

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 10th November, 2021 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Davies, Fowler, Gubb, Jenkins, Leaver, Mack, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Service Manager (Development Management), Senior Planning Officer, Senior Planning Officer and Chartered Legal Executive

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Chesters.

69. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH OCTOBER 2021 (ATTACHED)

RESOLVED that the minutes of the meeting held on 13 October 2021 (circulated previously) be approved as a correct record and signed by the Chair subject to reference to “David Johnson, Herbert Cromack and David Winter (Supporters)” in minute 62 being amended to the following:

“David Johnson, Herbert Cromack and David Winter (Objectors)”.

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

There were no items brought forward by the Chair.

71. DECLARATION OF INTERESTS

There were no declarations of interest announced.

72. 70467: LAND OFF SOUTHLEY ROAD, SOUTH MOLTON, EX36 4BL

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

The Senior Planning Officer (DB) addressed the Committee and advised that the outline permission had been granted subject to an agreement of a Section 106 payment of £266,981. This application was now being reconsidered on the basis of a viability assessment and a revised Section 106 agreement.

Marc Cornelius (South Molton Town Council) addressed the Committee.

The Corporate and Community Services Officer read a statement from the Ward Member, Councillor Worden, to the Committee.

Councillor Yabsley declared a Personal interest as a South Molton Town Councillor.

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

- The viability assessment had been independently scrutinised.
- There was guidance within the National Planning Policy Guidance (NPPG) in relation to the valuation of the purchase price of land in the viability calculation.
- The Committee could decide on how the £266,981 would be allocated. However, she advised that there was a 10 year period within which any Section 106 payment would need to be spent, before any unspent funds were returned to a developer.
- It was preferable to provide any housing on-site, rather than off-site.

The Senior Planning Officer (DB) advised that:

- The area on the north east of the site, as indicated on the site plan, was not within the ownership of the applicant.
- The site was a brownfield site, with some contamination, so development costs could potentially be more expensive than similar sites.

RESOLVED (11 for, 0 against, 1 abstained) that the application be APPROVED subject to the following (Option 1) as per the Senior Planning Officer's recommendations;

- a) The provision of 3x two-bedroomed affordable dwellings to be provided for social rent and to be delivered within the early stage of the development build; and
- b) £20,000 of Section 106 funds.

73. 72675: ST JOHNS GARDEN CENTRE, ROUNDWELL, BARNSTAPLE, EX31 3FA

The Committee considered a report by the Service Manager (Development Management) (circulated previously).

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

- The application was a hybrid application covering a site of 1.44 hectares which included the provision of a garden centre, carpark and associated infrastructure. The full application included a petrol filling station, shop and 'drive-thru' coffee shop.
- The extant planning was for a garden centre.

The Service Manager (Development Management) provided the Committee with the:

- Location plan- the site was on the eastern side of Roundswell, with the employment hub to the west side of the roundabout.
- Proposed site plan in relation to the full application and the outline application.
- The scheme elevations, floor plans, canopy elevations, street scenes and landscaping mitigation.
- Photos of the site and its access to the B3232
- Views of the site and the surrounding boundaries.

The Service Manager (Development Management) advised that:

- The application should be considered as a roadside services facility.
- Highway safety for pedestrians was a key issue for the site's use. There was an existing uncontrolled crossing which would become controlled through this proposal.
- The applicant had previously made arrangements with Devon County Council (DCC) and paid £200,000 for the provision of a toucan crossing by DCC. This had not been provided.
- Paul Young of DCC was in attendance, but it was noted that although DCC had expressed concerns over the safety of the access, no written evidence had been provided to the Planning Authority.
- There would be little impact on neighbouring residents as there were fair distances between the site and the nearest neighbours, however, acoustic screening would be installed.
- If the application was successful, additional conditions would be required.

Richard Fritter (supporter) addressed the Committee.

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

David Onions (agent) addressed the Committee.

In response to questions from the Committee, the Senior Planning Officer (SM) advised the crossing area included dropped kerbs. There would be a crossing within the site boundary but that none was required on the B-road. She confirmed this would be outside of the ownership of this application.

Paul Young of DCC addressed the Committee.

The Service Manager (Development Management) advised that:

- There was an existing uncontrolled crossing in situ across the B-road. It was not within the control of the applicant to provide a controlled crossing.
- Works had taken place on site and it had been deemed extant. This had been scrutinised extensively with the legal team and the Chief Executive.
- The application was being considered under exceptional circumstances. The need for services along that stretch of the A39 had been considered and plans would be required to provide such facilities.

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

- The preference was to achieve biodiversity onsite where possible. Although a project was in progress with the Biosphere and AONB to select sites to be used to mitigate adverse effects on the environment.
- The design focus for this site was of 'green/nature'.
- Increased emphasis was required on the green energy provision of the fuel station, with more electric vehicle (EV) charging stations rather than petrol pumps.
- The location of the site along the A39 was key in the consideration of the application with access to an electrical supply.

RESOLVED that it being 11.48 a.m. the meeting be adjourned for a five minute comfort break and reconvene at 11.53 a.m.

RESOLVED, that it being 11.53 am the meeting continue in order for the remaining business to be transacted.

In response to a request from the Committee, the Service Manager (Development Management) reconfirmed the planning proposal (in brief) as per page 77 of the agenda report.

RESOLVED (8 for, 4 against) that the application be DEFERRED for two cycles for the following reasons:

- a. To see if there was appetite to resolve the highways issues with Devon County Council.
- b. To seek to improve sustainability on site, including compliance with the Building Research Establishment Environmental Assessment Method (BREEAM), and
- c. To look at the character and identity of the proposals.

**74. 73835: LAND TO THE EAST OF FRANKMARSH FARM
BARNSTAPLE, DEVON.**

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

The Service Manager (Development Management) addressed the Committee and advised that the application was for the creation of a permissive path on land owned by the District Council.

RESOLVED (unanimous) that the application be APPROVED.

75. 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 12.46 pm

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

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