

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Virtual - Online meeting on Wednesday, 28th April, 2021 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Barker (substitute for Councillor Yabsley, Biederman (substitute for Councillor Cann), Crabb, Davies, Fowler, Jenkins, Lane (substitute for Councillor Chesters), Leaver, Mackie, Prowse, D. Spear, L. Spear and Tucker

Officers:

Chief Executive, Business Information Systems Manager, Lead Planning Officer (South), Senior Planning Officer, Senior Solicitor/Monitoring Officer, Planning Policy Officer, Service Lead - Environmental Protection and Arboriculture Officer

Also Present:

Councillor Cann

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

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees. The Corporate and Community Services Officer confirmed the attendees present.

**16. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Chesters (who appointed Councillor Lane to be her substitute), Councillor Gubb (who appointed Councillor Biederman to be her substitute) and Councillor Yabsley (who appointed Councillor Barker to be his substitute).

Apologies were also received from Councillor Mack, who, although had recently been elected to the Committee, had not yet received the required training to allow him to take part in the meeting.

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

The Chair advised the Committee that he wished to be provided with an update on the High Court decision on the Application 56528 Ruda Holiday Park, Moor Lane,

Croyde, and also to advise the Committee that his internet connection was intermittent and that the Vice Chair may need to step in should his connection be lost.

**18. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Crabb: Planning application 60823 declared a personal interest as the applicant was known to him.

Councillor Biederman: Planning application 71708 declared a personal interest as two of the applicants, and objectors were known to him.

**19. 60823: FORMER YELLAND POWER STATION, LOWER YELLAND, YELLAND, BARNSTAPLE, DEVON EX31 3EZ**

The Committee considered a report by the Lead Planning Officer (South) (circulated previously).

The Lead Planning Officer (South) addressed the Committee and advised:

- Since the publication of the agenda, 98 (plus the 11 referred to in the addendum) letters of objection had been received (109 in total). All had been read. Additional issues not already captured in the report included:
  - Format of the Planning Committee meeting
  - Request for a recorded vote
  - Water Quality concerns at Instow Beach
  - Why wasn't the site bought by NDC when it was offered for sale?
  - Lack of broadband
  - Impact on fresh water reed beds
  - Rock armour would result in erosion elsewhere
  - Quantity versus quality of biodiversity net gainThese issues would be covered within the presentation.
- Two further consultation responses had been received from Environmental Health (regarding noise) and the Environment Agency (regarding ecology) which would be dealt with as part of the presentation. The response from the Environment Agency had been emailed to the Committee Members.
- Local opinion on the site had been recognised. This was a complex site and the application was a hybrid for mixed used development as set out in the Local Development Plan – section FRE02.
- The site was a 12.36 hectare (ha) brown-field and considered for regeneration. The proposed application was for the development of 11.74ha due to the constraints on site. Many objections related to the asbestos on site. There were two areas of known buried asbestos contamination. These would be further buried when the site levels were increased by 2.6m. Environmental

Health and the Environment Agency would be involved in monitoring contamination.

- Recreational use of the green areas (within the ash beds) would relieve dog walking pressure on the foreshore.
- The impact on the natural environment was a major concern in representations. Natural England and the RSPB were satisfied with the mitigation measures proposed within the site design.
- Further to the virtual site inspection, clarification had been sought regarding the fill plan for the site from the Environmental Statement submitted. Some of the fill would be transported to the site from Glenn Cross Quarry and some would be shipped to the site using the jetty.
- The Environment Agency had now recommended additional conditions to protect the water-based ecology. It was recommended that the Planning Officer be delegated power to include the additional conditions recommended by the Environment Agency. The provision of the Bat habitat would be covered within phase one of development.
- Additional views of the visual impact of the site from the surrounding area, showing the views at present (pre-development) were provided as requested at the site visit. These included views from Crow Point, Blackstone Rock (Heanton Punchardon footpath 24), Appledore, the south west coast path from the edge of the site, Braunton (from Down Lane and Old Down Lane track) and from the top of Pottery Lane/Worlington Hill.
- Heritage Impact on the site was deemed to be moderate to less-than-substantial harm.
- Further to the virtual site inspection, clarification had been sought that planting would take place along the boundary of the site with the ashbeds and not along the South West coast path.
- In summary it was confirmed that, other than the lack of provision of a football pitch, the application met the criteria of policy FRE02, and could be delivered in an acceptable manner subject to conditions and legal agreement.

The Lead Planning Officer (South) read the Committee a statement from Linda Morgan (Consultee) of the NHS.

The Senior Corporate and Community Services Officer read a statement from Instow Parish Council to the Committee.

Matt Jones of EAD Ecology (supporter), Simon Ruddlesden of Ruddlesden Geotechnical (supporter), Colin Pill of Tyler Grange (supporter) and Alex Woznicko of AWP Highways and Drainage (supporter) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement from Robin Ingleton (objector) to the Committee.

Penny Mills of CPRE (objector), Stephen Crowther (Heanton Punchardon Parish Council), Sue Prosper of Love Braunton (objector), Hilary Beecroft (objector), Joanne Bell of Save our Estuary (objector) and Matt Steart (Agent) addressed the Committee.

RESOLVED that it being 11.39 a.m. the meeting be adjourned for a two minute comfort break and reconvene at 11.41 a.m.

In response to comments raised by the objectors, the Planning Policy Officer (MA) advised that:

- Policy FRE02 involved minimum numbers in Fremington.
- It had been agreed that it was not viable to provide affordable housing on this development.
- Second-home ownership could not be prevented on the development.
- In terms of the Housing Delivery Test the Authority was meeting targets but the Local Plan was assessed against the five-year land-supply which had not been proven. In order to deliver supply there was a need to approve sites as allocated in the North Devon and Torridge Joint Local Development Plan (JLDP).

In response to a question raised by an objector, Simon Dart of the Environment advised that with regards to 'Coastal Squeeze' (rising sea levels resulting in the shore-line moving in-land) a study on the Taw-Torridge estuary had been completed. The estuary had not been identified as one to be rolled-back. This was a brown-field site, already strengthened with concrete. Coastal Squeeze had been considered.

In response to questions from the Committee, the Lead Planning Officer (South) advised:

- The figures provided for 'fill' on the site were accurate in the Viability Assessment, the figures for the vehicle movements to bring it to site were clarified as eight lorries per hour for eight hours a day (i.e. 80 movements per day) then fill takes one year and seven months It was expected that some movements via the river would alleviate a number of the road-movements.
- It was a brownfield site with flood risk no different to those on past sites such as Anchorwood Bank with the raising of the site levels to mitigate flood risk from climate change. Without the raised levels no residential development could be permitted.
- It was identified under FRE02 as an available site for regeneration which had need for flood-prevention work.
- This was an outline application and all matters regarding to design would be covered at the Reserved Matters stage. The application was presented with a substantial number of supporting documents. Although the choice of materials used would be critical the details would be specified at the reserved matters stage.
- On a site of this size (250 dwellings) it was expected that there would be a range of property sizes. It was noted that there were to be 70x two-bedroomed apartments and 15x two-bedroomed houses on the development.
- The appraisal of the viability assessment was undertaken by an external, professional body, as appointed by Plymouth City Council. The Authorities were satisfied that they were independent in the assessment. This was best practice. The figures had been tested and reviewed.

- There was no intention for the asbestos on site to be moved or disturbed. The strategy was to encase and cover it and protect it thereafter. The site would be demarked.
- The proposed area of development encroached on to the greenfield/ashbed area but an area currently brownfield, on the corner of the site next to the Tarka trail, would be returned to natural blue/green uses.
- The SAC payment would be payable on occupation of the dwellings, however, the biodiversity payments would be required early in the scheme's progress. The biodiversity offsetting was towards enhancement of habitat only. The section 106 would be legally binding and phases of development could only proceed once the relevant trigger in the section 106 was met.
- Housing delivery would be towards the later stage of development.
- This site was one of the most debated when being considered for the JLDP
- The site was tested under the SHLAA to assess suitability for development.
- The Authority and the consultees had worked hard to get the application to the stage where the optimum social and economic benefits were reached.

In response to questions from the Committee, Simon Dart of the Environment Agency confirmed that:

- The first flood risk assessment had been carried out in 2015 using current guidance at that time. This had since been updated in December 2019 and the baseline data was amended. This would affect site levels on the design hence the requirement for a planning condition to update this.
- It could not be guaranteed that the site would never flood, however it would be raised in accordance to Government standards so Insurers should provide cover.
- The predicted future sea level was 6.8m in terms of a still-water flood level. The site levels would be 7.1m to 8.6m in some areas; taking into account storm surges and wave levels. These figures would be updated. The design level of the flood site consisted of a number of factors which were included in the assessment.

In response to questions from the Committee, the Service Lead for Environment Protection (AC) advised:

- The issues on this site would justify intervention and monitoring by the Environmental Health team.
- The team was confident that any remaining issues due to asbestos would be covered by planning conditions.

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

Councillor Mackie addressed the Committee as Ward Member for Fremington.

Councillor Biederman addressed the Committee as Ward Member for Fremington. He also presented the Committee with video footage of the main road (B3233) through Fremington to display the traffic levels.

The Chief Executive addressed the Ward Members in relation to their roles as both members of the Planning Committee, and representatives of their ward.

RESOLVED (11 for, 1 against, 2 abstained) that the application be DEFERRED for two cycles for the following reasons;

- a) An agreed masterplan for design was required in accordance with policy FRE02(a) and therefore a full planning application be presented to the Committee to include the access, scale and layout of the site;
- b) To request detailed design images so that an assessment of impact, adverse or otherwise, on the SSSI/AONB, could be scrutinised by the design review panel.
- c) To request an updated transport assessment to include details on how much (fill) could come to site by sea, in order to mitigate transport movements by road.
- d) To request a statement of local need to comply with policy FRE02(b)
- e) Figures on the viability of bringing in materials from other development sites to reduce costs and therefore supplement section 106 funds.

Councillors Leaver and Prowse left the meeting.

**20. ADJOURNMENT OF MEETING**

RESOLVED that it being 14.35 pm the meeting be adjourned for a break and reconvene at 15.00pm.

**21. 71708: LAND AT LITCHARDON CROSS, NEWTON TRACEY, EX31 3QE**

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

The Planning Officer addressed the Committee and advised that:

- Residents of the neighbouring properties had been consulted at each stage.
- The solar farm would have an operational life of 35 years.
- Impact on the roads would mainly be during the construction and decommissioning of the site.
- The application was covered under policy EN1 of the JLDP.
- The land classification was grade 3B and 4 agricultural land (with 1 being excellent and 5 poor) and was therefore permitted for use as a solar farm. The land was actively being used for pasture and it was anticipated that sheep would continue to graze when the solar panels have been installed.

- The panels would be single faced and not bi-faced as previously stated.
- The site would not be visible from any major leisure or tourist attractions in the area. The site would be visible to traffic using a short stretch of the A39 between Bideford and Barnstaple.
- An objection had been received from a neighbour in relation to the lighting and CCTV cameras on site. This was confirmed to be provided by four post-mounted CCTV cameras/lights which would be faced into the site and would be motion-activated.
- A correction to the report was noted – where the figure of 12,700 homes should have been written, rather than 12,7000.
- There were no listed buildings or assets within the site boundary, and no significant impact to any within 2km of the site.
- There were no objections from Historic England.
- The site was within flood zone one.
- Devon County Council (DCC) had no objections in principle.
- A drainage strategy had been proposed.
- Environmental Health were satisfied that any noise could be mitigated to an acceptable level.
- Natural England had no objections.
- Construction materials would be sourced locally and regionally.
- Construction vehicles would be using five different routes to travel to and from the site.

Stephen Jarvis Chair of Fremington Parish Council Climate Emergency Working Party (supporter), Paul Stagg (land owner) and Martin Gear (land owner) addressed the Committee.

The Senior Corporate and Community Services Officer read statements from Graham King (objector) and Ian Robinson (objector) to the Committee.

Dr Philip Bratby, Rebecca Bartleet and Penny Mills (objectors), all of the Campaign to Protect Rural England (CPRE) addressed the Committee.

Claire Hewitt (agent) and Chris Featonby (applicant) addressed the Committee. It was noted that Stuart Martin who had registered to speak, was present at the meeting, but unable to address the Committee.

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

- He reiterated that he felt this was the best location within the area for this type of development. It had a good level of connectivity and would provide a valuable contribution of clean energy. There was generally support for approval for renewable energy in principle. Solar Farms were perceived as a positive feature and would not deter tourists.
- The solar panels would all face south.
- Fields 19 to 21 were outside of the flood risk area.
- Conditions to provide a degree of monitoring of the site could be added.

The Lead Planning Officer (South) added that there had been no requirement for ongoing monitoring on other sites as the Government guidance stated that any benefit or contribution from solar farms was of benefit. Although an annual report for each of the first five years of operation could be requested.

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

- The lighting scheme would face into the compound and would only light intermittently. There would be considerable screening to the north and good separation between the compound and the neighbouring property.
- Western Power Distribution (WPD) had connectivity to the grid at the location.

In response to a question from the Committee, the Lead Planning Officer (South) confirmed that:

- The community fund was not a condition of the planning application and was administered independently from the planning system.

Councillor Biederman addressed the Committee as Ward Member.

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

- a) An agreement being sought with Ward Members for Fremington and Instow on the Construction Environmental Management Plan; and the Planning Officer being delegated authority in consultation with the Ward Members to review the Landscape and Ecological Management Plan to ensure maximum screening around the two properties.

Chair

The meeting ended at 5.10 pm

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