

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 8th June, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Lead Planning Officer (North), Lead Officer (South), Solicitor and Legal Advisor

Also Present:

Councillors Biederman, Cann and Walker

**26. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**27. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 11 MAY 2022 (ATTACHED) AND 25 MAY 2022 (ATTACHED)**

RESOLVED that the minutes of the meetings held on 11 May 2022 and 25 May 2022 (circulated previously) be approved as correct records and signed by the Chair.

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

(a) Planning Committee Site Inspection

The Chair reminded Members of the Committee that site inspections had been arranged on Monday 27 June 2022.

**29. DECLARATION OF INTERESTS**

There were no declarations of interest received.

**30. 73875: LAND NORTH OF ST ANDREWS ROAD, FREMINGTON**

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

The Lead Planning Officer (South) advised the Committee of the following updates:

- The receipt of a further 8 objections since the publication of the report, taking the total to 173. The objections received raised no new material considerations in addition to those listed within the report.
- Since the publication of the report, the agent had proposed some minor changes to conditions in relation to the following conditions:
  - Condition 21 to clarify by requiring the submission of a sustainable travel management
  - Condition 22 to clarify by including additional wording “within the site boundary”.
  - Condition 24 to clarify wording “but not limited to”.
  - Condition 25 – officers were in the process of considering the requirement following the outcome of the Yelland Quay Inquiry.
- In relation to paragraph 5.3.6 in the report, there was ongoing discussion with the Sustainability Officer regarding points raised in his consultation response of the 24 March (points 1 – 4). There were some points raised which needed to be addressed. Two issues had been dealt with in relation to the provision of a buffer plan and provision of dark corridors and additional lighting on site. One issue could be dealt with as part of the Landscape and Ecology Management Plan. The other issue could be dealt with by requiring the developer to provide bat and trees boxes and that delegated authority would be required to resolve those issues.
- Further to the site inspection held on 25 May 2022, photographs were shown from the northern field looking towards the green infrastructure and playing field on the site. The distance to the playing field from the changing facilities was confirmed at approximately 850-900 metres. Photographs were also shown from a wider range of views including from Higher Rookabear, from Heanton Punchardon church looking across the estuary.
- Further to the meeting of the Committee held on 13 April 2022, further information had been sought in respect of the noise barrier. A plan was shown detailing the proposed acoustic barrier and a photo showing acoustic fencing being used elsewhere.
- Since publication of the report, the Environmental Health Officer had reviewed the information provided and identified an anomaly in relation to number 2 St Peters Road in that the noise level assessment appeared to above acceptable levels. Therefore the Environmental Health Officer had raised objections to the application. This information had only been received on 7 June 2022 and there had been no opportunity for the developer and public to consider the revised representations from Environmental Health. It was therefore recommended that the application be deferred for one cycle to enable the points raised by the Environmental Health Officer in relation to noise levels to be addressed and that the application be brought back to the July 2022 meeting of the Committee for consideration.

In response to a question from Councillor Biederman (Ward Member), the Legal Executive advised that there was a risk that if the Committee did not defer consideration of the application as not all parties had had the opportunity to review the information provided by the Environmental Health Officer. It was important that all parties involved and affected had the opportunity to review this information and to respond. The Environmental Health Officer had been very thorough and competent in reviewing the information and providing an updated representation.

Councillor Mackie requested that if the application was deferred that additional information be included within the report in relation to road access levels.

In response to comments, the Lead Planning Officer (South) advised that the application had been considered as part of a place making exercise and the report had been written around no technical objections being received. The report included sections regarding amenity and design. The report of the Design Review Panel had been considered as part of the planning considerations balance. This Panel provided independent advice. In relation to place making, all of the relevant policies had been considered. With regard to inviting the Highways Officer to the next meeting, the Committee were advised that this would re-open the debate regarding highways and could result in the decision being challenged.

RESOLVED (unanimous) that the application be DEFERRED for one cycle in order for the points raised by the Environmental Health Officer in relation to noise levels to be addressed and that the application be brought back to the July 2022 meeting of the Committee for consideration.

**31. 75119: ROCKLEY, BISHOPS NYMPTON, SOUTH MOLTON, DEVON, EX36 4PL**

The Lead Planning Officer (South) advised the Committee that since the publication of the agenda, that Councillor Yabsley had withdrawn his request for a call in of this application as Officers were recommending that the application be approved. Therefore the application would now be determined under Officer delegated powers.

**32. 75186: THE PANNIER MARKET, HIGH STREET, BARNSTAPLE, DEVON, EX31 1BL**

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

The Lead Planning Officer (North) advised that since publication of the report, a letter of representation had been received from Suzanne Tucker, which had been emailed to all members of the Committee, in relation the provision of a changing places toilet at the Pannier Market. He advised that the Council was currently in the process of considering the location of a changing places toilet in another location within the town.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Lead Planning Officer (North).

**33. 75204: THE PANNIER MARKET, HIGH STREET, BARNSTAPLE, DEVON, EX31 1BL**

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

RESOLVED (unanimous) that the application be APPROVED as recommended by the Lead Planning Officer (North).

**34. 75240: HARDAWAY HEAD CAR PARK, QUEEN STREET, BARNSTAPLE, DEVON**

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

The Lead Planning Officer (North) advised the following:

- Since the publication of the report, Barnstaple Town Council had recommended that the application be refused and requested that the pods be located in an alternative location.
- 8 representations had also been received since the publication of the agenda objecting to the application. The issues raised were in relation to devaluation of property, anti-social behaviour, privacy and close proximity to the Fever Nightclub.
- In response to the concerns raised, a response had been received from Inspector Andy Wills which was read to the Committee.
- It was recommended that the application be approved for a temporary period to give opportunity the location of the pods if issues arose.

In response to questions, the Lead Planning Officer (North) advised:

- That it was recommended that the application be approved for a temporary period which would cease on 30 June 2025 as detailed in condition 3 of the report. There would be a cost to the Council if the pods were located for a shorter period of time.
- The proposed location of the pods was a corporate decision of the Council and he assumed the Lead Member for Housing would have been involved in discussions regarding the location.
- He suggested an additional condition could be included requesting the submission of a management scheme prior to the siting of the pods.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Lead Planning Officer (North) subject to the inclusion of an additional condition requiring the submission of a management scheme prior to the siting of the pods.

Chair

The meeting ended at 11.03 am

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

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