

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 1st May, 2024 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Crabb, Denton, Haworth-Booth, R Knight, Lane, Maddocks, Norman (substitute for Councillor C. Leaver), Prowse, L. Spear, Walker, Whitehead and Williams

Officers:

Service Manager (Development Management), Lead Planning Officer (Major Applications), Senior Planning Officer (SE), Legal Advisor, Planning Officer (BC), Chief Executive and Sustainability Officer

Also Present:

Councillors Bell and Cann

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bulled and C. Leaver.

The Senior Corporate and Community Services Officer advised the Committee that Councillor Norman had been appointed to substitute for Councillor C. Leaver at this meeting.

11. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 3RD APRIL 2024

RESOLVED that the minutes of the meeting held on 3 April 2024 (circulated previously) be approved as a correct record and signed by the Chair.

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

(a) Order of Agenda

The Chair advised that item 9, planning application 78083, would be considered before item 7 on the agenda.

13. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Davies – Planning application 78424 disclosable pecuniary interest as the agent for the application.

Councillor Denton – Planning application 76293 non registerable interest as the applicant was known to him.

Councillor Lane – Planning application 76293 non registerable interest as the land owner was known to him.

14. 76293: LAND SOUTH OF A39 BRYNSWORTHY BARNSTAPLE DEVON EX31 3QQ

The Committee considered a report by the Lead Planning Officer – Major Applications (circulated previously) regarding planning application 76293.

Councillor Denton re-declared a non registerable interest in this application and left the meeting during the consideration thereof.

Councillor Lane declared a non registerable interest in this application as he knew the applicant and left the meeting during the consideration thereof.

The Senior Corporate and Community Services Officer read out statements received on behalf of Mike Tucker (Instow Parish Council - objecting), Sarah and Ryan Tucker (objecting) and Geoff Hall (objecting) to the Committee.

Martin Gimber (North Devon Homes – supporting), Mark Johnston (North Devon and Torridge Housing Crisis – supporting), James McKechnie (supporting), Councillor Bell, Adrian Tucker (objecting), Dennis Jenkins (objecting), Andrew Pegg (Wessex Investors – applicant) and Claire Alers-Hankey (Greenslade, Taylor and Hunt – agent) addressed the Committee.

Councillor Cann (Ward Member) addressed the Committee.

In response to issues raised by the speakers, the Service Manager (Development Management) advised the following:

- That reference made to policy ST19 was not applicable to this application as it was not a rural site. Policy ST18 was the applicable policy in this instance.

In response to issues raised by the speakers, the Lead Planning Officer – Major Applications advised that there had been a fatality on the A39 near to the proposed location of the footpath with a person crossing from Brynsworthy Lane.

In response to questions raised by the Committee, the Development Manager for Devon County Council Highways Authority advised the following:

- That the Highways Authority preference had been to secure a roundabout as opposed to a crossing. However, the applicant had been able to demonstrate that traffic signals would work and therefore the Highways Authority had not raised an objection. The Highways Authority could not dismiss a proposed junction if it could be demonstrated that an alternative solution could work.

In response to questions from the Committee, Andrew Pegg (applicant) advised that it had been decided to not proceed with the provision of a roundabout as part of the development as it would be a larger infrastructure and require more third party land. The provision of a pedestrian crossing had passed the appropriate tests, was more practical to deliver and would be less confusing for pedestrians and drivers.

In response to questions from the Committee, the Sustainability Officer advised that in relation to the comments made by Natural England regarding the estuary being a migration route for overwintering birds was a general statement. The applicant was responsible for ecology on the site and there was no suitable habitat on the site for overwintering birders therefore an overwintering survey was not required.

In response to questions from the Committee, the Lead Planning Officer – Major Applications advised the following:

- A Grampian condition could be imposed on an area outside of the application site to ensure the delivery of part of a development and that without a Grampian condition it would prevent the development taking place until it was secured.
- The Local Plan required 30% affordable housing/Social housing. The Supplementary Planning Document would require the tenure mix to be at least 75% for social rent and 25% intermediate housing. Some of the proposed tenure was intermediate which would enable the occupier to become a freeholder. The social rent would be provided by a registered provider such as North Devon Homes who would provide social housing to tenants with an identified need.
- That the site had been submitted as a call for site as part of the evidence base for the the Housing and Economic Land Availability Assesmmnt (HELAA).
- The NHS was a consultee for all major schemes. She reported on a recent meeting that she had attended whereby the NHS were requiring section 106 contributions for primary care and for acute care build projects.
- As detailed on page 123 of the report, although the location of the site had been identified by Natural England as having a potential impact, they had identified suitable mitigation through conditions.
- South West Water had been consulted and responded. From the comments made it had been taken that there was sufficient infrastructure in place to connect to the site.
- The wording in the policy stated that walking and pedestrian footways should be well designed and attractive.
- There had been no technical objections to the application in terms of the safety of the proposed crossing.

- In terms of sustainability of the site, if the link could not be delivered then the site would not be connected and therefore not sustainable. If the footway could be delivered, there were still concerns regarding the lengths of walking distances and the quality of the route.

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

- Confirmed that the Joint Local Plan was still up-to-date and had been subject to the Planning Advisory Service process and was assessed as being sound for decision making processes.
- Meetings took place with South West Water every three months. South West Water were taking into account new developments to ensure that there was capacity and they had confirmed that there was capacity for this site. South West Water was a statutory consultee.
- The proposed pedestrian/cycling links was not a quality route and it was unlikely that it would be used by parents walking with their children or by older people.
- The application should be determined in accordance with the Local Plan unless there were material considerations. The starting point was Local Plan policy ST07 principle of development in the countryside. The site was outside of the development boundary and was contrary to this policy.
- The application was not considered to be a good form of development in terms of place making.
- The site could come forward in the future, however it needed to be a more comprehensive development with better integration with Barnstaple and sustainable transport modes.

Councillor Walker addressed the Committee in her capacity as Ward Member.

RESOLVED (9 for, 1 against and 1 abstained) that the application be REFUSED as recommended by the Lead Planning Officer – Major Applications.

15. ADJOURNMENT OF MEETING

Councillor Denton left the meeting.

RESOLVED that it being 11.48 a.m. that the meeting be adjourned for a short comfort break.

RESOLVED that it being 11.58 am that the meeting be reconvened.

16. 78083: FORMER BICCLESCOMBE NURSERIES, FURZE HILL ROAD, ILFRACOMBE, DEVON

The Committee considered a report by the Senior Planning Officer (SE) (circulated previously) regarding planning application 78083.

The Senior Planning Officer (SE) advised the Committee of some typographical errors contained within the report which included the following:

- Condition 4 – be amended to also include reference to “Plots 3 and 4”.
- Condition 5 – be amended to also include reference to “Plots 3 and 4”.
- Conditions 13 to 18 (inclusive) – the reasons be amended to include reference to the relevant policies of the North Devon and Torrridge Local Plan.
- Condition 16 – be amended to include reference to “condition 15” and not “condition 3”.

Mark Johnson (North Devon and Torrridge Housing Crisis Group – supporting), Graham Parkhouse (objecting), Roger Derwas (objecting), Mark Read (applicant) and Matt Steart (agent) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement received from Geoff Fowler (objecting) to the Committee.

In response to issues raised by the speakers, the Service Manager (Development Management) advised the following:

- That the issue regarding a parking regulation order being imposed had been discussed with the Development Manager for Devon County Council Highways Authority, who advised that the Highways Authority would not object to the application without this being requested. However, she advised that a section 106 contribution could be explored to ensure no parking along Furze Hill Road if it was considered to be a betterment. A Traffic Regulation Order would need to form part of a section 106 agreement.

In response to questions raised by the Committee, the Senior Planning Officer (SE) advised the following:

- The statement read on behalf of Geoff Fowler referred to no parking regulations on the blind bend, two corners and the pinch point along Furze Hill road and was not for the entire road.
- Reference to the “link has been excluded” within the penultimate paragraph of the Planning Policy Unit consultee response dated 3 January 2024, referred to land ownership to gain access to Chandlers Way.
- Biodiversity Net Gain could be met within the site, therefore there was no requirement to provide externally. The Landscape Ecological Management Plan would ensure that Biodiversity Net Gain could be achieved within the site boundaries.
- The Planning Obligations/Viability paragraph within the report set out contributions to be made through a section 106 agreement.
- The National Planning Policy Framework allowed Local Planning Authorities to make a planning balance. The delivery of 100% affordable housing provision through a Community Land Trust with the proposed mix was supported and therefore the principle was acceptable.

- The applicant had provided a viability appraisal which stated that the development could only be delivered with grant funding support to meet the significant shortfall in costs.
- The provision of bird and bat boxes would be provided as part of the Landscape Ecological Management Plan.

The Property Manager advised in relation to the consultee response of the Planning Policy Unit dated 3 January 2024, that the access gate to Kingsley Avenue would remain and it was a legal right of way. It was not clear why this had been excluded from this application, however it was planned that the access route would be re-established.

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

- The Advanced Payment code was not out of date and a private road could accommodate 16 properties.
- The Viability Appraisal had been submitted as detailed on page 221 of the report and had been tested in accordance with paragraph 158 of the National Planning Policy Framework. It was recommended that 100% social rent be provided. It was unlikely that the site would come forward if section 106 contributions were required.
- The Local Plan policies did not currently include reference to developments being net zero. However it was anticipated that updated Building Regulations would be implemented in due course.
- The Highways Authority had not raised an objection to the application. Section 106 contributions could be sought towards a traffic regulation order to restrict parking on the blind bend, two corners and the pinch point along Furze Hill road.

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

RESOLVED (unanimous) that the application be APPROVED as recommended by the Senior Planning Officer (SE) subject to the following:

- (a) That prior to a section 106 agreement being signed, that a meeting be held between the Planning Officer, Ward Member(s) and developers regarding highway improvements;
- (b) That amendments be made to conditions as follows:
 - a. Condition 4 – be amended to also include reference to “Plots 3 and 4”.
 - b. Condition 5 – be amended to also include reference to “Plots 3 and 4”.
 - c. Condition 7 – be amended to include the following after the wording “hereby approved”, “(save such preliminary or minor works that the Local Planning Authority may agree in writing)”.
 - d. Conditions 13 to 18 (inclusive) – the reasons be amended to include reference to the relevant policies of the North Devon and Torridge Local Plan.

- e. Condition 16 – be amended to include reference to “condition 15” and not “condition 3”.
- (c) That an additional condition be included requiring the provision of bird and bat boxes.

**17. 78424: BEDPORT POULTRY FARM - PLOT 1 BURRINGTON
UMBERLEIGH DEVON EX37 9LE**

Councillor Davies re-declared a disclosable pecuniary interest in this application and left the meeting during the consideration thereof.

Councillor Lane took the Chair.

Councillor Walker was not present during the consideration of this application.

The Committee considered a report by the Senior Planning Officer (SM) (circulated previously) regarding planning application 78424.

In response to a question from the Committee, the Service Manager (Development Manager) advised that an informal briefing would be provided to the Committee in the future regarding Class Q applications and criteria that could be taken into consideration in terms of betterment.

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

**18. 78385: FORMER SHOPMOBILITY CENTRE, ALBERT LANE,
BARNSTAPLE, DEVON EX32 8RL**

Councillors Davies and Walker returned to the meeting. Councillor Davies took the Chair.

The Committee considered a report by the Planning Officer (BC) (circulated previously) regarding planning application 78385.

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

19. APPEAL REPORT

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

The Service Manager (Development Manager) provided an update in relation to planning appeals 77333 and 77141. She advised that an update had been provided to the last Committee meeting in relation to planning appeal 76024.

20. 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 inspection would be required for planning application 76809, outline application for residential development of 105 dwellings, land to North of Station Road, Woolacombe to view the impact of the development on the Area of Outstanding Natural Beauty (AONB). The application would be presented to the Committee at its meeting on 3 July 2024. It was agreed that the site inspection would take place on the afternoon of Wednesday 26 June 2024.

Chair

The meeting ended at 1.31 pm

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