

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 10th August, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Senior Planning Officer, Lead Officer (South), Senior Planning Officer and Solicitor

Also Present:

Councillors Bushell, Knight and Lofthouse

**48. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chesters and Crabb. Councillor Biederman was appointed as a substitute for Councillor Mackie and Councillor Walker was appointed as a substitute for Councillor Davies.

The Senior Corporate and Community Services Officer advised the Committee that Councillor Prowse would be late arriving at the meeting.

**49. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH JULY 2022**

RESOLVED that the minutes of the meeting held on 13 July 2022 (circulated previously) be approved as a correct record and signed by the Chair.

**50. 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 inspections – 31 August 2022

The Chair reminded Members that Planning Committee site inspections had been arranged to take place on 31 August 2022.

**51. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Leaver – Planning application 76629: Personal interest as the Devon County Councillor for land immediately adjacent to the access to the site.

Councillor Mack – Planning application 66229: Disclosable Pecuniary Interest as the employer produced the ecology report.

Councillor Tucker – Planning application 73208: Disclosable Pecuniary Interest as the applicant was a near neighbour and personal friend.

**52. 73875: LAND NORTH OF ST ANDREWS ROAD, FREMINGTON**

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

The Lead Planning Officer (South) provided an update to the Committee pursuant to the deferral of the application on 13 July 2022. Further to the site inspection held on 25 May 2022, the Lead Planning Officer advised the Committee of the proposed location of the 2m acoustic fence as detailed on the plan indicated in blue.

Diane Etheridge (objector), Deborah White (objector), Patricia Ward (objector), Helen Elder (objector), Derrick Slade (objector) and Dan Yeates (agent) addressed the Committee. Helen Elder read a statement on behalf of Mr Harpoll (objector).

The Lead Planning Officer (South) advised that a number of representations had been received since the consultation period ended on 3 August 2022. The total number of objections received were now 191, 14 comments and a petition containing 1,401 signatures. A consultation response had also been received from Fremington Parish Council which was read to the Committee.

In response to questions the Lead Planning Officer (South) advised the following:

- The cross section plan showed the alignment of the site access and the proposed levels at the give way point on the junction. The plan showed the levels of the road approaching St Andrews Road. The plan demonstrated that the light impact would be at the same level and that there were no indentations in the road.
- Read policy DM01 “Amenity Considerations” and the supporting text and policy DMO2 “Environment Protection Policy” to the Committee.
- Light spill into a property was a material consideration, however this needed to be balanced along with the other matters identified. The Environmental Health Officer had not raised a specific objection to the light spill into a particular property. The Council’s own advisors did not consider there was a significant impact to refuse the application.
- The Levelling Up Bill had not yet been enacted and was therefore not a material consideration. In terms of decision making, the start point for passing

any application was the statutory development plan; the adopted Joint Local Plan and the National Planning Policy Framework (NPPF) was a material consideration.

- Information relating to the distance to the changing facilities had been provided following a request at the site inspection. Generally people would chose to walk the shortest distance to shops and facilities.
- No alternative vehicle access to the site had been provided by the applicant.
- Reference was made to place making and residential amenity within policies DM01 and DM02 of the Joint Local Plan. Paragraph 130 of the NPPF also referred to achieving well designed places. Paragraph 185 of the NPPF referred to noise.
- The plan submitted for the acoustic boundary fences identified that the land was within the ownership of the applicant which was required to enable the Planning Authority to apply conditions. There was approximately 1 – 1.2m walkway between the fences and habitable rooms of 16 and 20 St Andrews Road.
- The noise acoustic boundary fences demonstrated attenuating sound to a certain point which the Environmental Health Officer considered to be the lowest adverse noise level. The Environmental Health Officer had acknowledged impacts from the development within the consultation response.
- Professional evidence had been submitted by the applicant and the responses from professionals had been included within the first section of the report.
- Where not adopted by DCC the level of upkeep of the road network and the access of agricultural vehicles to Church Farm would form part of a management agreement.
- In terms of contributions of the maintenance of the road, the landowner would have power to include this within the deeds.
- The provision of parking spaces would form part of the reserved matters application.

Paul Young, Highways Officer, Devon County Council addressed the Committee. He advised that there were three elements that the Highways Authority considered in relation to this application: impact on the highway network pre-Yelland planning inquiry, impact on the highway network post the Yelland planning inquiry and immediate impact on the highway network to serve the development. He explained to the Committee how the Highways Authority objection had changed from an objection to no objection. The Highways Authority had sought to secure contributions to the highways infrastructure and improvements to be made at the Wrey Arms and Cedars roundabout junctions. The objection had initially been raised as the applicant was not prepared to secure section 106 contributions for highway improvements. The applicant then agreed to secure section 106 contributions which overcame the Highways Authority objections. The Highways Authority had made steps to raise objections to the planning application for the Yelland site as it considered that there were “severe” highways issues at the Wrey Arms and Cedars roundabout. Within the Yelland Planning Inquiry Appeal decision the Inspectorate did not define “severe”. The Government also provides no definition of “severe”. The Highways Authority definition of “severe” was in relation to queuing traffic during peak times in

the morning and afternoon. The Planning Inspectorate did not support this definition of “severe”. As a result of the Planning Inquiry decision, the Highways Authority could not seek section 106 contributions for improvements to the highway network. The road standards on this proposed site met adoptable highways standards of the width between 4.8 - 5.5m. Road traffic movements on the site would be a slow speed environment. The Highways Authority had also considered the immediate access to St Peters and St Andrews Road. The residents had described St Andrews as being a quiet street, therefore there was greater capacity to accommodate an increase in traffic movements. During the highest peak, there would be 90 vehicles movements per hour in the morning. The Highways Authority could not raise objections for this level of traffic movements.

In response to questions, Paul Young, Highways Officer, Devon County Council advised the following:

- The preferred standard for the width of pavements on new developments was between 1.8 – 2m. There was guidance in relation to consideration for mobility. The normal minimum standard was 1.2m and on occasions 1m would be acceptable for short distances. 1.2m width allowed pedestrians and persons with mobility issues to pass each other, however there would be difficulty for example if a person with mobility issue had to pass a person with a pushchair.
- The site was easy to design to meet the appropriate standards.
- The widths of the footways at St Andrews and St Peters met the 1.2m requirement.
- The Highways Authority would seek to adopt the road within the site to full highway standards. It would not preclude agricultural vehicle usage.
- The Highways Authority sought to secure 2 parking spaces per property for the Fremington camp site and would seek to secure 2 parking spaces per property for this site also.

Councillor Biederman (in his capacity as Ward Member) addressed the Committee and advised that the comments that he made as Ward member did not mean that he didn't have an open mind. He would vote once he had listened to all of the debate.

RESOLVED that it being 12.10 pm that the meeting be adjourned for five minutes to allow for the mover and seconder of the motion to finalise the wording of the motion and be reconvened at 12.15 pm

RESOLVED (unanimous) that the application be REFUSED for the following reasons:

1. The proposal was contrary to policy DM01 “Amenity considerations” of the adopted North Devon Joint Local Plan by reason of significant detriment to amenity that would be caused by the proposal compared to the relative peace and tranquillity enjoyed by the residents of St Andrews Road, St Peters Road and Church Farm. This disturbance would arise from noise, light intrusion, traffic movements and loss of privacy.

2. The proposal for major development on a non-allocated site was contrary to policy ST04 “improving the quality of development” and also policy DMO4 “Design Principle” of the adopted North Devon Joint Local Plan by reason of its poor relationship with the pattern of development of the village and unsatisfactory access arrangements as noted by the independent design review panel in its consultation report dated 1 December 2021. The proposal does not represent quality place making as required by the NPPF as detailed in paragraphs 104 (d), 126, 130 and 134 which seeks to achieve well designed places and was also included in guidance set out in the National Design Guide.
3. Contrary to policy ST14 “Conserving most versatile agricultural land” of the North Devon Joint Local Plan and paragraph 174 of the NPPF as the application site was predominantly grade 3a best and most versatile agricultural land which represented limited environmental resource.

**53. 66229: LAND OFF OLD BIDEFORD ROAD, ROUNDWELL**

Councillor Prowse arrived at the meeting

Councillor Mack declared a disclosable pecuniary interest and left the room during the consideration thereof.

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

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

Maurice Brailey (objector), Mr T Brailey (objector), Mr Boyle (objector) and Mrs Boyle (objector) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement from Mr and Mrs Jackson (objectors) to the Committee.

Councillor Knight, Ward Member, addressed the Committee.

Councillor Lofthouse, Ward Member, addressed the Committee.

In response to questions, the Senior Planning Officer (SM) advised the following:

- It was not standard practice to write to everyone who had submitted a letter of objection.
- In terms of property litigation any concerned party would need to demonstrate and provide evidence. Devon County Council had provided the LPA with a copy of the transfer of land. There was no reference in this document that the site should be used for a school.
- Deeds and covenants were not a material consideration.
- Landscaping would form part of the reserved matters application.

- There were two access points to the site. The layout on the site was not fixed at this stage as it was an outline application.
- A South West Water advisory had been imposed (proposed informative no. 4, page 271 of the report).
- Proposed condition 41 addressed the issue of loss of light. A detailed Landscape and Environmental Management Plan would be a condition and submitted as part of the reserved matters application. Layout of the site would also form part of the reserved matters application.
- An informative note was included in relation to designing out crime prevention.
- The comments made by the Highways Officer were detailed within the report.
- Officers could request a climate impact assessment to be provided at the reserved matters stage.
- The layout was not fixed and therefore a green buffer along the north of the site could be pursued as a reserved matter. The configuration of windows and balconies were not fixed and would be considered as a reserved matter.
- Extra care housing tended to be for older people, however the accommodation would be for people with differing needs.
- Discussions had taken place with the Highways Officer regarding traffic generation who had advised that there was negligible difference between the traffic generation created for the residential development and extra care housing. Therefore if the layout of the site was reversed, this would not result in an increase in traffic generation.
- A needs analysis had been undertaken which concluded that there was an ageing population who required specialist care. The design would need to be considered as a reserved matter. Section 106 contributions would be sought for the provision of the care package and qualifying person.

Paul Young, Highways Officer, Devon County Council addressed the Committee. He advised that the application had been submitted 3 years ago. A transport assessment had been carried out during the early stages of the application and included junctions within the vicinity. It was considered that in principle the proposal was acceptable. The traffic generation and car parking were similar for both the residential development and extra care housing. The two other elements that made the application more acceptable in highways terms. The proposed relocation of the bus gate would result in all traffic to the Larkbear development and other housing development built along the Old Torrington Road disappearing from the Wrey Arms junction. Following the Yelland Planning Inquiry, the indicative scheme at the Wrey Arms junction was unlikely to come to fruition. The Highways Authority was not in a position to require section 106 contributions and considered that there was an acceptable impact on the highway network.

Councillor Walker declared a personal interest as Chair of the North Devon Crematorium Joint Committee. Councillor Gubb declared a personal interest as a member of the North Devon Crematorium joint Committee.

In response to questions, Paul Young, Highways Officer, Devon County Councillor advised the following:

- In relation to the Old Bideford Road, the agreed alignment of 5.5m for the carriageway and 2m for the pavement provided an adoptable layout to the site.
- The cycle network along Old Torrington Road was a shared vehicle and cycle on the highway. Due to the low speeds, it was not considered appropriate to segregate the vehicle and cycle traffic.
- The vehicle speeds were expected to be low and on the site it was expected to be 20mph or less.
- The road was considered to be acceptable and adoptable in accordance with the design guide.
- The provision of 2 access points was considered acceptable due to the relocation of the bus gate.
- The vehicles accessing the site via Old Torrington Road would serve the care home and vehicles accessing the site via Old Bideford Road would serve the contained units. The only link between the two was the proposed foot/cycle path.
- The Highways Authority considered that the development would be acceptable whether or not the bus gate was relocated. The Highways and Traffic Orders Committee had approved the relocation of the bus gate and there was now 12 months to implement the relocation.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Lead Planning Officer subject to the Senior Planning Officer being delegated authority to seek a plan seeking the reversal of the layout of the site so that it is “flipped” and that the Ward Members and Devon County Councillor be consulted.

**54. ADJOURNMENT OF MEETING**

RESOLVED that it being 2.15 pm the meeting be adjourned to enable a lunch break to be taken and be reconvened at 2.45 pm.

**55. 65528: LAND OFF DENES ROAD, LANDKEY**

Councillor Mack returned to the meeting. Councillor L. Spear left the meeting.

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

Matt Steart (agent) confirmed that he did not wish to address the Committee.

The Senior Planning Officer advised the Committee of the receipt of a further letter of objection which contained no new material.

RESOLVED (9 for, 0 against, 1 abstained) that the application be APPROVED as recommended by the Senior Planning Officer subject to the section 106 contributions being amended to secure 1% for Biodiversity Net Gains and the remaining monies being apportioned back to the public open space.

**56. 75220: BEDPORT POULTRY FARM BURREINGTON UMBERLEIGH  
DEVON EX37 9LE**

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

The Senior Planning Officer reported the receipt of two further consultation responses received since the publication of the agenda from the Open Space Officer.

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

**57. 75158: 1 AND 2 KINGS GARDEN MANOR ROAD LANDKEY  
BARNSTAPLE DEVON EX32 0JJ**

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

The Senior Planning Officer advised of the receipt of an email from the agent dated 3 August 2022 stating that the roof materials had been listed incorrectly. A revised plan had now been submitted and it was recommended that the proposed condition 1 be amended to reflect the new plans received.

Matt Steart (agent) confirmed that he did not wish to address the Committee.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Senior Planning Officer subject to condition 1 being amended to reflect the new plans received.

**58. 73208 FORMER CLAY PITS, TEWS LANE, BICKINGTON, DEVON**

Councillor Tucker declared a disclosable pecuniary interest and left the meeting.

Councillor Prowse declared a personal interest as the applicant was a constituent and was known to him.

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

Matt Steart (agent) and David Lincoln (objector) addressed the Committee.

The Senior Corporate and Community Services Officer read out a statement on behalf of Samantha Hammond (objector).

Councillor Walker (in her capacity as Ward Member) addressed the Committee.

In response to questions, the Senior Planning Officer advised the following:



- The Highways Authority had raised no objections to the application.
- Drainage issues had been acknowledged as part of condition 16 and all matters relating to drainage would be addressed as reserved matters.
- A construction management plan would be required as a condition and would detail all provisions relating to public amenity during the construction.
- The Highways Authority had not recommended the reduction in speed on the highway. This could only be included as a condition, if the Highways Authority had supported the reduction in speed.
- In relation to drainage, Devon County Council had requested further information. Condition 16 required the applicant to submit green run-off rates and contained mitigation measures.
- The provision of a land drain could fit on the site, however the site was constrained and it did not form part of the application.
- The value of the ransom strip was not a material planning consideration.

RESOLVED (6 for, 3 against, 0 abstained) that the application be APPROVED as recommended by the Senior Planning Officer.

**59. APPEALS REPORT**

The Committee considered and noted the appeal report by the Senior Planning Support Officer (circulated previously).

Chair

The meeting ended at 4.00 pm

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

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