

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barum Room - Brynsworthy on Wednesday, 28th February, 2024 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Bulled, Haworth-Booth, R Knight, Lane, C Leaver, Maddocks, Prowse, L. Spear, Walker and Williams

Officers:

Service Manager (Development Management), Lead Planning Officer (North), Lead Planning Officer (Major Applications) and Legal Advisor

71. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Denton and Whitehead.

72. 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.

73. DECLARATION OF INTERESTS

There were no declarations of interest announced.

74. 76784: NORTH DEVON LEISURE CENTRE, SEVEN BRETHREN BANK, BARNSTAPLE, DEVON EX31 2AP.

The Committee considered a report by the Lead Planning Officer (Major Applications) regarding planning application 76784 (circulated previously).

Marsh Pullen (representing Barnstaple Town Council), Tony Hopwood (agent) and SarahJane Mackenzie-Shapland (applicant) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement received from Councillor David Knight, in his capacity as Ward Member, to the Committee.

The Chair advised that as Councillor C. Leaver had arrived after the start of the consideration of this item, was unable to move or second a motion or take part in the vote, however was able to ask questions

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

- The scheme needed to demonstrate that regard had been had to the National Design Guide and relevant strategic and development policies in the Local Plan. There was a conflict in terms of policy DM04 in terms of design, DM07 and ST017 in terms of planning and listed building and paragraphs within the National Planning Policy Framework.
- There were some concerns regarding the 6 storey element and the scheme had been redesigned and it was now proposed that the 6th storey would be stepped back.
- Further details had been provided in relation to the design and materials and how it would look when it had been built. High quality materials would be used and landscaping had been included within the design to minimise some of the impact. However, there was still a slight conflict with policy DM04 which had been given moderate weight as a planning judgement.
- The Heritage and Conservation Officer had advised that the element of harm on the listed building was less than substantial harm and this needed to be considered against the public benefits.
- Having considered the benefits versus the disbenefits, it was a matter of planning judgement as to how the balance will fall. In considering the cumulative weight of the disbenefits, against that of the benefits, the weight of the benefits arising from this proposal would clearly outweigh the harm arising from policy conflict identified above. The balance of achieving a sustainable, viable and attractive development in this location were highly challenging and the scheme presented was not the perfect scheme however this was not considered to result in a such significant conflict to the development plan, when read as a whole, which would justify refusal of the scheme.
- The plans had not been reviewed by a Design Review Panel. This was not a statutory requirement. However recommendations of a Design Review Panel could be given weight as part of the planning process. Officers had reviewed the design and external consultants had provided their critiques.
- The relocation of the higher density part of the scheme from the riverside to the south west part of the site had not been considered as part of the reserved matters application. The proposed design optimised the layout for the site.
- There were taller residential buildings already located on the other side of the river adjacent to the Oliver Buildings and at the Anchorwood Bank development. This development was smaller scale. The location of six storey building opposite to Rock Park would look out of place.
- A viability appraisal had been carried out on this site as part of the outline application. It was a borderline viable scheme which had been assisted by the securing of external funding. If the development was reduced it would have an impact on the viability.

- The housing mix was not strictly in accordance with the housing needs assessment, however there was a caveat within the policy that the viability of a site could alter the housing mix.
- No final decision had been taken by Devon County Council Highways Authority in relation to whether the road on the site would become adopted or whether it would be a private estate. There were ways to control parking whether it was adopted or a private estate. Devon County Council Highways Authority had recently consulted on altering the junction to Seven Brethren. This would have no implications for this scheme.
- Affordable housing had been secured through a development agreement and not through a section 106 agreement.
- There were no prescribed parking standards within the Local Plan. There was a need to look at the circumstances for each site and apply. It was proposed that 2 parking spaces would be provided for each dwellinghouse including affordable housing. Less parking spaces would be provided for the apartment block.
- A section 106 agreement would secure an off site contribution for biodiversity net gain payments.
- The Planning Authority had no control over the use of internal materials. The materials to be used externally had been provided.
- In terms of Biodiversity Net Gains, the Northern Devon Biosphere Reserve had schemes running. Discussions would take place with the Sustainability Officer in terms of identifying a suitable site.
- The application had been submitted in April 2023 and since that time there had been a lot of redesigns.
- Any stepping down in the height of the buildings would affect the viability of the site.

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

- There were no prescribed parking standards within the Local Plan. The developer had been asked to reduce the number of parking spaces, who had been in agreement to reduce the number but not remove completely.
- It was accepted that the site was located in a sustainable location, within walking distance of the town centre and access to the train and bus links.
- There was no reason to refuse the application on the basis of providing 2 car parking spaces for each dwellinghouse, as it would not outweigh the benefits.
- The Local Plan and national policies did not enable a planning application to be refused on the basis of the development not being net zero.
- The scheme design had been reviewed by officers who had a lot of experience in design.
- The National Planning Policy Framework paragraph 135 states that there should be a strong sense of place. This development would provide a gateway building. There had been a lot of work on the design in terms of providing balconies and use of materials along the riverfront to create a sense of place. The benefits outweighed the harm and in terms of design there was not a strong reason to refuse the application.

- If the application was deferred to allow for the scheme to be reviewed by a Design Review Panel, it would need to be for longer than 2 months and would be quite costly. It was considered that it was too late for this to be undertaken at this stage, and should be considered as part of the pre-application stage or at outline stage.

In response to questions, SarahJane Mackenzie-Shapland (applicant) advised the following:

- There were time constraints in terms of external funding and the Land Release Fund.
- The design and access statement had previously been considered by the Committee as part of the outline application and the reserved matters application had been based on those principles.
- There had been a number of design iterations.
- It was a constrained site for the provision of 180 dwellings.
- A Design Review Panel was not considered to be appropriate in this instance.

RESOLVED (10 for, 0 against, 0 abstained) that the application be APPROVED as recommended by the Lead Planning Officer (Major Applications).

75. ADJOURNMENT OF MEETING

RESOLVED that it being 11.51 am that the meeting be adjourned for a short comfort break.

RESOLVED that it being 12.00 pm that the meeting be reconvened.

76. 77915: ILFRACOMBE WATERSPORTS HUB LARKSTONE LANE

The Committee considered a report by the Lead Planning Officer (North) regarding planning application 77915 (circulated previously).

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

77. 77952: LAND AT MILL ROAD, BARNSTAPLE, DEVON, EX31 1JQ.

The Committee considered a report by the Lead Planning Officer (North) regarding planning application 77952 (circulated previously).

Carl Metcalfe (applicant) addressed the Committee.

In response to a question, the Lead Planning Officer (North) advised the following:

- That further to the comment made by the Highways Authority stating “It should be noted that the Barnstaple with Bideford and Northam Local Cycling and Walking Infrastructure Plan indicates a future aspiration for a cycle route

through this land from the Tarka Trail to Rolles Quay and this proposal should not prejudice that aspiration”, he did not consider that this application would prejudice this aspiration.

- Currently the use of this site was for a council depot and the application was purely for a change of use with no physical development.
- The Highways Authority had not raised an objection to the using of the proposed access to the site.

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

Chair

The meeting ended at 12.19 pm

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