

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 14th December, 2022 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

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

96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Chesters. Councillor Biederman had been appointed as a Substitute Member for Councillor Prowse. Councillor Walker had been appointed as a Substitute Member for Councillor Leaver.

97. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 9TH NOVEMBER 2022 (ATTACHED) AND 30TH NOVEMBER 2022 (ATTACHED)

RESOLVED that the minutes of the meetings held on 9 November 2022 and 30 November 2022 (circulated previously) be approved as correct records and signed by the Chair subject to minute 2 being amended to remove reference to "Ward Member".

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

The Chair wished everyone Seasons Greetings.

99. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Gubb – planning application 75650, other registerable interest as a Member of the North Devon Crematorium Joint Committee.

Councillor Mackie – planning application 74943, other registerable interest as she lived close by but not adjacent to the site.

Councillor Yabsley – planning application 74775, other registerable interest as the Devon County Councillor.

Councillor Walker – planning application 75650, other registerable interest as Chair of the North Devon Crematorium Joint Committee.

100. 74775: LAND AT STONELANDS CROSS, RACKENFORD, DEVON

The Committee considered a report by the Senior Planning Officer (circulated previously) in relation to planning application 74775.

Graham Lamb (Chair of Rackenford Parish Council), David Morgans (objector), Susanna Coffin (objector), Ian Lucas (objector), Peter Grugeon (objector) and Andy Pryce (applicant) addressed the Committee.

In response to questions raised by Members, the Senior Planning Officer (DB) advised the following:

- As part of informal discussions post last planning committee the Highways Authority had suggested that the hedgerow be removed to improve visibility of the buildings to make people aware of activity and a potential junction being present. The Council as the Local Planning Authority had declined this as a suggestion as the preference was to retain landscaping and ecology benefits . The landscaping scheme had not changed.
- An image of the junction was shown to the Committee following a request by a Member.
- Planning Policy had not provided a consultation response. Planning Policy had been involved in the pre-application stage. Planning Policy had advised that it was a balanced decision and therefore would not be providing a consultation response.

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

- An officer from the Highways Authority had been invited to attend the meeting, but was unable to attend due to other priorities.
- The Highways Authority was a technical consultee and had been consulted on the application on a number of occasions. The Highways Authority considered that there was no severe impact in accordance with paragraph 111 of the National Planning Policy Framework and would not be able to support the refusal of the application. The Highways Authority had not requested

improvements to the application and the applicant had offered a number of additional improvements to be made to the scheme.

- There was no policy in place to protect the green corridor along the North Devon Link Road corridor however the visual impact needed to be considered. There were a number of other commercial units situated along the A361 North Devon Link Road, such as Pathfields and near to Barnstaple. If the application was refused on this basis, the Planning Inspector would review the whole A361.
- Following the Committee meeting in October 2022, the sequential test approach had been extended to include Tiverton. It also included South Molton and Witheridge. The sequential test was a snap shot at the current time of what was available and suitable which met the needs of the applicant. Following this test, there was no other suitable location for this development.
- The Highways Authority had not requested the applicant to undertake a traffic survey. The applicant had made some improvements to the scheme. There was no basis for the applicant to be required to undertake such a survey as the Highways Authority had not requested it.
- The Council was sent a lot of data in relation to the highways and accidents, however the Highways Officer was not present to confirm whether the Highways Authority had taken this into account.
- Although no consultation response had been received from the Planning Policy team, the report included references and set out the appropriate planning policies.
- The National Planning Policy Framework was clear in that more rural locations could be considered if an urban location could not be secured.
- It was disappointed that a Highways Officer was not present at the meeting to provide an explanation in relation to the vehicle accident and traffic movements data and that it was important that they were present to confirm that their evidence was their response dated 21 September 2022 as detailed in the report. She would speak with their manager to ensure that there was a presence at the next meeting of the Committee.
- If the application was approved permitted development rights would be removed.
- The height of the hedgerow can be conditioned if there was an approval.

Councillor Yabsley (in his capacity as Ward Member) addressed the Committee.

RESOLVED (unanimous) that the application be deferred for one cycle due to the lack of substantive evidence and technical reporting provided by the Highways Authority particularly in relation to the Stonelands Cross junction and as a result of hearing conflicting evidence from the public and Rackenford Parish Council and that the following be requested for the next meeting:

- (a) Consultation response from the Planning Policy team;
- (b) Highways Authority Officer to be present at the next meeting of the Committee to provide statistics on traffic movements along the A361;
- (c) Further amendments being sought regarding the hedgerow.

101. ADJOURNMENT OF MEETING

RESOLVED that it being 11.25 am that the meeting be adjourned for a five minute comfort break and reconvened at 11.30 am.

102. 74943: LAND AT YELLAND ROAD, WEST YELLAND.

Councillor Mackie re-declared an other registerable interest in this application and left the meeting during the consideration of this item.

Councillor Walker declared an other registerable interest in this application as a Member of Fremington Parish Council.

The Committee considered a report by the Lead Planning Officer (South) (circulated previously) in relation to planning application 74943.

The Lead Planning Officer (South) advised the following:

- That since the publication of the report, further objections had been received and the total number of objections were now 53.
- Further to the site inspection held on 30 November 2022, it was confirmed that the layout of the site was driven by the location of the overhead electricity cables. The proposed location of the access to the development was due to the location of two bus laybys and to avoid conflict in traffic movements. No concerns had been raised by Environmental Health regarding potential light impact from vehicle headlights on properties located at Linscott Crescent. It was considered that there would be no light impact as the properties were raised.

Simon Penrose (objector), Andrew Lainchbury (objector) and Lucy Downes (applicant) addressed the Committee.

The Senior Corporate and Community Services Officer read statements received from Dr Peter Williamson (objector), Phil Lewis (objector) and Jayne Day (objector) to the Committee.

Following representations made by the public, the Lead Planning Officer (South) advised the following:

- Clarified the position of the pedestrian access which had been amended from the original plans.
- Was not aware that the hedgerow had been removed on site since the site inspection had taken place on 30 November 2022. This would need to be considered outside of this application and would be an enforcement issue.
- There was no access at the north east corner of the site.
- The indicative plans would not form part of the formal planning permission.

- The cumulative highway impact on the surrounding network was outlined in paragraph 4.5 of the report.
- Sewage issues on the neighbouring development was not a material consideration for this application and an issue which the owners needed to resolve with the developer and South West Water.
- The section 106 contributions from Devon County Council Education would have considered the impact from Yelland Quay given the stage of the appeal in March 2022 and was calculated on the number of bed spaces on the proposed development.
- Environmental Health had not requested a specific noise survey in relation to Orchard Lodges, however had requested a noise survey on how the proposed development would be impacted by road noise from Yelland Road.
- The recent ministerial statement that had been made by Michael Gove was a statement of intent and would be subject to consultation. The comments included within the report in relation to the 5 year housing land supply was correct.
- The location of the public open space at the east of the site was due to the constraints of the location of the overhead electricity cables.
- Additional landscaping could be sought as part of the reserved matters application.
- Condition 5 sought information in accordance with a Design Code.

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

- Reference to the two bungalows as open market housing that had been refused permission as part of a representation, the planning permission had been granted on 9 January 2018, which just pre-dated the adoption of the current Local Plan.
- No discussions had taken place with the application regarding a Design Review Panel and it could not be included as a condition. The applicant would be required to pay to have the scheme reviewed by the Design Review Panel.
- Devon County Council Archaeological Officer had provided a consultation response and requested a written scheme of investigation, which would be included as a pre-commencement condition. The Archaeological Officer had not objected to the application.
- The site had been considered as part of the SHLAA assessment process, however it had not been included as a site within the Local Plan, as other sites were considered to be more preferable.
- The grading of the agricultural land was considered in the balance. The area of land was relatively small and severed by development either side.
- In accordance with paragraph 11(d) of the National Planning Policy Framework, the housing supply policies were out of date and therefore applications for housing developments were being submitted.
- There was a technical design reason for the siting of the access due to the location of the 2 bus laybys, which the Highways Authority were in agreement. The access could not be located further east due to the conflict with vehicles when the bus was situated at the bus layby.

In response to a comment made as part of a representation made regarding the conduct of a Councillor, the Solicitor advised that any allegations or complaints regarding a Councillor should be made via the Council's Monitoring Officer.

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

- The Local Plan spatial strategy included 426 houses for Fremington to meet the needs of the parish. This number was a minimum and not a maximum. The number of houses built could not be confirmed however. In terms of permissions granted, there had been 470 for the parish of Fremington and 277 for the parish of Yelland.
- Only those where the developer was on site could be counted towards the 5 year housing land supply.
- The Planning Authority could not request the submission of a detailed planning application rather than an outline application.
- The proposal offered the provision of 30% affordable housing.
- The outline plan proposed low level density which was more suitable for a sensitive site.
- The reserved planning application could include a condition requiring additional landscaping and buffering along the boundary edge.
- For future large planning application, design code should be included as a condition and if the Local Planning Authority was not satisfied with the design the applicant would be requested to make improvements to the design.
- The grading of the agricultural land was not seen as a high grade.
- The time period within condition 1 could be amended requesting the submission of reserved matters application to be within 1 year.
- The National Planning Policy Framework balance does apply and if the harm outweighed the benefits, then it would be recommended for refusal.

In response to questions from the Committee, the Solicitor advised the following:

- The ministerial statement issued by Michael Gove, was only a statement of intent which advised that a consultation process would be undertaken. She warned the committee against taking this statement into consideration.

Councillor Biederman (in his capacity as Ward Member) addressed the Committee.

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

RESOLVED (8 for, 2 against, 0 abstained) that the application be APPROVED as recommended by the Lead Planning Officer (South) subject to:

- (a) Condition 5 being amended to include reference to the National Design Guide to supplement the Design Code and the inclusion of future buffering in the design.

Councillor Biederman wished it to be recorded in the minutes that he voted against the application.

103. ADJOURNMENT OF MEETING

RESOLVED that it being 1.15 pm that the meeting be adjourned for a five minute comfort break and reconvened at 1.20 pm.

104. 75962: LAND TO EAST OF FRANKMARSH FARM, BARNSTAPLE, DEVON

Councillor Mackie returned to the meeting.

Councillor Mack declared an other registerable interest as an active member of the Community Woodland and took no part in the consideration of this application.

The Committee considered a report by the Lead Planning Officer (North) (circulated previously) in relation to planning application 75962.

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

105. 75650: THE NORTH DEVON CREMATORIUM, OLD TORRINGTON ROAD, BARNSTAPLE, EX31 3NW

The Committee considered a report by the Planning Officer (CR) (circulated previously) in relation to planning application 75650.

RESOLVED (8 for, 0 against, 0 abstained) that the application be APPROVED as recommended by the Planning Officer.

106. 76119: 37 BOUTPORT STREET, BARNSTAPLE EX31 1RX

The Committee considered a report by the Lead Planning Officer (North) (circulated previously) in relation to planning application 76119.

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

107. APPEAL REPORT

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

Chair

The meeting ended at 1.32 pm

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