

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Virtual - Online meeting on Wednesday, 10th February, 2021 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Lead Planning Officer (North), Senior Planning Officer, Planning Policy Officer, Senior Solicitor/Monitoring Officer and Business Information Systems Manager

Also Present:

Councillor Davis

144. 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.

145. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Yabsley, who appointed a substitute, Councillor Jenkins, to attend in his place.

146. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 13TH JANUARY 2021 AND 20TH JANUARY 2021.

RESOLVED that the minutes of the meetings held on 13th January 2021 and 20th January 2021 (circulated previously) be approved as correct records and signed by the Chair.

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

MATTER OF URGENCY

The Chair advised that following the conclusion of the meeting, the Committee members were invited to attend an informal briefing.

148. DECLARATION OF INTERESTS

There were no declarations of interest announced.

149. 66135: OUTLINE APPLICATION FOR ERECTION OF ONE LOCAL NEEDS DWELLING & ACCESS (SOME MATTERS RESERVED) (AMENDED PLANS) AT: BARLEYCOTT, MUDDIFORD, BARNSTAPLE, DEVON, EX31 4ES.

The Committee considered a report by the Senior Planning Officer (North) (circulated previously).

The Senior Planning Officer (North) (MB) addressed the Committee and advised that the proposed dwelling was not within a rural settlement as the location was deemed to have no community facilities in accordance with planning policy and was within open countryside and therefore the recommendation was for refusal. Although the Authority could not demonstrate a five year land supply the erection of one dwelling had little weight in contributing to the shortfall. Devon County Council remained in support of refusal for the application based on highways safety as there had been five vehicle accidents in the 500 metres around the junction which provided access to the highway.

Matt Steart (agent), Graham Townsend (supporter) and Sam Cockburn (applicant) addressed the Committee.

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

- He was aware of Court/Appeal decisions for cases in Braintree and St Giles at Torrington, but advised that the appeal differed from this application with regards to proximity to services and that this application was located in the open countryside. In relation to the St Giles appeal, the Inspector did make reference to the 5 year housing land supply in that it was much larger than one property but this one property still represented a valuable contribution.
- The definition of what constitutes as 'prescribed service' was covered in the Local Plan (part 4.15).
- The nearby facilities at Blakewell Fisheries were not deemed to be a community facility under the Local Plan. It was not a convenience store/shop and not believed to provide a service similar to that of convenience shops. Therefore it did not enable the application to be treated as within a rural settlement.

- A Biodiversity report had not yet been submitted by the applicant despite one being requested as part of the applicant process. The agent had stated that they were not at a position to be able to provide it yet.
- Future proofing of homes was considered under the Local Plan but this was in relation to home extensions and adaptations in the main. This application was for a separate dwelling and would need to be considered on its own merit.
- Nothing had changed in relation to the definition of Rural Settlements within the Local Plan since it was adopted.
- He had not been involved in a previous application for holiday lets but was aware of a barn conversion on the opposite side of the junction or further up the road but they would have been considered based on their own visibility requirements which would have been different to this application.
- The applicants were currently living in the relative's property on the site. This was an application for a separate dwelling and needed to be considered on that basis.

In response to questions from the Committee, the Highways Officer of Devon County Highways confirmed that:

- the accidents in that area consisted of two accidents within 50 metres of the junction (of which one was serious) and three within 450 metres which was quite a significant cluster. Devon County Council did not apportion blame but recorded the location, nature of the accident and if a vehicle had a defect.
- Although he had not been invited to attend the previous Committee when this application was considered, the five accidents noted had occurred between 2014 and 2019. The accidents had all occurred in close proximity to the junction.
- An opinion of 'severe' risk to visibility on a B-road by a Highways Authority should be reason enough to consider the access to not be at a safe level.
- The red line of the site boundary did not extend adequately enough to cover the necessary area to allow the provision of visibility to be safeguarded for the future. There was no guarantee that it could be obtained and secured in perpetuity.
- He could not recall the consultation process for the planning application for the three self-catering units at Blakewell Fisheries in 2018 although he would have expected there to have been some concerns raised in relation to the traffic from the site to that junction.

Councillor Tucker addressed the Committee as Ward Member.

Lead Planning Officer (BP) advised the Committee that the Officer's recommendations for refusal were set out within the report, however, if it was felt that the application was deemed to be a Local Needs Dwelling then a Section 106 would be required. A financial contribution towards Braunton Special Area of Conservation would also be required through a Section 106 or 111 contribution would be required.

The Senior Planning Officer (North) (MB) advised that the applicants would need to meet set criteria if they were to be able to occupy the dwelling under the Local

Needs requirement. One of which could be that they would be required to be employed within the Parish, which they were not.

RESOLVED (9 for, 5 against) that the application be APPROVED for the following reasons subject to the receipt of a Biodiversity report, section 106 agreement being sought for local occupancy and securing a financial contribution towards the Braunton Special Area of Conservation:

- (a) On the basis that Blakewell comprised of a cluster of dwellings which formed a rural settlement with community facility;
- (b) Was physically separated from an urban settlement;
- (c) Met the qualifying criteria in paragraph 13.131 of Policy DM24 in the Joint Local Plan and therefore did not materially conflict with relevant planning policy.

150. ADJOURNMENT OF MEETING

RESOLVED that it being 11.30 a.m. the meeting be adjourned for a five minute comfort break and reconvene at 11.35 a.m.

151. 71660: OUTLINE APPLICATION FOR UP TO 59 RESIDENTIAL UNITS AND ASSOCIATED INFRASTRUCTURE, SOME MATTERS RESERVED (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) (ADDITIONAL INFORMATION) AT LAND AT CHIVENOR CROSS, CHIVENOR, BRAUNTON EX31 4BN

The Committee considered a report by the Senior Planning Officer (North) (circulated previously).

The Senior Planning Officer (North) addressed the Committee and advised of the following:

- A Housing Needs Survey was not required although he confirmed that there was a need for affordable properties in the area. The updated figures received from the Housing Enabling Officer following the publication of the report were that the following numbers of households required housing in the surrounding area (higher than previously reported in some areas);
 - Heanton Punchardon 48,
 - Braunton 116,
 - Ashford 5,
 - Marwood 5.
- NDC and Torridge District Council (TDC) were jointly unable to demonstrate a five year housing land supply and, having looked at the High Court judgements, as requested by Members, the recommendations as set out still stood. The officers were confident that their own recommendation was correct.

- A further six representations (one of which was in support) had been received. The issues within these had been considered to have been addressed within the report.
- One of the conditions had been amended to include that a homeowner pack would be provided to all households regarding recreational impacts as a result of the development being located close to a Site of Special Scientific Interest (SSSI).
- This was an outline planning application and the sizes/mix of dwellings could be considered at the reserved matters stage.
- The Environmental Health Officer had confirmed the application was deemed to have no unacceptable effect on the air quality in Braunton and this was set out within the report.

Stephen Crowther (Vice Chair, Heanton Punchardon Parish Council) addressed the Committee.

The Senior Corporate and Community Services Officer read a letter from the Chair of the Heanton Punchardon Residents' Committee to the Committee.

Sue Prosper (Chair of Love Braunton) and Councillor Andrea Davis (Ward Member) addressed the Committee.

In response to questions from the Committee the Planning Policy Officer (MA) confirmed:

- There was a joint requirement (with TDC) to provide 861 dwellings per annum. Although there had been a 17% uplift in supply Authorities had no control over the build rate of the properties once planning permission had been granted. Therefore the National Planning Policy Framework (NPPF) took preference and a tilted balance was applied.
- It was considered that the five year housing land supply could be demonstrated, however the Inspector felt that the Authority had 4.23 years (rather than five) and sided with the appellant.
- There was a 20% buffer in addition to the 861 requirement which needed to be achieved.
- In terms of the Housing Delivery Test the Authority was over-achieving.

The Committee Members confirmed that Neighbourhood Plans were in progress for Braunton, Georgeham and Heanton Punchardon. These were at varying stages of completion. Braunton's plan was currently under consultation and funding had been sought for the final works required.

The Planning Policy Officer (MA) advised that the Heanton Punchardon Neighbourhood Plan had not progressed enough to provide substantial weight with this application.

The Chair reconfirmed that the Environmental Health Officer's report had covered the air quality at Braunton in their report.

RESOLVED (9 for, 3 against, 1 abstained) that the application be REFUSED for the following reasons;

- a) The application was contrary to planning policies ST07 and ST09 contained in the Joint Local Plan;
- b) The current shortfall in the five year housing land supply did not outweigh the planning policies;
- c) The cumulative effect of the developments between Chivenor and Braunton on Braunton's air quality and that the Council had adopted a supplementary planning document on Air Quality;
- d) The application did not demonstrate full compliance with National Design Guidance; and
- e) The proposals may be contrary to the two emerging Neighbourhood Plans.

152. APPEALS REPORT

The Committee noted a report by the Senior Planning Support Officer (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

It was noted that there were five appeal reports.

Chair

The meeting ended at 12.44 pm

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