

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 11th August, 2021 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Fowler, Gubb, Leaver, Mack, Mackie, D. Spear, L. Spear, Tucker, Yabsley and Walker

Officers:

Service Manager (Development Management), Lead Planning Officer (North), Senior Planning Officer and Senior Solicitor/Monitoring Officer

**37. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Crabb, Davies (who appointed Councillor Walker as his substitute) and Prowse.

**38. TO APPROVE AS CORRECT RECORDS THE MINUTES OF THE MEETINGS HELD ON 28TH APRIL 2021 AND 9TH JUNE 2021 (ATTACHED) SUBJECT TO THE AMENDMENT TO MINUTE 19 OF THE COMMITTEE MINUTES OF 28TH APRIL 2021 (AS AGREED AT THE COMMITTEE OF 9TH JUNE 2021) AS FOLLOWS: "COUNCILLOR BIEDERMAN ADDRESSED THE COMMITTEE AS A COMMITTEE MEMBER".**

RESOLVED that the minutes of the meetings held on 28<sup>th</sup> April 2021 and 9<sup>th</sup> June 2021 (circulated previously) be approved as correct records and signed by the Chair subject to minute 19 of the Committee minutes of 28 April 2021 (as agreed at the Committee of 9th June 2021) as follows: "Councillor Biederman addressed the Committee as a Committee Member".

**39. 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.

**40. DECLARATION OF INTERESTS**

Councillor Leaver Planning application 72836: Prejudicial interest as her husband had a Business interest in the application.

**41. 66623: LAND AT BARTON CROSS, INSTOW, BIDEFORD EX39 4JQ**

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

The Service Manager (Development Management) addressed the Committee and advised that:

- The application had been passed to the Planning Inspectorate as the applicant had appealed on the basis of previous non-determination of the application. As part of that appeal process the application now had to be resubmitted to the Planning Committee to assess their decision had they considered the application initially.
- The site was an allocation within the adopted North Devon and Torridge Local Plan (NDTLP).
- The Biodiversity Net Gain which would be achieved on the site was in excess of the minimum amounts required. The levels exceeded any levels previously achieved by NDC.
- There were no objections by Devon Highways Authority.
- A small part of the site was within flood zones 2 and 3, but this was not the area being built directly on.
- The applicant had confirmed acceptance of the Section 106 agreement.
- NDC were waiting on feedback from the Ward Member so that the S106 agreement could be drawn up.

Shooley McCall (objector) addressed the Committee.

The Corporate and Community Services Officer read statements from Richard Sainsbury and David Jeremy (objectors) to the Committee.

Mark Richards (Agent) addressed the Committee.

In response to questions from the Committee, the Service Manager (Development Management) advised:

- There could not have been any restriction in relation to the height of the buildings at the time of the original application as it was an outline application.
- The Authority was unable to insist on the provision of electric charging points on the site without a policy basis, although they could be encouraged.
- The site was under the threshold for an affordable housing contribution.

- The alignment of the properties had been adjusted from the initial application in order to alleviate the effect of the site on the views of the church.
- The footpath referred to within the report was noted as 'gated'. The Committee wished to ensure it would be a public footpath and not restricted. The Service Manager (Development Management) confirmed that a condition would be added to ensure that the footpath would be accessible to all.
- As the area was rural there was no requirement for affordable housing provision as it was under the nationally applied threshold.

The Committee noted a typographical error in the last paragraph on page 32 of the agenda where there was a reference to Ilfracombe Academy which was believed to be incorrect and should have been Bideford College.

RESOLVED (unanimous) that the Committee be minded to APPROVE the application as recommended by the Senior Planning Officer with the addition of a condition allowing unrestricted access to the footpath across the site.

**42. 72836: LAND OFF DOWN LANE, BRAUNTON, DEVON**

Councillor Leaver re-declared her prejudicial interest in the application and chose to leave the meeting during the consideration of this planning application.

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

The Senior Planning Officer addressed the Committee and advised that:

- There had been one letter of representation received since the report had been prepared. This letter had incorrectly advised that the applicant was due to, or had, removed a hedgerow on the boundary. This was disputed as the applicant responded and confirmed there was no intention to remove this hedgerow.
- The site was undeveloped agricultural land.
- The application consisted of two new dwellings (in a modern style) and the adaption of the existing commercial building to a workshop/ancillary building for the dwelling on plot 1.

The Corporate and Community Services Officer read a statement from Cathie Hamilton (objector) to the Committee.

Sue Prosper (objector) and Ruth McDonough addressed the Committee.

The Corporate and Community Services Officer read a statement from Mr Tapley (objector) to the Committee.

Robert Cocker (Agent) addressed the Committee.

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

- The ancillary unit on plot one could be restricted to ancillary use only.
- The landscape impact had been considered. The site was within the development boundary and therefore acceptable.
- The visual impact assessment had been submitted but the outcome was deemed to be not significant. It could not be refused based on this.
- DCC Highways Authority had assessed the vehicle movements impact and not objected to the proposal.

The Ward Members (Councillor L Spear, Councillor D Spear and Councillor Chesters) addressed the Committee.

RESOLVED (7 for, 3 against) that the application be DEFERRED for one cycle to enable a site visit to be undertaken to enable the following:

- a) To assess the visual impact of the site from two or three viewpoints in Braunton,
- b) To examine the highways / access
- c) To allow time to receive an architect drawing of the final design
- d) To invite Paul Young, Principal Highways Development Management Officer to attend the site visit.

**43. ADJOURNMENT OF MEETING**

RESOLVED that it being 12.12 p.m. the meeting be adjourned for a five minute comfort break and reconvene at 11.18 p.m.

**44. 73185: FORMER PUBLIC CONVENIENCES, LARKSTONE LANE, ILFRACOMBE, DEVON**

Councillor Leaver re-joined the meeting.

Councillors Chesters and Fowler left the meeting.

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

The Planning Officer addressed the Committee and advised that the applicant had been presented to the Committee as the applicant was NDC.

RESOLVED (unanimously) that the application be APPROVED as recommended by the Senior Planning Officer.

**45. 73451: BARN ADJACENT HOLTGATE, CHITTLEHAMHOLT**

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

The Service Manager (Development Management) addressed the Committee and advised that the application had been presented to the Committee as the applicant was a NDC Member.

In response to a question from the Committee, the Service Manager (Development Management) confirmed that there had been approved changes to the curtilage on the site since it was originally submitted in 2013. The new application was within that boundary.

RESOLVED (unanimously) that the application be APPROVED as recommended by the Senior Planning Officer.

**46. 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.

Chair

The meeting ended at 12.35 pm

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

This page is intentionally left blank