

**NORTH DEVON COUNCIL**

Minutes of a special meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 17th April, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Bonds, Chesters, Crabb, Croft, Edmunds, Flynn, Fowler, Gubb, Lane, Leaver, Prowse, Spear, Tucker, Worden and Yabsley

Officers:

Head of Place, Solicitor, Lead Planning Officer (North) and Lead Planning Officer (South)

Also Present:

Councillor Meadlarkin

**90. COUNCILLOR WALTER WHITE - ONE MINUTE'S SILENCE**

The Committee stood in silence in memory of Councillor Walter White who had been a long standing Councillor and had passed away on 15<sup>th</sup> April 2019.

**91. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**92. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH MARCH 2019**

The Chairman advised the Committee that as it was a special meeting, the Committee was unable to consider the approval of the minutes from the last meeting in accordance with paragraph 3.2 of the Council Procedure Rules of the Constitution. Therefore, consideration of the minutes would need to be deferred until the next ordinary meeting of the Committee.

The Solicitor confirmed that this was also a requirement within the Local Government Act 1972.

**93. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Leaver      Planning application 65813: Personal interest as her husband's firm had submitted the planning

application and he was also standing against the applicant at the upcoming District Council Elections.

Councillor Worden      Planning application 63167: Personal interest as he knew some of the objectors.

**94.                    63167: LEE BAY HOTEL, ILFRACOMBE. DEMOLITION OF EXISTING HOTEL, ERECTION OF 23 DWELLINGS, FORMATION OF NEW PUBLIC OPEN SPACE, EXTENSION TO EXISTING CAR PARK, ERECTION OF CAFÉ AND WC BLOCK AND ASSOCIATED LANDSCAPING, DRAINAGE AND HIGHWAY WORKS (AMENDED PLANS AND DOCUMENTS) (REVISED INFORMATION) (ADDITIONAL INFORMATION), LEE BAY HOTEL, LEE, ILFRACOMBE, EX34 8LR.**

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

The Lead Planning Officer (North) reported the receipt of a late letter from the agent Planningsphere on 15<sup>th</sup> April 2019 suggesting that the applicant would accept a committee resolution to grant permission for an alternative 17 unit scheme which removed the upper building. The agent had also submitted a revised site plan. A copy of the letter had been circulated to the Committee via email and tabled. He read paragraph 3 headed “application determination considerations” of the letter to the Committee. He reported the receipt of additional letters received since the publication of the agenda, however these did not raise any additional issues.

Paul Scarrott (objector), Martha Scarrott (objector), David Biggerstaff (objector), Alan Bannister (objector), Pat Coates (objector), Trevor Greaves (objector), Daniel Lugsden (applicant’s architect) and Chris Beaver (agent) addressed the Committee.

Councillor Meadlarkin (Ward Member) addressed the Committee.

In response to a question, the Lead Planning Officer advised that the Committee would be unable to make a decision on the suggested revised scheme reducing the number of units to 17, as the applicant would be required to submit revised plans and documents which would then be subject to consultation with statutory consultees and the public.

In response to a question, the Conservation Officer outlined her concerns about the impact of the proposal on heritage assets as detailed within the consultation response in the report.

In response to questions, Lionel Shelley, Development Viability Lead from Plymouth City Council advised that he had been appointed to provide an independent viability review of the applicant’s scheme. The applicant had since decided to undertake a review of his review. It had been concluded that a scheme for 21 units was viable. There had been a difference of opinion with the applicant in relation to the suggested reduction in the scheme to 17 units, as he considered that the sales evidence

provided by the applicant was incorrect and that the construction costs were more expensive than expected. However, based on these figures he was of the opinion that a 17 unit scheme would also be viable and would produce a profit. The provision of affordable housing on the site would result in the scheme becoming less viable particularly if included within a 17 unit scheme.

In response to a question regarding Vacant Building Credit, the Lead Planning Officer referred the Committee to the comments detailed on pages 54 to 55 of the report. There was a clear intention by the owner to redevelop the site as planning applications had been submitted. Legal advice had been sought in 2016 in relation to whether the building was an “abandoned building”. It was considered that the building had not been abandoned. Supplementary Planning Guidance had not been produced for the site. The application included the demolition of the building, therefore a vacant credit would be received.

The Head of Place advised that the production of Supplementary Planning Guidance would take approximately 12-18 months before adoption. It would be subject to a robust and rigorous process in consultation with the owner, agent and interested parties. He suggested that a Development Brief may be more appropriate as it would achieve the same outcomes as it would capture joint aspirations for the site, however would be produced in a shorter timescale.

RESOLVED (unanimous) that the application be REFUSED as recommended by the Head of Place and that Supplementary Planning Guidance or a Development Brief be produced for the site to enable the Council to lead the process.

**95. ADJOURNMENT OF MEETING**

Councillor Leaver left the 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.

**96. 65813: THE BARN, LANDKEY. VARIATION OF CONDITION 3 (SUBMISSION OF LANDSCAPING AS A RESERVED MATTER PRIOR TO COMMENCEMENT), CONDITION 5 (SUBMISSION OF BOUNDARY TREATMENT AT THE SAME TIME AS THE RESERVED MATTERS LANDSCAPING), CONDITION 7 (SUBMISSION OF SITE CONTAMINATION REPORT PRIOR TO COMMENCEMENT) AND CONDITION 8 (SUBMISSION OF CONSTRUCTION MANAGEMENT PLAN PRIOR TO COMMENCEMENT) ATTACHED TO OUTLINE APPLICATION 55288 FOR ERECTION OF ONE DWELLING (AMENDED PLANS AND DESCRIPTION, ONLY MATTER RESERVED IS LANDSCAPING), THE BARN, WHIDDON PARK, LANDKEY**

**ROAD, BARNSTAPLE, EX32 9LA.**

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

RESOLVED (13 for, 0 against, 1 abstained) that the application be APPROVED as recommended by the Head of Place.

97. **65926: 4-6 WILDER ROAD, ILFRACOMBE. REMOVAL OF CONDITIONS 3 AND 4 ATTACHED TO PLANNING PERMISSIONS 15310 (CONVERSION OF EXISTING DWELLINGS TO FORM HOSTEL FOR YOUNG PEOPLE WITH ASSOCIATED SKILL TRAINING ROOMS AND WARDENS FLAT). REMOVAL OF CONDITIONS 3 AND 4 (USE RESTRICTIONS) ATTACHED TO PLANNING PERMISSION 22076 (CONVERSION OF DISUSED BUILDING TO FORM 9 NO. FLATLETS AND ANCILLARY COFFEE BAR AND SEMINAR ROOM FOR USE BY WILDER PARK COTTAGE PROJECT) (AMENDED DESCRIPTION AND LOCATION PLAN), 4 - 6-WILDER ROAD, ILFRACOMBE, EX34 8BN.**

Councillor Lane declared a personal interest in the above application as a Member of the Executive.

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

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

98. **66290: ILFRACOMBE YOUTH CANOE CLUB, ILFRACOMBE. VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 63082 (ERECTION OF ONE STORAGE BUILDING), ILFRACOMBE YOUTH CANOE CLUB, LARKSTONE LANE, ILFRACOMBE, EX34 9NU.**

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

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

99. **66445: TARKA TENNIS CENTRE, BARNSTAPLE. APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 FOR APPROVAL OF DETAILS IN RESPECT OF RESERVED MATTERS APPLICATION FOR ARTIFICIAL GRASS PITCH (LAYOUT/SCALE/APPEARANCE AND LANDSCAPING) ALONG WITH LEVELS AND MEANS OF**

**ENCLOSURE (OUTLINE APPLICATION 63351)**

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

The Lead Planning Officer (South) advised the Committee that an email providing an update on this application had been circulated to the Committee via email on 15<sup>th</sup> April 2019 and tabled which advised that the description of the application had been amended and consultation responses had been received from Barnstaple Town Council, the Highways Authority, Sustainability Officer and the Landscape and Countryside Officer. It was now recommended that the application be approved with conditions as recommended by the Head of Place subject to delegated authority being given to agree the final contours of the bunding and to ensure all plans were updated with the smooth path alignment.

In response to a question, the Lead Planning Officer advised that the realignment and routing of roads would be considered as part of the traffic assessment for the wider Seven Brethren development project.

RESOLVED (unanimous) that the application be APPROVED with conditions as recommended by the Head of Place subject to delegated authority being given to the Head of Place to agree the final contours of the bunding and to ensure all plans were updated with the smooth path alignment.

100. **66400: TARKA TENNIS CENTRE, BARNSTAPLE. APPROVAL OF DETAILS IN RESPECT OF DISCHARGE OF CONDITION 11 (CONTAMINATION), 13 (PILING RE FLOODLIGHTS), 14/15 (SURFACE WATER MANAGEMENT), 16 (CONSTRUCTION MANAGEMENT), 18 (LIGHTING), 19 (LEMP), 20 (TREE PROTECTION), ATTACHED TO PLANNING PERMISSION 63351 (OUTLINE PLANNING PERMISSION) IN RESPECT OF THE AGP WORKS (AMENDED DESCRIPTION), TARKA TENNIS CENTRE, SEVEN BRETHERN BANK, BARNSTAPLE, EX31 2AS.**

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

The Lead Planning Officer (South) advised the Committee that an email providing an update on this application had been circulated to the Committee via email on 15<sup>th</sup> April 2019 and tabled which advised that an amended Landscape and Ecological Management Plan (LEMP) and Construction Management Plan had been received. It also detailed updated consultee responses from Environmental Health, the Environment Agency, Sustainability Officer and Landscape and Countryside Officer. A consultee response from Devon County Council Lead Flood Authority had not yet been received. It was now recommended that the application be approved as recommended by the Head of Place subject to delegated authority being given to ensure that the LEMP and Landscape Plan align, to agree a Tree Protection Plan and associated method statement, to agree final contours of the bunding, to ensure

all plans were updated with the smooth plan alignment and to address comments of the Environment Agency.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Head of Place subject to the Head of Place being delegated authority to:

- (a) ensure that the Landscape and Ecological Management Plan and Landscape Plan align;
- (b) agree a Tree Protection Plan and associated method statement;
- (c) agree final contours of the bunding;
- (d) ensure all plans were updated with the smooth plan alignment;
- (e) to address comments of the Environment Agency.

Chairman

The meeting ended at 11.57 am