter), Paul Bailey (supporter), Marc Cornelius (supporter), Derek Summers (applicant) and Daniel Gill (agent) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement received from Alison Verney (supporter) to the Committee.

Councillor Henderson (Ward Member) addressed the Committee.

Councillor Worden (Ward Member) addressed the Committee. Councillor Worden declared a non registerable interest as he attended the Methodist Church which was located adjacent to the site.

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

- The Conservation Officer had been consulted and advised that it was a non-designated heritage asset which did not meet the requirements of a significant heritage asset.
- It was recommended that materials be re-used as appropriate. This would include slate and any materials that were not porous. Any materials that could be re-used would be conditioned. Samples of all materials would also be requested and the Conservation Officer would be consulted on the re-use of material.
- The provision of two maisonettes and office accommodation provided a wider public benefit which outweighed the demolition of Wesley House.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Senior Planning Officer subject to the inclusion of two additional conditions in relation to:

- a. The requirement for the submission of a construction method statement to deal with waste and vehicle management during the demolition of the dwelling.
- b. To ensure where possible that existing materials were re-used.

Councillor Chesters left the meeting.

**137. 75993: LAND ADJACENT TO ROUNDWELL A39
ROUNDABOUT, ROUNDWELL, BARNSTAPLE DEVON EX31
3RZ**

The Committee considered a report by Service Manager (Development Management) (circulated previously) in relation to planning application 75993.

Councillor Yabsley declared an other registerable interest as the Chair of the North Devon Highways and Traffic Orders Committee.

Councillor Leaver declared an other registerable interest as the Vice-Chair of the North Devon Highways and Traffic Orders Committee.

Councillor D. Spear declared an other registerable interest as a member of the North Devon Highways and Traffic Orders Committee.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Service Manager (Development Management).

**138. 76307: UNITED SERVICES BOWLING CLUB, POTTINGTON
ROAD, BARNSTAPLE, DEVON, EX31 1JH**

The Committee considered a report by the Planning Officer (circulated previously) in relation to planning application 76307.

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

**139. 76371: LAND OPPOSITE 2 TRACEYS COTTAGES, KNOWSTONE,
SOUTH MOLTON, DEVON, EX36 4RY**

The Committee considered a report by the Planning Officer (circulated previously) in relation to planning application 76371.

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

John Pomfret (Parish Council representative), Richard Vos (supporter), Rachael Westacott (representing the applicant) and John Clarke (agent) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement received from Kenneth Dykes (supporter) to the Committee.

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

- The blue line on the plan indicated the site. It was not certain whether the applicant had explored alternative locations further north of the site.
- The Planning Officer considered the application to be contrary to policy DM24 and was adjoining or well related to the built form of Knowstone.
- Her view was that it was located in the countryside and did not represent a form of sustainable development. In relation to the social element, the applicant had addressed this as part of her presentation to the Committee. In relation to the economic element, this was a short term gain. In relation to the environmental element, there was significant harm as it was a greenfield site for the provision of one dwelling. The site was located 400 metres away from Knowstone.

Councillor Ley (in his capacity as Ward Member) addressed the Committee.

RESOLVED (unanimous) that the application be APPROVED as the Committee considered that paragraph 78 of the National Planning Policy Framework which stated that “in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs...” was a material consideration.

140. APPEAL REPORT

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

Chair

The meeting ended at 1.25 pm

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