

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 12th January, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Service Manager (Development Management), Lead Planning Officer (Majors), Legal Advisor and Solicitor

Also Present:

Councillors Cann, Knight and Walker

**88. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Crabb, Mack and Mackie.

**89. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 8TH DECEMBER 2021**

RESOLVED that the minutes of the meeting held on 8<sup>th</sup> December 2021 (circulated previously) be approved as a correct record and signed by the Chair.

**90. 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 there were no urgent items to discuss.

**91. DECLARATION OF INTERESTS**

There were no declarations of interest announced.

**92. 64051: CROSS PARK FARM, BURRINGTON, UMBERLEIGH,**

**EX37 9LA**

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

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

- The site was an allocated site within policy BUR 01 of the Joint North Devon and Torridge Local Plan (JNDTLP).
- The inclusion of the agricultural complex conversion brought the total proposed dwellings to 16.
- The scheme was fully compliant for Section 106 contributions and affordable housing provision.
- A coachhouse/terrace with a parking court would provide a formal enclosed area to this part of the site.
- No technical solution to the issue of surface water drainage had been provided.
- The Environment Agency (EA) had concerns regarding the foul drainage proposal as the route would cross land owned by a third party.
- The EA confirmed they would be satisfied if a condition were applied to prevent any building from commencing until the drainage solution had been confirmed.
- The drainage scheme would be re advertised.
- The NDTJLP set the access to the site from Meadow Park.

Michael Horton (objector) and Maggie Horton (objector) addressed the Committee.

The Corporate and Community Services Officer read statements from Bernard Cook and Leslie Parker (objectors) to the Committee.

Mr Waldrige (applicant) and Mr P Mears (agent) addressed the Committee.

In response to questions from the Committee, the Lead Planning Officer (Majors) confirmed that:

- The application started with a smaller number of units but this would not be an effective use of the site. The Authority could not secure affordable housing on sites of five dwellings or fewer. The allocation was always intended to be a larger site (than five dwellings). Even if the smaller number had been agreed additional phases would have come forward to deliver the whole site
- The Conservation Officer was involved in the design process which resulted in the coach houses as the impact on Meadow House was a material consideration
- Devon County Council as Lead Drainage Authority had no concerns regarding the site but did require technical details of the surface water drainage scheme.
- Drainage had not previously been within the remit of Planning Authorities but was now included in the recommendation.

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

- (a) delegated authority being given to the Planning Manager to secure the updated drainage information (surface and foul) and that such revised details be the subject of public advertisement, neighbour notification and consultation with the EA and DCC Lead for Flood Risk and Drainage Authority, Parish Council and Ward Member and;
- (b) that if on receipt of the responses to this process the Ward member was not satisfied that the drainage details were acceptable that the application be returned to Planning Committee for consideration.

**93. 72675: ST JOHNS GARDEN CENTRE, ROUNDWELL, BARNSTAPLE, EX31 3FA**

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

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

- The extant planning permission for the site was for the relocation of the St John's Garden Centre, subject to amendments.
- The application had previously been deferred due to concerns which were
  - To see if there was appetite to resolve the highways issues.
  - To seek to improve sustainability on site.
  - To look at the character and Identity of the proposal.
- In response to these three issues, the Service Manager (Development Manager) confirmed that:
  - The applicant team had tried to work with Devon County Council Highways (DCCHW) to come to an alternative solution aside from the extant permission where £200,000 had been paid to deliver a Toucan crossing but DCCHW had provided no evidence to the Planning Authority to consider. The applicant team had provided advice from Queens Counsel regarding this lack of evidence and the implications for the Local Planning Authority in terms of making a decision without sound evidence.
  - It was apparent from the previous planning committee meeting that the proposed Garden Centre and fuel station were not giving concerns but that the resulting increase in pedestrians along the route, from the Drive-Thru and retail units, was the key issue.
  - The possibility of preventing pedestrians from crossing the A39 had been explored but DCCHW commented that this would require a Stopping-Up Order, for which no certainty could be provided, and could not be a condition on any planning approval.
  - This was not a standard fuel station and was the first of its kind on this main route. The emphasis was on electric vehicles. The number of

electric charging points provided would increase to 15. There was an emphasis on future electric chargers but there would be a requirement to provide some petrol/diesel initially although this would be on a smaller scale than traditional fuel stations with a much smaller fuel tank.

- The applicants had considered carefully, wooden cladding and greening for the site, albeit there were limited options available. The surrounding developments were commercial, with many having flat roofs. It was not considered out of context when compared with the Node Cowork building on the opposite site. It was considered that a pitched roof would increase the overall mass and bulk.

Richard Fritter (supporter) and Oliver A'Court (supporter) addressed the Committee.

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

David Onions (agent) addressed the Committee.

Councillor Walker (Ward Member for an adjoining ward addressed the Committee).

Councillor Knight (Ward Member for an adjoining ward addressed the Committee).

Paul Young, Highways Officer of DCC Highways addressed the Committee in response to a request from the Committee. He advised the Committee:

- He objected to the application and disagreed with the developers', consultants' and Queens Counsel's findings.
- DCC, the Police Authority and the Parish Councils had raised concerns over the plans.
- The £200,000 paid by the applicant to DCC had been set aside and did not oblige DCC to provide a toucan crossing. The principle for a crossing of that type was considered no longer acceptable.

In response to a question from the Committee, the Service Manager (Development Management) advised that the Heritage Officer had confirmed their conclusion that the development provided 'less than substantial harm'.

RESOLVED (6 for, 5 against) that the application be approved as recommended by the Senior Planning Officer subject to the arrangements for the discharge of condition 43 being amended to "That prior to the commencement of the development the details of the design of the toucan crossing across the A39 shall be submitted and called-in to the Planning Committee for consideration".

#### **94. ADJOURNMENT OF MEETING**

RESOLVED that it being 12.45 a.m. the meeting be adjourned for a ten minute comfort break and reconvene at 12.55 a.m.

**95. 73606: NORTH DEVON LEISURE CENTRE, SEVEN BRETHERN BANK, BARNSTAPLE, EX31 2AP**

Councillor Knight (Ward Member) addressed the Committee.

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

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

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

- The car park was approximately a twelve minute walk to the town centre.
- The expectation was that travel into the town centre would be on foot or by bicycle as the site was so close that there would be little point in driving in.
- It was a green-led solution for what was partially a brown field site.
- The capping of the ground levels could alleviate flood and contamination risk.
- A full Section 106 was part of the recommendation
- There were no Highways objections.

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

- No additional cycleways or paths had been included as the existing 'Tarka trail' extended along the river front.
- The nearest bus stop was at the station. There was no requirement to install additional bus stops as the site was not on the bus route.
- The Barnstaple Fair organisers were satisfied with the alternative site proposed for the fair.

RESOLVED (9 for, 1 abstained) that the application be APPROVED as recommended by the Lead Planning Officer (Majors).

**96. 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 1.30 pm

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