

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 4th September, 2024 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Bulled, Crabb, Denton, Haworth-Booth, Lane, Maddocks, Prowse, Walker and Williams

Officers:

Service Manager (Development Management), Lead Planning Officer (Major Applications) and Solicitor

Also Present:

Councillors Wilkinson

**43. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R. Knight, C. Leaver, Spear and Whitehead.

**44. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 26TH JUNE 2024 AND 3RD JULY 2024**

RESOLVED that the minutes of the meetings held on 26 June 2024 and 3 July 2024 (circulated previously) be approved as correct records and signed by the Chair.

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

(a) Boxphish training for Councillors

The Chair reminded Councillors to complete the Boxphish training course in a timely manner which was important as it was part of cyber security training. He advised that it only took around 5-6 minutes to complete.

(b) Joint Local Plan Workshop – 5 September 2024

The Chair reminded Councillors that the Joint Local Plan workshop which was scheduled to be held on Thursday 5 September 2024 had been postponed.

(c) Planning Committee site inspection – 13 September 2024

The Chair reminded Councillors of the Planning Committee site inspection that had been scheduled to take place on Friday 13 September 2024 in relation to planning application 76857: Land at Ley Lane, Patchole.

**46. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Davies – Planning applications 78963, 78998 and 78849: Disclosable Pecuniary interest as the agent for the applications.

Councillor Haworth-Booth – Planning applications 78752 and 78753: Other registerable interest as the Council's appointed representative on the Bridge Trust

Councillor Prowse – Planning applications 78752 and 78753: Other registerable interest as the Council's appointed representative on the Bridge Trust

**47. 76809: LAND TO NORTH OF STATION ROAD, WOOLACOMBE, DEVON, EX34 7AX**

The Council considered a report by the Lead Planning Officer (Major Applications) (circulated previously) regarding planning application 76809.

The Lead Planning Officer (Major Applications) outlined the report to the Committee and provided an update to the Committee as follows:

- That since the publication of the agenda that the total numbers of representations received were as follows: 88 in support; 226 in objection; 21 general comment and a petition containing 19 signatures. The additional representations received raised no new issues and were in relation to similar or same issues that had been previously raised.
- That further to the Committee site inspection, it had been confirmed that 170m of hedgerow would be removed and replaced on site as well as bolstering other parts of the site.

Councillor Crabb arrived at the meeting.

Councillor Don Duffield (Parish Council representative), Graham Devine (supporter), Mark Cann (supporter), Will Ridalls (objector), Ron Ley (objector), Harry Middleton (objector), Andrew Ball (objector), Claire Alers-Hankey (on behalf of the agent), Andrew Pegg (joint applicant) and Martyn Gimber (joint applicant) addressed the Committee.

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

The Senior Corporate and Community Services Officer read out a statement on behalf of Councillor Bell, Lead Member for Housing, to the Committee.

Councillor Wilkinson (Ward Member) addressed the Committee.

The Chair advised Councillor Crabb that as he had arrived during the consideration of this item that he was not able to propose or second a motion or cast a vote.

In response to questions from the Committee, the Highways Officer (PY) advised the following:

- Typically there would be between 6 – 8 vehicle movements per dwelling per day. For the whole site it was predicted that there would potentially be around 600-800 vehicle movements per day.
- There was also a need to consider peak flow time between 5.00 pm – 6.00 pm, where it would be potentially 60 vehicle movements.
- Highways objection was in relation to the lack of accessibility to and from the site for non-motorised users and conflict with vehicles.
- There was no calculation in relation to number of pedestrian movements per dwelling per day.
- There was a need to consider what services were available in the vicinity and the location of facilities where users that did not have vehicular access would need to walk to and potential conflict with vehicles would arise.
- Key consideration for this application was sustainability. It was considered that the site was quite isolated in terms of facilities and amenities. The convenience stores in the near vicinity were small in nature. The increase in movements would arise for travelling to schools and medical facilities. The site was unsustainable in terms of distances to facilities and amenities. Consideration also needed to be taken into account in relation to topography of the area, the condition of public rights of ways and lack of street lighting. If pedestrians used the main highway network, sections of footpaths were missing and there was a significant risk to the safety of pedestrians coming on and off of the highway.
- The rural public right of way could not be relied upon as a lot of people wouldn't use it. It has to be safe, secure and have a good surface. Unaccompanied children would not be able to use it. Therefore, would have to rely on the public highway network.
- There were two recorded accidents over the past 3 - 4 years in the immediate vicinity of the access. It was not an accident cluster and were accidents expected on a minor road. Some accidents are not reported to the police.
- The proposed development would have a significant impact on the conflict between vehicle on vehicles and vehicles on pedestrians.

In response to questions from the Committee, the Chartered Town Planner (LA) on behalf of the North Devon Coast National Landscape (formerly AONB) advised the following:

- Although the site was bordered by development on both sites, there was even more reason to protect the area and was an important gap.

- It was a skyline development in a prominent location and would affect dark night skies and tranquillity as it was currently an undeveloped site.
- The development would have an adverse visual and environmental impact on the AONB landscape.
- The proposal represents quite a dense urban form which would have an impact on wildlife.
- The diversion of the public right of way through the site would have an impact on tranquillity.
- David Wilson, who were working with the applicant, had been previously used by the AONB in some instances to provide expertise on visual and environmental impacts of developments.
- The development was contrary to a number of policies in the Local Plan including ST09, ST14 and DM08A and paragraphs within the National Planning Policy Framework.
- The AONB Management Plan include policies to support the provision of affordable housing. The AONB had worked closed with the Woolacombe Community Land Trust to help support and develop the affordable housing scheme, which consisted of 21 houses adjacent to the village and within walking distance of facilities and services.

In response to questions from the Committee, the Housing Enabling Officer (SP) advised the following:

- 75% social rent and 25% intermediate tenure was being sought as part of the development. Social rent would only be supported if it provided one bedroom accommodation.

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

- The scheme would look to provide an uplift in accordance with the Ecological Impact Assessment and Biodiversity Net Gain across the site.

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

- There was a national and also locally a reduction in the supply of both market housing and affordable housing. It was recognised that there was a need for additional affordable housing particularly for the younger generation.
- The Council was committed to delivering the right houses to meet needs but in the right places.
- The scheme sought to deliver 52 affordable dwellings. However, there was a need to weigh this against the harm and impact on the AONB. It was a greenfield site and also a protected site within the AONB.
- The scheme did not conserve and enhance the environment and it was not located within a sustainable location.
- There was a need to consider whether this was the only site and right site for such a development.

RESOLVED that it being 12.20 pm that the meeting be adjourned for a short comfort break.

RESOLVED that it being 12.30 pm that the meeting be reconvened.

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

- In terms of viability, the National Planning Policy Framework was very clear that viability could be accepted as an argument for considering development sites. A viability assessment would need to be provided and reviewed by a third party.
- There were no figures available at the meeting in relation to the number of affordable houses approved as part of the planning process and numbers that had been actually built on site following viability review.
- There was a need for the Committee to take a decision. The application had been in the planning system for 18 months. The Case Officer had requested the provision of further information from the applicant in relation to ecology and drainage for over 12 months to alleviate concerns. This information had not been provided. If this information had been provided, some of the reasons for refusal would have been removed. Reasons 1 – 3 for refusal were insurmountable.

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

- Reasons 1 – 3 for refusal cannot be addressed and difficult to overcome and this included the statutory duty of the Council under section 85 of the Countryside and Rights of Way Act 2000.
- Some reasons were tilted balance. In terms of housing mix, if the application was recommended for approval, amendments to the layout and density and Agricultural Land Classification of the site would have been sought.
- Information regarding the housing needs assessment had been requested 7 months and had not been received. In August 2023, archaeological work and noise assessment information had been sought but had not been received.
- Each time that new information was received, there was a requirement to consult for 30 days.

RESOLVED (8 for, 0 against, 1 abstained) that the application be REFUSED as recommended by the Lead Planning Officer (Major Applications).

**48. 78372: VICTORIA PLEASURE GROUNDS, WILDER ROAD, ILFRACOMBE, DEVON**

The Committee considered a report by the Planning Officer (BC) (circulated previously) regarding planning application 78372.

The Planning Officer (BC) advised of the receipt of a representation from Ilfracombe Town Council in support and two letters of representation in support of the application since the publication of the agenda.

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

**49. 78722: PANNIER MARKET, BROAD STREET, SOUTH MOLTON, DEVON EX36 3AB**

The Committee considered a report by the Planning Compliance Apprentice (DM) regarding planning application 78722.

The Service Manager (Development Management) outlined the report and introduced the Planning Compliance Apprentice to the Committee.

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

**50. 78752: BRIDGE CHAMBERS, THE STRAND, BARNSTAPLE, DEVON, EX31 1HB**

The Committee considered a report by the Planning Officer (BC) (circulated previously) regarding planning application 78752.

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

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

**51. 78753: BRIDGE CHAMBERS, THE STRAND, BARNSTAPLE, DEVON, EX31 1HB**

The Committee considered a report by the Planning Officer (BC) (circulated previously) regarding planning application 78753.

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

**52. 78936: WIND TURBINE AT PHILIP DENNIS FOODSERVICE, MULLACOTT CROSS INDUSTRIAL ESTATE, ILFRACOMBE, DEVON EX34 8PL**

Councillor Davies re-declared his disclosable pecuniary interest in planning applications 78936, 78998 and 78849 and left the meeting during the consideration of these applications.

Councillor Lane took the Chair.

The Committee considered a report by the Service Manager (Development Management) (circulated previously) regarding planning application 78936.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Service Manager (Development Management).

**53. 78998: BEDPORT POULTRY FARM BURREINGTON UMBERLEIGH DEVON EX37 9LE**

The Committee considered a report by the Senior Planning Officer (SM) (circulated previously) regarding planning application 78998.

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

- That in relation to the “fall back position” for Class Q permissions, that she would provide a presentation at a future Planning Agents Forum to provide some guidance.

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

**54. 78849: HIGHER LEYTON, ELSTONE, CHULMLEIGH, DEVON, EX18 7AF**

The Committee considered a report by the Planning Officer (DJ) (circulated previously) regarding planning application 78849.

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

**55. APPEAL REPORT**

Councillor Davies returned to the meeting.

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

The Service Manager (Development Manager) provided an update in relation to planning appeals 70347, 75487, 77187, 77201 and 78005. She advised of a

typographical error in the report in relation to 75437 as the appeal had been allowed and that the appeal in relation to 78005 had been withdrawn.

**56. TO CONSIDER IF ANY PLANNING SITE INSPECTIONS ARE REQUIRED AND TO AGREE THE REASON(S) AND DATE(S) FOR THOSE INSPECTIONS TO BE HELD.**

The Chair reminded the Committee of the site inspection scheduled on Friday 13 September 2024 at 12.00 pm in relation to planning application 76857: Land at Ley Lane, Patchole, Barrnstaple, Kentisbury EX31 4NB.

Chair

The meeting ended at 1.30 pm

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