

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 19th October, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

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

Also Present:

Councillors Knight

73. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Chesters.

74. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 28TH SEPTEMBER 2022 (ATTACHED) AND 13TH OCTOBER 2022 (ATTACHED)

RESOLVED that the minutes of the meetings held on 28 September 2022 and 13 October 2022 (circulated previously) be approved as correct records and signed by the Chair.

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

(a) Service Manager (Development Management)

The Chair welcomed Tracey Blackmore back to the Committee following her recent appointment as Service Manager (Development Management).

76. DECLARATION OF INTERESTS

There were no declarations of interest received.

77. ORDER OF AGENDA

RESOLVED that item 7 be considered before item 6 on the agenda to allow the Planning Case Officer to leave the meeting early.

**78. 74775: LAND AT STONELANDS CROSS RACKENFORD
DEVON**

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

Further to the questions raised at the Planning Committee site inspection held on 13 October 2022, the Senior Planning Officer advised the following:

- The biodiversity gains as set out in the Landscaping Scheme.
- James Pryce business was currently located in Tiverton and did not have space for expansion, servicing and parking. The business had a wide client based and wished to be located in a more central area on a site that would enable the business to grow.
- The proposal was to create a rural hub which consisted of typical types of services that were required to be provided in North Devon.
- The applicant had gone through a sequential test approach to identify the right location and there were no other suitable locations that met their needs currently available on the market.
- The Highways Officer was present to provide a response in relation to concerns raised on site in relation to the junction to the A361.

Councillor Lucas (Parish Council representative), Pete Grugeon (objector), Suzanna Coffin (objector), Sarah Childs (Parish Council representative) and David Morgans (objector), Jim Pryce (applicant) and Louis Dulling (agent) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement received from the Campaign to Protect Rural England (objector).

Councillor Yabsley declared a personal interest as the Devon County Councillor for this area.

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

- The Local Planning Authority must assess the planning balance in line with the National Planning Policy Framework (NPPF), taking into account all material considerations.
- The NPPF supports agricultural businesses.
- The application constituted a departure from the adopted Local Plan.
- The approval of this application would not set a precedent as there were specific justification and all future applications would be assessed on their own merits.

- The technical note referred to on page 132 of the agenda had been published on the Council's website.
- No consultation response had been received from Mid Devon District Council.
- The brownfield site located nearby had not been included within the sequential test and would not be policy compliant due to the location of the development also being in the countryside.
- There was no set requirement for the radius or information to be provided as part of the sequential test. It was for the Local Planning Authority to consider. The sites that had been included were the closest located in North Devon.
- The proposed conditions would restrict the usages. It was a mixed use site restricted to the rural agricultural sector and not all buildings would be occupied by the applicant.
- Condition 26 required the applicant to provide an air quality assessment.

In response to questions, the Service Manager (Development Management) advised the following:

- The location of businesses would normally be sited at the edge of existing settlements such as Pathfields Business Park so that it was in a sustainable location. In the event sites are not suitable or available on the edge of settlement, then applicants were required to go through the sequential test approach, which the applicant had undertaken.
- The ownership of the land was not a planning consideration.
- The proposed site was located on a greenfield site, where in an ideal situation it would be located on a brownfield site in more sustainable location, however such a site was not available.
- There was no policy in place which protects the North Devon Link Road corridor. The site was in designated countryside area and there were policies to safeguard the countryside.
- The site was not located in a designated landscape and it was considered there was not substantial harm to the countryside.

In response to questions, the Highways Officer (MC) advised the following:

- In 2013 the traffic movements in this location on the A361 was 1300 vehicles a day and it was anticipated that it would increase to 1500 a day by 2033. This was the quietest part of the A361.
- DCC Highways Authority plan was to remove a number of right turn moves along the A361.
- The Highways Authority could only seek financial contributions to make the development acceptable. There were no schemes in the area or identified need to improve the junction on the A361. There was no other funding contributions sought from other allocated sites.
- The Highways Authority had originally recommended refusal as the applicant had not submitted a transport assessment and a travel plan which had limited benefit. However, the applicant had since submitted a detailed traffic impact assessment. The assessment had been analysed and there were no faults identified. The junction on the A361 worked well and was within capacity.

- The Yelland Planning Inquiry highlighted the need for evidence to be provided to back up any objections raised. There was no evidence in this area that highway improvements were required.
- The “usual gap acceptance” from a junction was around 3-4 seconds.
- Any traffic survey could be carried out, however it was not clear what evidence the survey would show.
- Drivers of large lorries were professionally qualified and had an understanding of how to drive in conditions such as crossing the A361.
- The Committees’ suggestion of the provision of a slip road on the C road onto the A361 had not been included within the application and was unsure as to whether it would be necessary to access the site on a day with “normal” traffic movements.
- Section 106 contributions for improvements at Borners Bridge and other junctions had been sought as part of a long term plan. Any financial contributions sought were required to be paid back to the developer after 10 years if not used, with interest.
- During the summer period where traffic was queuing back from the Bolham roundabout to the junction, generally speeds would be lower and drivers would then let traffic in and out from the junction.

In response to a question, the agent advised that the scope of the sequential test had been discussed as part of the pre-app process with the Council’s Economic Development team and the reason why the sites in South Molton and Witheridge had been focused upon.

RESOLVED (unanimous) that the application be deferred and considered at the Committee meeting in December 2022 to:

- (a) Enable the area of the sequential test to be widened;
- (b) Request an update to be provided on the Urban Extension (Policy TIV1) by Mid Devon District Council;
- (c) Enable a survey to be undertaken on the junction arrangements and potential financial contributions for highway improvements.

RESOLVED that it being 11.30 a.m. that the meeting be adjourned for a five minute comfort break and reconvened at 11.35 a.m.

79. 73742: LAND SOUTH OF BROOMHOUSE PARK AND WEST OF WILLOW RISE, WITHERIDGE, TIVERTON, DEVON. EX16 8FD

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

The Lead Officer (South) advised that following the publication of the agenda the following had been received:

- The consultation period in relation to the amended plans ended on 12 October 2022. As a result, the total number of objections received had increased as summarised in a table on the presentation.

- An updated consultation response from South West Water.
- An updated consultation response from Devon County Council (DCC) Lead Local Flood Authority and raised no objections.
- Ongoing discussions and emails had been exchanged between the GP Medical Surgery and the applicant's agent. The applicant had now answered a series of questions that had been raised by the Surgery in relation to the land ownership and the provision of parking spaces.

Further to the questions raised at the Planning Committee site inspection held on 13 October 2022, the Lead Officer (South) advised the following:

- In relation to the potential visual impact of the view of the church from the view point along footpath (FP1), Two Moors Way, once the development had been built out in accordance with the landscape visual impact assessment the visual impact would lessen over time once the hedgerows and trees had grown.
- There would be a requirement for DCC to hard surface the footpath link from Willow Rise to the development.
- There was no proposal to hard surface the public right of way as discussed at the site inspection.
- The footpath from phase 1 of the development would not be adopted as part of the cycle network. Cycles would be able to travel between phase 1 to phase 2 using the road networks.
- No additional lighting would be provided along the lane as the development was located in a "dark corridor" and would conflict with ecology.
- The application site was predominately grade 3 best and most versatile agricultural land. A condition would be proposed regarding the use of top soil.
- The applicant had agreed to gift the area of land located at the rear of the GP medical centre to the centre to maintain privacy for the consultancy rooms.
- The location of the attenuation tank could not be relocated on a technical design basis.
- The land located adjacent to the medical centre was privately owned and there was no guarantee that this would become available for the medical centre to expand.
- NHS Primary Care had advised that there was no requirement for section 106 contributions to be obtained for the expansion of the medical centre and therefore section 106 contributions could not be sought for this purpose.

Councillor Jacky Harvey (Parish Council Representative), Reg England (objector), Mat Bennett (applicant) and Martin Bagshaw (agent) addressed the Committee.

The Senior Corporate and Community Services Officer read out statements received from Barnabas and Campie Hurst-Bannister (objectors) and Hugh Meller (objector) to the Committee.

In response to representations made, the Lead Officer (South) advised the following:

- The former Planning Manager had attended a Parish Council meeting and that she had also met with representatives of the Parish Council and Ward

Member on site. The issues raised had been addressed within the committee report.

- A capacity study in relation to sewage had been submitted as part of the application and no objections had been received from South West Water or DCC Lead Local Flood Authority.
- The statutory provider of electricity National Grid would be responsible for keeping the grid up to date. Broadband providers had a duty to ensure that connections were up-to-date.

In response to questions, the Highways Officer (MN) advised the following:

- He was not aware of the trigger points for the provision of additional bus services.
- He had provided a consultation response to the application and 3 out of the 4 recommended conditions had been included as part of the recommendation.
- He had also gone through every objection.
- The proposed road widths were in accordance with the Devon Design Guide Manual and there was no evidence to state that the road widths were unsuitable.

Councillor Yabsley addressed the Committee in his capacity as Ward Member and Devon County Councillor.

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

- Discussions had taken place with the developer at an early stage in the planning process regarding the location of the attenuation pond and it could not be moved due to technical design reasons.
- Section 106 contributions for the expansion of the GP medical centre could not be sought as the NHS Primary Care had advised that there was no requirement for the centre to be expanded.
- Historic discussions had been previously held regarding the footpath being used as an alternative access if the garages were demolished, however this was not part of the application.
- The GP medical centre were aware of the offer that had been made by the applicant. The developer had submitted amended plans including the area of land to be gifted to the medical centre and the provision of parking spaces. This was an additional offer by the developer and not a planning obligation. The GP medical centre first responded that the provision of 8 parking spaces was not sufficient and there was no opportunity to future proof the expansion of the medical centre. This could not be secured as it was not currently required. In relation to gifting of the land to the medical centre, the developer had agreed to cover the medical centre's fees, but these would be capped. There was still some disagreement regarding sufficient land being available to the north of the medical centre for expansion, however there was no policy basis to seek this.
- The applicant had submitted a twin tracked application reference 74789.

- Delegated authority was being sought for further negotiations with the applicant to ensure that the layout and barriers along the footpath from Wiringa Way did not conflict with cyclists.
- Officers had not requested the developer to use a Design Review Panel as there was no benefit in doing so given the neighbouring site established design principles.

In response to a question from Councillor Yabsley, the agent confirmed that the applicant would be in agreement to transfer the land for the provision of 8 parking spaces to the GP Medical Centre and for it to be coterminous with the land gifted at the rear of the centre. He confirmed that the attenuation tank could not be moved.

In response to questions, the Service Manager (Development Management) advised:

- That the Committee needed to take into account the planning considerations in accordance with planning policy and the National Planning Policy Framework. The provision of land to the GP medical centre was outside of the planning considerations remit.
- That the Council still did not have a 5 year housing land supply. The Planning Policy team were currently looking at the numbers and the position would be known during the autumn. Therefore for this application, the tilted balanced needed to be applied.

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

RESOLVED (11 for, 0 against, 1 abstained) that the application be APPROVED as recommended by the Lead Officer (South) subject to the Lead Officer (South) being delegated authority to undertake further negotiations with the applicant regarding the proposed parking spaces for the GP medical centre and the position of the attenuation pond in consultation with the Chair of the Committee, Ward Member and the GP Medical Centre.

Councillors Fowler, D. Spear and L Spear left the meeting.

80. ADJOURNMENT OF MEETING

RESOLVED that it being 1.06 p.m. the meeting be adjourned for a five minute comfort break and reconvened at 1.11 p.m.

81. 73606: NORTH DEVON LEISURE CENTRE SEVEN BRETHREN BANK, BARNSTAPLE, DEVON, EX31 2AP

Councillor Leaver declared a personal interest as the Devon County Councillor.

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

Councillor Knight addressed the Committee as Ward Member.

In response to questions, the Service Manager (Development Manager) advised the following:

- An extant planning permission had already been granted for this site and therefore the issue of access and personal safety could not be considered. The Committee could only consider the changes as outlined to the planning obligations.
- As North Devon Council was the applicant, further discussions could take place in relation to personal safety.
- Design matters and scale would be considered as part of the reserved matter application. Therefore crime and personal safety could be considered at that point.

SarahJane McKenzie-Shapland (applicant/agent) addressed the Committee. In response to questions from the Committee, she advised the following:

- A lighting scheme would be in place for the long stay car park.
- There was a lot of activity at the Leisure Centre, the area was well lit and well populated.
- The provision of CCTV would also be included within the design and build contract.
- She had attended a meeting with Barnstaple Town Council and the issues regarding personal safety had been raised at the meeting of the Planning Committee in January 2022.
- An extension to the Land Release Fund had been sought for the end of February 2023. There would be opportunity for further discussions with the developer through the Joint Delivery Board.

RESOLVED (7 for, 1 against, 0 abstained) that the application be APPROVED as recommended by the Lead Officer (South).

**82. 75407: QUEEN ELIZABETH II PLAYING FIELD TEWS LANE
BICKINGTON DEVON**

Councillor Mack declared a personal interest as a member of Fremington Parish Council lived in his household.

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

The Senior Corporate and Community Services Officer read a statement on behalf of Jackie Ellmore (objector) to the Committee.

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

**83. 75613: LONG BRIDGE THE SQUARE BARNSTAPLE DEVON
EX32 8LN**

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

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

**84. 75907: KENTUCKY FRIED CHICKEN 47 HIGH STREET
BARNSTAPLE DEVON EX31 1BZ**

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

The Service Manager (Development Management) advised that since the publication of the report, amended plans had now been submitted to reflect the characteristic of symmetry on the façade.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Lead Officer (North) subject to the Lead Officer (North) being delegated authority to amend condition 2 to include the amended plan.

85. APPEALS REPORT

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

Chair

The meeting ended at 1.40 pm

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

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