

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 12th February, 2025 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Bulled, Crabb, Haworth-Booth, Lane, Lethaby, Maddocks, Prowse, Walker, Whitehead, Williams and Worden (substitute for Councillor C. Leaver).

Officers:

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

Also Present:

Councillors Coombs and Maskell

96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Denton, R. Knight, C. Leaver and Spear.

The Senior Corporate and Community Services Officer advised that Councillor Lethaby had been appointed to substitute for Councillor R. Knight and that Councillor Worden had been appointed to substitute for Councillor C. Leaver.

97. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 4TH DECEMBER 2024

RESOLVED that the minutes of the meeting held on 4 December 2024 (circulated previously) be approved as a correct record and signed by the Chair.

98. 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 as a matter of urgency.

99. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Davies – planning application 79488, disclosable pecuniary interest as he was the agent.

Councillor Walker – planning application 79317, other registerable interest as a member of the Fremington Parish Council and appointed to the Tews Lane Committee

**100. TO AGREE THE AGENDA BETWEEN PART 'A' AND PART 'B'
(CONFIDENTIAL RESTRICTED INFORMATION)**

The Chair advised the Committee that in relation to planning application 76857, that under item 6 on the agenda the Committee would receive the planning officers report and those members of the public that had registered to speak would address the Committee. The Committee would then move into Part B on the agenda to receive legal advice and then under item 10 on the agenda there would be opportunity for Councillors to ask any questions and then move into the debate.

**101. 76857: LAND AT LEY LANE, PATCHOLE, KENTISBURY, EX31
4NB**

The Chair advised that a member of the public would be recording discussions in relation to planning application 76857 and that he would also be recording the meeting.

The Committee considered a report by the Senior Planning Officer (SE) (circulated previously) regarding planning application 76857.

In presenting the report update to the Committee, the Senior Planning Officer (SE) advised that the reasons for external legal advice being exempt information was also in accordance with the Local Government Act 1972 and the Council's Constitution.

James Bradley (objector) and Oliver Perrin (objector) addressed the Committee.

**102. EXCLUSION OF PRESS AND PUBLIC AND RESTRICTION OF
DOCUMENTS**

RESOLVED:

- (a) that, under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involved the likely disclosure of exempt information as defined by Paragraph 5 of Part 1 of the Schedule 12A of the Act (as amended from time to time), namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(b) that all documents and reports relating to the item be confirmed as “Not for Publication”.

**103. 76857: LAND AT LEY LANE, PATCHOLE, KENTISBURY, EX31
4NB**

The Committee considered the external legal advice of Mr Timothy Leader, Barrister, St Johns Chambers Bristol that had been provided (circulated previously).

104. RE-ADMITTANCE OF PUBLIC AND PRESS

RESOLVED that it being 11.07 am that the Public and Press be re-admitted to the meeting.

**105. 76857: LAND AT LEY LANE, PATCHOLE, KENTISBURY, EX31
4NB**

Councillor Davies advised that he would be restarting his recording of the meeting.

There were no questions raised by the Committee.

Following the moving and seconding of a motion to approve the application, the Chair outlined the steps to be followed in accordance with the Planning Code of Conduct, Paragraph 9, Part 5 of the Council’s Constitution as follows: “9.4 Where a councillor wishes to move or moves a motion which differs from the officer’s recommendation consideration should be given to adjourning the committee meeting for a few minutes for the reasons for such a motion to be discussed.”

RESOLVED, following the moving and seconding of a motion to approve the application, which differed from the Planning Officer’s recommendation, that in accordance with paragraph 9.4 of the Planning Code of Conduct the meeting be adjourned at 11.16 a.m., for the reasons for such a motion to be discussed with the mover and seconder of the motion, the Chair and officers.

RESOLVED that it being 11.41 a.m. that the meeting be reconvened.

In accordance with paragraph 9.7 of the Planning Code of Conduct, the Chair invited the mover of the motion, Councillor Walker, to address the Committee.

Councillor Walker read the reasons to the Committee.

The Senior Corporate and Community Services Officer then read the motion and reasons to the Committee prior to the vote being taken and the Chair asked Councillor Walker if she agreed with those reasons as read out. Councillor Walker confirmed this.

The Service Manager (Development Management) requested that she be given delegated powers to attach the associated conditions.

RESOLVED (10 for, 2 against, 0 abstained) that the application be APPROVED subject to the Service Manager (Development Management) being delegated power to attach the associated planning conditions.

REASONS

- (a) The Committee takes into account the external legal advice and the officer's report.
- (b) The Committee were now looking at this application in a different way than the previous Committee did in November 2024 as we have new mandatory housing targets and therefore we recognise that the Council cannot demonstrate a 5 year housing land supply.
- (c) In December 2024, the Government updated the National Planning Policy Framework and as a result a material consideration is that the tilted balance is engaged in accordance with the paragraph 11 (d) (ii) of the National Planning Policy Framework.
- (d) Because the policies in terms of housing supply are considered to be out of date tilting the balance between benefits and harm.
- (e) The application is in accordance with Policy ST01 as Patchole and Kentisbury are in the Local Plan as a village which has an aspiration of community growth.
- (f) Therefore it is a sustainable development of an open market dwelling which tilts the balance in favour of approval.
- (g) As a result of the above, the Committee affords less weight to the environmental and social perspective in policy ST01 as well as policies in ST19 and DM23.
- (h) The Committee increases weight given in producing another property for the vitality of the village.
- (i) Therefore, the Committee does consider that the benefits significantly and demonstrably outweigh the harm when assessed against the policies within the National Planning Policy Framework as a whole.

106. ADJOURNMENT OF MEETING

RESOLVED that it being 11.50 am that the meeting be adjourned for a comfort break and that it be reconvened at 11.56 am.

107. 79268: BROADLANDS FARM, SAUNTON ROAD, BRAUNTON, DEVON, EX33 1HG.

The Committee considered a report by the Lead Planning Officer (Major Applications) (JM) (circulated previously) regarding planning application 79268.

As part of the presentation by the Lead Planning Officer (Major Applications) to the Committee, Stephen Reed, Senior Historic Environment Officer from Devon County Council addressed the Committee as he had provided archaeological heritage advice to the Council in relation to this planning application.

The Lead Planning Officer (Major Applications) advised the Committee, that the applicant was seeking deferral of the application to enable further pre-application advice to be sought from Historic England.

Terry Green (objector) and Mark Cann (on behalf of the applicant) addressed the Committee.

Councillor Maskell, addressed the Committee in her capacity as Ward Member.

Councillor Worden declared for transparency reasons that he was the Chair of the South Molton Community Land Trust. He advised that he would not take part in the voting on this application.

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

- Since the last 1960s, large parts of the Great Field had been developed such as Saunton Park. Between 1963 – 1996, development had taken place on Saunton Road, Field Lane and Lime Tree Grove. There had not been a lot of development that had taken place between the South and West of the Great Field. The development had all taken place in the last 50 years.
- Since 2018, there were now safeguards in place in the Local Plan under the Local Green Policy.
- There had been no new development over the last 10-15 years. There was a pocket of land behind the Tesco's site, however this did not affect the Great Field.
- The applicant was seeking deferral of the application to enable further advice to be sought from Historic England. Historic England provided a pre-application advice service to engage directly with the applicant. This was free advice in the first instance. However, it was unlikely the pre-application advice would proceed any further as it was a protected landscape.

In response to questions, the Senior Historic Officer, Devon County Council advised the following:

- The site was an enclosed field which formed part of the setting of the Great Field. If development took place, the setting would start to be lost.

- The agricultural use of the Great Field had changed due to ownership and change in agricultural practices.
- In the mid 19 century, it was a medieval strip field and enclosed. If the field system still existed in its entirety, there would be great medieval importance, regardless of whether it was open field.
- Agricultural field formed part of the setting of the older Great Field. It was not strip farmed now.
- The original boundary of the Great Field could be defined from aerial photos as it was a recognisable landscape feature.
- The area was protected by Policy BRA 03. Any development on the edges of the Great Field would start to lose the integrity and setting of the Great Field.

In response to a question from the Committee, the Chair advised that around 30 houses would be required to provide a similar number of social rented affordable housing units.

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

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

- That it was a light touch application and there was not an option to request the application to provide further detail as part of this application.

The Solicitor reminded the Committee of the requirements for Committee Site Visits as detailed in paragraph 10.1 of the Planning Code of Conduct and the reasons for a site visit was only likely to be necessary: “(i) if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers; (ii) the comments of the applicant and objectors cannot be expressed adequately in writing; and/or (iii) the proposal is particularly contentious.”

RESOLVED (10 for, 1 against, 1 abstained) that the application be DEFERRED FOR 2 CYCLES pending a site visit as there was a clear and beneficial interest for the Committee to view the impact of the proposed development on the area and to allow the Committee to receive additional information on exploring alternative location options given the social housing context of this proposal.

Councillor Bulled then left the meeting.

108. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned for a comfort break and that it be reconvened at 1.15pm.

109. 79488: RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, DEVON, EX37 9EU

Councillor Davies re-declared his disclosable pecuniary interest in planning application 79488 and left the meeting during the consideration of this application.

Councillor Lane took the Chair for this application.

The Committee considered a report by Planning Officer (DJ) (circulated previously) regarding planning application 79488.

The Service Management (Development Management) advised the Committee that she had requested that the Monitoring Officer review the Council's Constitution in relation to delegated powers for the discharge of planning conditions.

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

110. 79320: INSTOW MARINE PARADE LOCK-UP GARAGES ,MARINE PARADE CAR PARK, INSTOW, DEVON, EX39 4JA.

Councillor Davies returned to the meeting.

The Committee considered a report by the Senior Planning Officer (RB) (circulated previously) regarding planning application 79320.

The Senior Planning Officer (RB) reported the following to the Committee:

- That further to the comments made by the Environment Agency that the applicant prepares a method statement in order to minimise environmental impacts of the works to include construction and pollution protection methods, that the applicant had now submitted a Construction Environmental Management Plan. The Environment Agency and Environmental Health had both approved the Plan.
- It was recommended that an additional condition be included "that works be carried out in accordance with the Construction Environmental Management Plan".
- It was also recommended that an additional flood risk condition be included and that flood risk informatives be included on the decision notice.

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

- (a) that an additional condition be included "that works be carried out in accordance with the Construction Environmental Management Plan";
- (b) that an additional flood risk condition be included and that flood risk informatives be included on the decision notice.

111. 79317: TEWS LANE SPORTS AND COMMUNITY CENTRE, TEWS LANE, ROUNDWELL, BARNSTAPLE, EX31 3WP

Councillor Crabb left the meeting.

The Committee considered a report by the Planning Officer (CR) (circulated previously) regarding planning application 79317.

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

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

112. APPEAL REPORT

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

The Service Manager (Development Management) provided an update in relation to planning appeals 78444, 78306 and 13294. She advised the Committee that the Council now had an enforcement team and were taking actions. The team had served 22 enforcement notices over the past 12 months.

113. PLANNING REFORM WORKING PAPER: PLANNING COMMITTEES

The Service Manager (Development Management) advised the Committee that the Government had issued a Planning Reform Working Paper on Planning Committees and was seeking feedback from Local Planning Authorities. She advised that the Working Paper was seeking views on: a national scheme of delegations; dedicated committees for strategic decisions; and dedicated training for Planning Committee members. She advised that a copy of the Working Paper would be circulated to the Committee to read and to provide any comments or questions.

114. 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 Chair advised that following the decision of the Committee, a site visit would be required to be arranged in relation to planning application 79268 Broadlands Farm, Saunton Road, Braunton.

The Service Management (Development Management) also advised that a site inspection would be required for planning application 78364 Chilpark, Fremington to assist Members of Planning Committee to understand the issues concerning the site (and around the site) in respect to amenity (including relationship of rear boundaries

of the existing dwellings in Chill Park) background noise of the area and to consider the visual impact of the proposed development from the Tarka Trail.

The site inspections would take place on a Wednesday.

Chair

The meeting ended at 1.49 pm

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