

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 13th March, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Chesters, Croft, Flynn, Fowler, Gubb, Lane, Leaver, Mackie, Prowse, Spear, Tucker, Worden and Yabsley

Officers:

Head of Place, Solicitor, Senior Planning Officer and Senior Planning Officer

Also Present:

Councillors Barker

82. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bonds and Councillor Edmunds. Councillor Mackie was appointed as a substitute for Councillor Edmunds.

83. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH FEBRUARY 2019

RESOLVED that the minutes of the meeting held on 13th February 2019 (circulated previously) be approved as a correct record and signed by the Chairman.

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

(a) Special Planning Committee: 17th April 2019

The Chairman advised that following the decision by the Committee at its meeting on 13th February 2019, a special meeting of the Committee had been arranged on Wednesday 17th April 2019 at 10.00 a.m. to consider planning application 63167 Lee Bay Hotel, Lee.

85. DECLARATION OF INTERESTS

The following declaration of interest was announced:

Councillor Worden Planning applications 64059 to 64063 – personal interest as he knew some of the objectors.

86. 64059 TO 64063: OAKLANDS POULTRY FARM, EAST ANSTEY, EX36 3PH

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Senior Planning Officer reminded the Committee of the decision of deferral and the reasons made at its meeting on 14th November 2018. A full copy of the minutes was tabled. In relation to the site being located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone, the agent had submitted an air quality report and this had been forwarded to Natural England for comment. Since publication of the report, Natural England had confirmed that it would trigger the 4% threshold as it could impact on the Culm Grassland Special Area of Conservation (SAC)/Exmoor Heaths SAC. Therefore, the Planning Authority would be required to carry out a Habitats Regulation Assessment. If the Committee was minded to approve the application, it would be recommended that the approval be subject to the Head of Place being delegated authority to carry out a Habitats Regulation Assessment to the satisfaction of Natural England.

Councillor Barber (East Anstey Parish Council), Helen Pierce (objector), Iain Bew (objector), Lucy Moore (objector), Heather Warne (objector), Reg Howe (objector) and Kevin Bateman (agent) addressed the Committee.

In responses to questions, the Senior Planning Officer confirmed that the planning applications had been registered on 6th November 2017. They were retrospective applications and that the concrete pads, poultry houses and feed silos had been located on the site since before that date. As the applications had been submitted to regularise the works, enforcement action had not been pursued.

In response to questions, Lionel Shelly, Development Viability Lead from Plymouth City Council who had been appointed to provide an independent viability review on the impact of the siting of the poultry units on the potential ability of the four open market dwellings to be delivered and sold on the open market (the profits from which would go towards subsidising the 8 affordable units on the site) addressed the Committee. He advised the Committee of his background and that he had grown up and lived in the countryside and therefore had an understanding of the countryside. He had undertaken the role for 40 years. He was required to provide a review and not a full evaluation. He referred to the valuation reports that had been provided by Webbers estate agents and advised that the impact was minimal. Consideration needed to be given to whether four open market dwellings could be sold. The impact on profit made upon the sale of the open market dwellings was minimal, therefore money would be available for the provision of affordable housing. As an ex Vice-Chairman of a Parish Council, he understood the issue of providing affordable

housing. He worked for Plymouth City Council and not on behalf of developers. Part of his role was to press for the provision of affordable housing. His opinion had been based on the ability for the developer to make a profit on the four open market dwellings which could then be transferred to the provision of affordable housing.

In response to a question, the Senior Planning Officer advised that as she had not been the original case officer, she was unable to comment on the considerations that had been taken into account by the previous case officer. However, the Blackerton site had been taken into consideration. The viability assessment had been undertaken to assess whether the applications would have an impact on the provision of affordable housing (planning application 55662).

In response to a question, the Solicitor advised that the Senior Planning Officer had sought advice regarding whether the five planning applications could be considered within one report. He had advised that the applications could be considered as one report, however there were five separate applications, and decisions would be required for each application.

In response to a question, the Senior Planning Officer read the statement provided by the Environmental Health Officer dated 29th October 2018 regarding the prevailing wind direction.

RESOLVED (11 for, 2 against, 0 abstained) that applications 64059, 64060, 64061, 64062 and 64063 be REFUSED for the following reasons and that the Head of Place be delegated authority in consultation with the Chair of the Committee to formulate the precise wording for the reasons:

- (a) Visual impact on the Exmoor National Park;
- (b) Highways Authority objections;
- (c) Impact on the viability of planning application 55662;
- (d) The prevailing winds would not take odours away;
- (e) Contrary to policy DM14 paragraphs (a), (b), (d), (e) and (f);
- (f) Lack of information provided on the Habitats Regulation Assessment.

87. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned to enable a five minute comfort break.

RESOLVED that the meeting be re-convened to consider the remaining business.

88. 64769: THE WATERGATE, 7 THE STRAND, BARNSTAPLE, EX31 1EU

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Senior Planning Officer reported the receipt of an amended plan since the publication of the report. The amended plan omitted the fencing, reduced the number of tables from 84 to 81 and removed the sails, bandstand and lighting. Following the receipt of the amended plans, it was now recommended that reason 2 in relation to lighting only be removed. The proposal was on Council land and it was his understanding that the applicant would lease the land from the Council for a period of 15 years.

Vanessa Harrison (on behalf of Economic Development, North Devon Council), Kirsty Bowie (Sharing One Language - objector), Christopher Punt (objector), Catherine Marlow (Historic England - objector), John White (Chair of Barnstaple Carnival Committee – objector) and Graham Townsend (Barnstaple Bridge Trust – objector) addressed the Committee.

Councillor Barker (Portfolio Holder for Regeneration) addressed the Committee.

Councillor Chesters advised that as well as requiring planning permission the proposed beer garden would also require a premises licence. She confirmed that she was Chair of the Licensing Committee. However, she had attended this meeting in her capacity as Member of the Planning Committee and had not previously considered the proposal in her role as Chair of the Licensing Committee.

Councillors Lane and Yabsley declared personal interests as Members of the Executive.

RESOLVED (10 for, 3 against and 0 abstained) that the application be DEFERRED pending further negotiations to be undertaken with the applicant to seek a reduction in the scale of the scheme and to take into account the needs of the users of buildings located around the site.

89. 66037: 2 BUTCHERS ROW, BARNSTAPLE, EX31 1BW

The Committee considered a report by the Head of Place (circulated previously – now appended).

The Senior Planning Officer reported that since the publication of the report, Barnstaple Town Council had recommended approval of the application.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place.

Chairman

The meeting ended at 12.36 pm

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