

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 13th July, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Chief Executive, Lead Officer (South), Planning Officer, Solicitor and Legal Advisor

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Leaver and Prowse.

40. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 8 JUNE 2022 AND 27 JUNE 2022

RESOLVED that the minutes of the meetings held on 8 June 2022 and 27 June 2022 (circulated previously) be approved as correct records and signed by the Chair.

41. 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 a Site Inspection would be required for application 70954 at Larkbear, prior to its consideration at Committee. The Corporate and Community Services Officer would contact the Committee Members with regard to availability.

42. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Davies Planning application 75003: Pecuniary interest as he was the agent for the application

43. 73875: LAND NORTH OF ST ANDREWS ROAD, FREMINGTON

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

The Lead Officer (South) addressed the Committee.

She reconfirmed the information in her update in that the planning application could not be presented for consideration at Committee today (13 July 2022) as she was waiting to receive a report from the LPA's Consultant Environmental Health officer addressing the issues regarding potentially unacceptable noise levels at existing residential dwellings in St Peters Road. She confirmed that the report was expected within the next few days.

44. 75140: HEAL LODGE, KINGS NYMPTON, UMBERLEIGH, DEVON, EX37 9TB

The Lead Officer (South) addressed the Committee and advised that the application had now been withdrawn by the applicant and would not be considered by the Committee.

45. 75003: BIDGOODS BARN, KINGS NYMPTON, UMBERLEIGH, DEVON, EX37 9SS

Councillor Davies re-declared his pecuniary interest in the application and chose to leave the meeting during the consideration of this planning application.

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

The Lead Officer (South) addressed the Committee and advised that the application had been presented for consideration as a Committee Member, Councillor Davies, was the agent for the application.

RESOLVED (unanimous) that the application be APPROVED as per the Planning Officer's report.

46. 74908: 13 EXMOOR VIEW, SOUTH MOLTON, DEVON, EX36 3BD

Councillor Davies re-joined the meeting.

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

The Lead Officer (South) addressed the Committee and advised that the application had been presented for consideration as the applicant was a North Devon Council Councillor.

RESOLVED (unanimous) that the application be APPROVED as per the Planning Officer's report.

47. APPEAL 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.

It was noted that there were five appeal reports.

The Chair noted that there were no questions from the Committee with regard to the four minor decisions.

The Chief Executive addressed the Committee with regard to the appeal for the Former Yelland Power Station application.

The Chief Executive advised:

- The legal duty on the committee was to take the decision in accordance with the development plan unless material considerations indicated otherwise
- The site was included in the North Devon and Torridge Local Plan (NDTLP) as an allocated site.
- The NDTLP had been adopted three years ago and was compliant with National Policy.
- The Authority's Barrister was examining the decision to identify any possible legal grounds on which to challenge it.
- A report would be presented to Strategy and Resources or Full Council in relation to the costs. Three of the four claims for costs had been approved.
- The Planning Committee did need to push Devon County Council (DCC) for evidence to support their opinion on cases. The possibility of seeking partial cover of related costs from DCC was being looked at.
- The possibility of Ward Members not being part of the Planning Committee for those applications in their ward which were controversial should be considered due to the intense public pressure.
- The award of costs against the council was an indication that the Planning Inspector not only disagreed with the committee's conclusion but also found that the committee had acted unreasonably in reaching the decision that it had.

The Vice Chair suggested that perhaps those Ward Members could abstain from voting on those applications but that this issue should be considered more fully.

The Chief Executive advised that the Planning Inspector had no concerns regarding the viability assessment.

Cllr Tucker proposed that a meeting be arranged with the Local Member of Parliament (Selaine Saxby MP) to discuss the issues faced locally.

However it was not voted on as the Chief Executive agreed to arrange a meeting as requested.

Chair

The meeting ended at 11.20 am

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