

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Virtual - Online meeting on Wednesday, 13th January, 2021 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Davies, Gubb, Lane, Leaver, Luggar, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Solicitor (Legal Officer), Lead Planning Officer (North) and Senior Planning Officer

Also Present:

Councillor Wilkinson

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

The Chair outlined 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 address the Committee or listen to proceedings.

**132. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

RESOLVED that the minutes of the meetings held on 9<sup>th</sup> December 2020 (circulated previously) be approved as a correct record and signed by the Chair with the amendment to minute 130 as follows: "RESOLVED that (unanimous) recommendation 2.1.4 "Accept no compromise on the Section 106 and pursue delivery of five affordable dwellings and £118,201" be sought as per section 2.1.4 in the report by the Head of Place."

In response to a question from the Committee, the Solicitor (DH) confirmed that Ward Members could not attend confidential discussions (under Part B rules) in relation to an application in their ward. Only those on the Committee could be privy to 'Part B' discussions.

**134. DECLARATION OF INTERESTS**

No declarations of interest were declared.

**135. 71660: OUTLINE APPLICATION FOR UP TO 59 RESIDENTIAL UNITS AND ASSOCIATED INFRASTRUCTURE, SOME MATTERS RESERVED (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) (ADDITIONAL INFORMATION).**

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

The Senior Planning Officer (MB) advised the Committee of two typographical errors within the report. The site description on page 12 should have stated 3.1ha and not 31ha and that reference to heritage asset on page 67 paragraph 4 should have stated "slight impact of heritage asset".

Rupert Pilkington (objector), Councillor S. Crowther (Heanton Punchardon Parish Council), Sue Prosper (Chair of Love Braunton) and Penny Mills (Devon CPRE (Campaign to Protect Rural England)) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement from the applicant to the Committee.

David Relph (Braunton Parish Council) addressed the Committee.

In response to questions from the Committee, Senior Planning Officer (MB) advised:

- The Authority had a shortfall in its five-year housing land supply. There was scope for this application to assist in addressing this shortfall.
- The report was drafted based on careful consideration of a tilted balance due to the lack of a five year land supply.
- A recent High Court decision, as referred to by Cllr Crowther, was not believed to affect this recommendation.
- The size and mix of buildings of various sizes and types on the site would be considered under the reserved matters.  
The planning conditions set out a 24 month period for seeking reserved matter permission.

Lead Planning Officer (North) (BP) advised the Committee that the report from the Housing Enabling Officer did not confirm whether a Housing Needs Survey had been carried out, but that one would have been requested on an exception site.

In response to questions from the Committee, Senior Planning Officer (MB) advised:

- The site was not considered to be an exception site.
- Provision had been made for 30% affordable housing.

- A previous application on the site (63047) had been refused in 2018. At that time it had been refused under the previous Local Plan for a number of reasons.
- Foul waste would be pumped uphill to Heanton Punchardon but this was not a reason to refuse the application.
- The Authority did not have a five-year land supply. It was not for the applicant to provide proof of this, the requirement was on the Authority to be able to demonstrate it.
- The applicant had confirmed they were willing to enter a legal agreement to agree the infrastructure requirements so there was no reason to believe there would be a viability issue in future.

In response to questions from the Committee, Paul Young of Devon County Council (DCC) advised that:

- The issue of past flooding of the Chivenor roundabout could be reported to the DCC Neighbourhood Highways Team to investigate. He also advised that localised flooding of the roundabout was not a sufficient concern which would result in recommending refusal of the application.
- The Toucan Crossing referred to in the report was the same crossing as mentioned in the permissions for the site opposite this. There would not be two crossings. The two developers could share the costs of the provision of the crossing between them.
- As a Highways organisation, DCC would consider the cumulative impact of developments on the area. It recognised the increased demand on the Braunton cross-road junction but that it would remain below the threshold of material impact. They would not recommend refusal on highways grounds, but would be justified to seek improvement.

In response to questions from the Committee, Senior Planning Officer (MB) advised:

- The red line on the plan extended to DCC Highways land.
- The requirement for a Building for Life Assessment had not been included within the proposed conditions however it formed part of the planning application validation checklist.
- The Design Review Panel had not been approached, however it could be included as an advisory note should the application be approved.
- The response of the Environmental Health Officer in relation to air quality had been included in the report. He was content with the findings in relation to both air quality and environmental impact.
- The Authority would seek the education contribution as requested by the Education Authority.

Lead Planning Officer (North) (BP) advised the Committee that at the time that the previous application for this site (63047) was considered and subsequently refused, it had been considered that the Authority had demonstrated that it had a five-year land supply, and, as the site fell outside of the boundary it could be refused. Any refusal now could not be based on the same reasons as previously set out because any references to the Local Plan policies would be outdated as would have changed when the new Local Plan was adopted.

In response to questions from the Committee, Senior Planning Officer (MB) advised:

- The Authority could not now demonstrate a five-year land supply. In terms of the previous application, the situation had moved on.
- The site would demonstrate a bio-diversity net gain.

RESOLVED (7 for, 6 against) that the application be DEFERRED for two cycles pending receipt of:

- a) Confirmation of Housing Needs and updated information in relation to the five-year housing land supply; and that
- b) Officers be requested to provide a response to the High Court legal decisions taken where the five-year land supply had been taken into account.

### **136. APPEALS REPORT**

The Committee 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.

Councillor Prowse advised that, in relation to the appeal on the application for The White Hart, Bratton Fleming, the community had lost the appeal to register the public house as a community asset. However, new tenants had now been found and he requested that the enforcement team were made aware of the change.

Chair

The meeting ended at 12.09 pm

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