

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 9th August, 2023 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Lane, Bishop, Crabb, Haworth-Booth, Knight, Maddocks, Leaver, Prowse, L. Spear, Walker, Whitehead and Williams

Officers:

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

14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bulled and Denton.

15. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 14TH JUNE AND 27TH JULY 2023.

RESOLVED that the minutes of the meetings held on 14th June 2023 and 27th July 2023 (circulated previously) be approved as correct records and signed by the Chair.

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

The Chair mentioned an appeal decision received by the Authority within the last few days (so would not be included in the report within item 9 of the agenda). He noted it made reference, incorrectly, to the Authority being unable to prove it had a five year land supply. He advised that he would approach the Chief Executive and the legal team, with the aim to jointly consider the next course of action.

The Chair also requested the Committee provide him with their opinions (at a later date) with regard to the format and content of planning reports.

17. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Davies Planning application 76435: Disclosable Pecuniary Interest as the Agent for the application.

18. ORDER OF AGENDA

RESOLVED that the order of the agenda be changed, and application number 76435 be considered prior to application 77075.

**19. 76435: RIVERSIDE HOUSE NEWNHAM BRIDGE UMBERLEIGH
DEVON EX37 9EU**

Councillor Davies re-declared his discloseable pecuniary interest in the application and left the meeting during the consideration of this planning application.

The Vice-Chair took the Chair for this application.

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

The Senior Planning Officer addressed the Committee and advised that the applicant had appealed against non-determination by North Devon Council and as such, the Committee members were requested to make a resolution to be put forward to the Planning Inspector. The Committee would not be making the decision themselves today; rather just a recommendation of their decision.

In response to a question from the Committee, the Senior Planning Officer advised that the Parish Council had recommended approval.

The committee noted that the impact of recommending this for approval could be widespread and that a fall-back plan could have been of use.

RESOLVED (11 for, 0 against, 1 abstained) that the application be agreed as recommended by the Senior Planning Officer in that the decision of 'Refused' be provided to the Planning Inspectorate.

20. 77075: OPEN SPACE MEADOW PARK, ROUNDWELL, DEVON

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

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

- The plot was not adopted by North Devon Council (NDC).
- It was a public open space which should have been transferred to local authority ownership on completion of the site. This transfer had not taken place. NDC had managed the area until it had been privately sold.
- Considerations should be made regarding:
 - It was considered to be a cramped development

- The bedrooms did not meet the preferred minimal standards for dwellings
- The application stated it would be a 'car free development' which would be unlikely.
- Impact on hedgerows had not been considered
- The site did not have the benefit of a DEFFRA small-site metric.

Ann Hardy (of Rowan Homes South West) (applicant) addressed the Committee.

Statements from objectors; Lyn Simmons and Patricia Gillibrand were read to the Committee by the Corporate and Community Services Officer.

The Legal Officer advised that there was a Section 52 agreement in place which required the transfer of the land. This was a complex issue as the original developer of the site had gone into liquidation. The receivers had sold the land. Negotiations were taking place.

In response to questions from the Committee, the Legal Officer confirmed that NDC had maintained the plot for 20 years, under mandatory arrangements. However this did not provide the authority with any additional rights.

In response to questions from the Committee, the Lead Planning Officer (Major Applications) advised that on consulting with the Parks Team it had been noted that their view was that if the development was approved then there should be a Section 106 agreement to provide off-site provision of an open space. It was however considered that to off-set and remove the area would not be good 'place making' in contravention of DM09 of the North Devon and Torridge Local Plan.

The Service Manager (Development Management) advised that it was about good 'place-making' and to avoid creating high-density development and reconfirmed the possible consequences for other areas of public open space in the surrounding area.

Councillor Walker addressed the Committee as Ward Member.

Councillor Prowse advised the Committee that he had been involved with the original planning of Roundswell in the late 1980s and had noted that public open spaces had been intentionally added to provide green spaces to the design. He noted that the three original developers were all no longer trading but had been 'restructured' in different companies. He noted that an audit of those spaces should be performed.

In response, the Chair confirmed that any spaces should be listed within the Council's list of assets.

In response to questions from the Committee, the Lead Planning Officer (Major Applications) confirmed that should the application be refused the land would need to be returned as public open space and therefore any fencing removed in order to make the space accessible.

RESOLVED (11 for, 0 against, 1 Abstained) that the application be **REFUSED** as recommended by the Lead Planning Officer (Major Applications).

21. 75927: LAND AT CASTLE PARK ROAD WESTACOTT GRANGE BARNSTAPLE

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

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

- The plant and machinery to the side of the Trittech building would be removed and replaced elsewhere by the developer.
- The farmland at the end of Westacott Lane was now part of the allocated land under BAR01 of the local plan.
- There would be an element of Biodiversity Net Gain to compensate the loss of some of the trees secured by S106.
- There would be a vehicle turning circle in the proposed plans.
- This application was for the access road only.
- This was an alternative to the previously proposed access through Westacott Park which had been deemed unacceptable by the Authority.

The Lead Planning Officer (Major Applications) advised that the access would open up the route to applications 62187 (149 dwellings) and 65448 (820 dwellings), however this connection would be established by further planning permissions. She showed the Committee the allocation map for the 'Westacott extension'.

Councillor Leaver declared an Other Registrable Interest as the Devon County Councillor for the area.

Devon County Council Highways Officer (Matt Collins) addressed the Committee and confirmed that Highways had no objections to the application.

In response to questions from the Committee, the Highways Officer advised:

- The level of detail provided at this stage would not enable him to confirm whether the road could be adopted by DCC in future. He did however note potential issues with the retaining wall (boundary with Westacott Meadow), width of the road, and the proximity to the building. He also confirmed that based on the height of the bank, DCC would require an AIP (Approval in principal).
- He could not confirm if a safety audit had been carried out.
- This application was currently for a single road and at present would not change the requirements for the junction with the main road. In future, when subsequent applications were submitted, the resulting effect of the junction would be considered.

The Service Manager (Development Management) confirmed that the road junction would be considered at the reserve matters stage.

RESOLVED (11 for, 1 against) that the application be APPROVED as recommended by the Lead Planning Officer's (Major Applications).

22. ADJORNMENT OF MEETING

RESOLVED that it being 11.27 a.m. the meeting be adjourned for a comfort break and reconvene at 11.35 a.m.

RESOLVED, that it being 11.35 a.m. the meeting continue in order for the remaining business to be transacted.

23. APPEAL REPORT

The Committee considered 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.

The Service Manager (Development Management) summarised the appeals covered within the appendices.

The committee appreciated the detail of the appeal report and found it useful to see the proposed plans and what had, and had not been considered acceptable by the inspectors.

The Committee noted the report.

24. TO CONSIDER IF ANY PLANNING SITE INSPECTIONS ARE REQUIRED AND TO AGREE THE REASON(S) AND DATE(S) FOR THOSE INSPECTIONS TO BE HELD.

The Committee noted that a site visit would be required for application 76293 Land South of A39 Brynsworthy. This would be arranged as soon as the application was at the required stage.

Councillor Leaver declared a Discloseable Pecuniary Interest as her husband was employed to provide a technical report for the applicant on application 76293.

The Chair suggested that the Committee were provided with a visit to previously approved sites in order to consider what makes a good (or bad) development.

Chair

The meeting ended at 11.59 am

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