

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 9th February, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Davies, Fowler, Gubb, Jenkins, Mack, Mackie, Prowse, D. Spear, L. Spear, Tucker, Walker (substitute for Leaver), and Yabsley

Officers:

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

Also Present:

Councillors Biederman, Cann and Knight

**97. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Leaver (substitute Councillor Walker).

**98. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 12TH JANUARY 2022.**

RESOLVED that the minutes of the meeting held on 12 January 2022 (circulated previously) be approved as a correct record and signed by the Chair.

**99. 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 an application at Lee Bay was coming to committee in April and that a site visit might be needed.

**100. DECLARATION OF INTERESTS**

The following declarations of interest were made:

Councillor Mack – personal interest in planning application 73681 as his partner was a Parish councillor.

Councillor Yabsley – personal interest in planning application 73681 as he was a member of the Devon County Council’s Highways and Traffic Orders Committee.

**101. 73681: LAND WEST OF MEAD PARK, FREMINGTON / BICKINGTON**

The Committee considered a report in respect of planning application 73681: Land West of Mead Park, Fremington/Bickington (circulated previously) by the Lead Planning Officer (South).

The Lead Planning Officer (South) advised the Committee of a correction to the net gain of biodiversity across the site as being just over 13% not the 12.25% as stated in the report (agenda page 69, second paragraph).

Julie Adnams-Hatch (objector) addressed the Committee.

The Corporate and Community Services Officer read a statement from David and Kate Barnett (objectors) to the Committee.

Andrew Rowe (applicant) addressed the Committee.

Councillor Knight (adjoining Ward Member) addressed the Committee.

Councillor Biederman (Devon County Councillor) addressed the Committee.

Councillor J Cann (Ward Member) addressed the Committee.

In response to a question on the refusal of an application in a nearby location siting BAR22 as the reason. The Legal Advisor advised the Committee that each application was looked at on its own merits.

In addition the Service Manager (Development Management) advised that the two applications had very material differences. The refused application was for the development of two open market dwellings. The refusal was at a point in time when the Local Plan was still emerging. In reference to further comments made in respect of the above and of a further housing application in Braunton, allowed at appeal in 2017, the officers highlighted material differences and timeline in relation to the then emerging local plan.

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

- The air quality assessment was deemed not warranted by the Environmental Health Officer.
- Natural England were unable to make a conclusion around the impact of this development on the nearby SSSI area and bird activity. Their report does go on to suggest that this could be dealt with by educating users on their actions; in terms of impact to birds, this could be mitigated by a planning condition as detailed in the report.

- The lack of a five year land supply for housing within North Devon and Torridge resulted in the balance of housing need required being a material consideration in forming a decision to approve, unless any adverse impacts of doing so significantly and demonstrably outweighed the benefits.

The Legal Advisor added that the Environmental Health Manager's response to there not being a need for an Air Quality Assessment could be found on page 29 of the agenda, second to last paragraph.

RESOLVED (7 for and 7 against, Chair's casting vote made it 8 for) that the application be APPROVED as recommended by the Lead Planning Officer (South).

## **102. 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.

In response to a question on the provision of a report detailing the number of appeal decisions that had gone against the Council and details of the costs. The Service Manager (Development Management) advised the Committee that she would bring quarterly statistics reports to Committee as soon as the software was set up to extract the information.

Chair

The meeting ended at 12.08 pm

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

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