

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Virtual - Online meeting on Wednesday, 14th October, 2020 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Davies, Fowler, Gubb, Knight, Leaver, Mackie, Prowse, D. Spear, L. Spear and Tucker

Officers:

Head of Place, Lead Planning Officer (South), Senior Planning Officer and Solicitor

Also Present:

Councillor Luggar (Ward Member)

**102. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE**

The Chair outline the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officer confirmed the names of those Councillors and officers present and advised that members of the public were also in attendance to listen to proceedings.

**103. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**104. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 9TH SEPTEMBER 2020**

RESOLVED that the minutes of the meeting 9<sup>th</sup> September 2020 (circulated previously) be approved as a correct record and signed by the Chair.

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

(a) Development at Larkbear: Planning application 61119

Councillor Knight addressed the Committee in reference to the lack of progress on the creation of pavements and access junction at the site. He noted that the houses

had been started prior to the access works commencing, which contravened condition 15 of the planning permission granted. It was believed that a section of Devon bank had been removed, and the creation of a Bus Gate had also not progressed.

The Head of Place advised the Committee that a site inspection had taken place recently with Councillors to understand the works that had commenced on site. Negotiations were on-going between the developers and Devon County Council (DCC) in relation to the Bus Gate. There was a need to seek compliance and discussions would take place with the appropriate officers regarding the options available.

The Lead Planning Officer advised that there was an open enforcement case for the site and that she would work with the enforcement team to seek compliance and arrange a site visit in order to clarify the situation, which the Ward Members would be invited to attend, before considering any further action.

(b) Solar Farm and Yelland Quay sites – site inspections

The Head of Place addressed the Committee in relation to the sites which would normally require the Committee to make visits to the sites, and also to view the sites from various vantage points around the district.

The Committee discussed the possible solutions as site visits (by the whole Committee) could not be safely undertaken due to the current pandemic. Individual visits could not be recommended either from a health and safety perspective. The use of drones to provide the visual information was also discussed, along with the implications of cost, licences and legality.

The Head of Place suggested that in place of the Committee undertaking accompanied site inspections, that officers present videos and images of the site including vantage points to the Committee at a specially convened meeting of the Committee so that Members have a full understanding of the site prior to the application being determined by Committee.

RESOLVED (unanimous):

- (a) that the Committee do not undertake accompanied site visits as it was irresponsible for Members to go on site and that officers present videos and images of the site including vantage points to the Committee at a specially convened meeting of the Committee so that Members have a full understanding of the site prior to the application being determined by the Committee; and
- (b) That the Head of Place investigate the possible option of using a drone in future to provide the visual information.

**106. DECLARATION OF INTERESTS**

No declarations of interest were declared.

**107. 65528: OUTLINE APPLICATION FOR DEMOLITION OF PROSPECT HOUSE AND ERECTION OF 17 DWELLINGS AND ACCESS (ALL OTHER MATTERS RESERVED), LAND OFF DENES ROAD, LANDKEY, DEVON**

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

The Senior Planning Officer advised the Committee of an error on the application on page 33, paragraph 3 of the report, which should refer to three affordable properties, rather than two as stated.

In response to questions, the Senior Planning Officer advised that:

- The demolition of Prospect House was required in order to meet the required visibility for the junction. Much discussion had taken place between the applicant and Devon County Highways who had confirmed that without this the scheme would not be acceptable.
- The length of time taken since the submission of application was due to the ongoing discussions which were taking place in relation to viability of the scheme.
- The contextual street elevation drawings would be detailed further at the reserved matters stage.
- DCC had requested pre-commencement conditions regarding the drainage on site.
- The Heads of Terms agreed as part of the scheme viability were detailed on page 34 of the report which did not include public open space contribution.
- Following consultation with Devon County Council Lead Local Flood Authority, pre-commencement conditions had been included within the recommendations (conditions 9 to 12) regarding permanent surface water drainage.

The Lead Planning Officer advised that Prospect House was owned by the applicant and its purchase was calculated into the viability assessment. To move the access, and therefore avoid its demolition, could render the project financially unviable.

Councillor Luggar (in his capacity as Ward Member) addressed the Committee.

In response to questions, the Lead Planning Officer advised that it had taken a long time to negotiate the site in order to reach an acceptable scheme. Although only three affordable homes were being offered, instead of the five as set out in policy (this equated to 17.6% rather than 30% of properties on the site being 'affordables') the officer had agreed to the three and was not optimistic that any increase could be negotiated. The section 106 contributions proposed to be directed to education could be split with an amount also directed to public open space contributions. However, the amount could not exceed £100,000.

RESOLVED that (11 for, 1 against) that the application be APPROVED as recommended by the Head of Place subject to the Section 106 contribution being split as follows:

- (a) Education contribution - £70,000
- (b) Public Open Space contribution - £30,000

**108. APPEALS REPORT**

The Committee considered and noted a report by the Head of Place (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

Chair

The meeting ended at 11.27 am

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