

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 11th September, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Chesters, Davies, Gubb, Lane, Leaver, Lofthouse (substitute for Councillor Knight), Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Head of Place, Solicitor, Lead Planning Officer (North) and Planning Officer

Also Present:

Councillors Jenkins and York

**13. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Fowler and Knight. Councillor Lofthouse was appointed as a Substitute Member for Councillor Knight.

**14. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 14TH AUGUST 2019 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 14<sup>th</sup> August 2019 (circulated previously) be approved as a correct record and signed by the Chairman.

**15. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIRMAN SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY**

- (a) Planning application 66450: Reserved Matters Application For Primary School (Outline Planning Permission 53881), Land West Of Tews Lane, Bickington, EX31 3WJ

The Chair advised that in pursuance to minute 7 of the meeting held on 14<sup>th</sup> August 2019, the Head of Place would provide an update regarding the meeting with Devon County Council officers following the conclusion of the meeting.

(b) Site inspection

The Chair advised that a site inspection was required prior to the next meeting of the Committee in relation to an application at Combe Martin. A date would be arranged following the conclusion of the meeting.

**16. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Chesters      Planning application 66934 Personal interest as she owned 23 Velator Close, Braunton, however the property is due to be sold on 30<sup>th</sup> September 2019.

Councillor Yabsley      Planning application 70293: Personal and Prejudicial interest as a Devon County Council Member of the Development Committee.

The Chair gave Councillor Yabsley permission to remain in the room during the consideration of planning application 70293, but to not vote on the application.

**17. 66934: VARIATION OF CONDITIONS 2 (APPROVED PLANS) 3 (LEMP) AND 6 (NOISE) ATTACHED TO APPLICATION 58119 AND APPEAL REFERENCE APP/X118/W/15/3081123 TO AMEND THE DESIGN OF BMX LAYOUT.**

The Committee considered a report by the Head of Place (circulated previously – now appended).

Anne Melhuish (objector), Liz Wood (objector) and Vanessa Harrison (applicant) addressed the Committee.

In response to questions, the Lead Planning Officer confirmed that the location of the BMX track was already established in accordance with planning application 58119 whereby permission had been granted. The application had been refused, but granted on appeal. The Environment Agency and Devon County Council Flood Authority had been consulted and were satisfied with the drainage proposals and that there was no additional flood risk. The proposals for car parking, remained unchanged from the original application. The submission of a Landscape and Ecological Management Plan (LEMP) which would provide biodiversity gains was approved under reference 66349. Landscaping would be the responsibility of North Devon Council. There were no conditions imposed to restrict access to the site, however no lighting would be provided therefore usage would be limited to daylight.

In response to questions, the applicant confirmed that consultation had been undertaken prior to submission of the application, whereby over 300 responses had

been received and the majority were in support. Consultation had also been carried out with users regarding the design.

RESOLVED (11 for, 0 against and 1 abstained) that the application be APPROVED as recommended by the Head of Place.

**18. 70293: APPLICATION UNDER REGULATION 3 OF THE T & CP GENERAL REGULATIONS 1992 NOTIFICATION BY DEVON COUNTY COUNCIL IN RESPECT OF IMPROVEMENTS TO AN EXISTING ROUNDABOUT AND PROVISION OF A NEW UNDERPASS (DCC REF: BGX/DCC/4142/2019)**

The Committee considered a report by the Head of Place (circulated previously – now appended).

Councillor Yabsley declared a personal and prejudicial interest and remained in the room with the permission of the Chair, but did not vote.

The Planning Officer recommended that Council should recommend to Devon County Council that the application be granted once greater evidence was available in respect of ecological impact including the delivery of an ecological nett gain from the completed development, and an associated (LEMP), the completion of a construction plan to protect residents and planting scheme requiring particular species to be used.

Councillor Ricky Knight (objector) addressed the Committee.

Councillor York (Ward Member) addressed the Committee.

In response to questions, the Planning Officer advised that the Environment Agency had not raised any objections as the previous concerns raised regarding surface run off had been addressed. The proposal would not generate any additional traffic into South Street as the approach to the roundabout would be widened to enable traffic to go straight across the roundabout and also turn left into South Street. The Head of Park School had undertaken a small internal survey. Section 106 financial contributions had been sought from the Roundswell development towards improvements at the Bishop's Tawton roundabout and contributions would also be sought from the Larkbeare development. The scheme was part of strategic improvements to the A361/A39. A pedestrian survey was undertaken in 2012. A wet and dry pedestrian count had been undertaken in 2019. Policy ST10 in the Joint Local Plan set out the operational improvements to be made to the A361 and A39. The cost of the scheme was not a material planning consideration.

RESOLVED (9 for, 1 against and 0 abstained) that the decision of the Strategy and Resources Committee held on 2<sup>nd</sup> September 2019 be supported and that the following observations be made to Devon County Council:

- (a) That the objectives of the Bishop's Tawton roundabout

improvement scheme be supported in principle subject to:

- (i) Consideration being given to physical measures that could be introduced to reduce through traffic to South Street e.g. width restriction;
  - (ii) Consideration being given to measures that could be introduced to encourage traffic to use more appropriate accesses to the east of Barnstaple;
  - (iii) Consideration of whether the provision of an underpass was necessary or whether there were other measures that could provide the same level of cycle and pedestrian safety and that the two preferred options of providing a toucan crossing and improvements and updates to the existing cycleway/footpath be investigated;
- (b) That as a result of the consultation and reviewing the concerns raised, the Council was most concerned and requested that a full strategic review of traffic movements and access issues in Barnstaple was undertaken and also expressed concern regarding the funding reductions for park and ride schemes.

**19. ADJOURNMENT OF MEETING**

RESOLVED that the meeting be adjourned to enable a five minute comfort break.

RESOLVED that the meeting be re-convened to consider the remaining business.

**20. CONSTITUTION AMENDMENT - HEAD OF PLACE DELEGATED POWERS**

The Head of Place advised the Committee that at the meeting of Council on 24<sup>th</sup> July 2019, the consideration of the amended wording of paragraph 7.2 of the delegated powers to the Head of Place was deferred.

A paper detailing the proposed amended wording for paragraph 7.2 of the delegated powers to the Head of Place was tabled.

RECOMMENDED that the wording for paragraph 7.2 of the delegated powers to the Head of Place of the Constitution be amended as follows:

“7.2 To consider and determine any application (excluding applications that are specifically referred to elsewhere in this section) submitted pursuant to the Planning Acts or any regulations or orders

made pursuant to the Planning Acts (as revoked and replaced or amended from time to time) excluding an application:

in respect of which the Head of Place receives within 28 days, unless agreed otherwise with the Head of Place, of an application being registered, a written representation from a Member(s) containing sound planning reasons for the application to go to Planning Committee for decision. Should the Head of Place be minded to refuse the request to suspend delegation they must consult with the Chair of Planning Committee. If the Head of Place and Chair (or Vice-Chair if the application is called in by the Chair) of the Planning Committee cannot reach an agreement after consultation then the application will be brought to the Planning Committee for consideration. Factors to be weighed by the Head of Place include the extent of public interest (recognising that this in of itself does not constitute material planning grounds), the wider community impact, the decision is a finally balanced one and/or the planning matters under consideration are of broad significance.”

Chairman

The meeting ended at 12.21 pm

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