

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 9th October, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

Councillors Chesters, Davies, Fowler, Gubb, Knight, Lane, Leaver, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Lead Planning Officer (South), Solicitor, Planning Officer and Senior Planning Officer

Also Present:

Councillors Jenkins and Worden

24. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

25. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11TH SEPTEMBER 2019

RESOLVED that the minutes of the meeting held on 11th September 2019 (circulated previously) be approved as a correct record and signed by the Chair subject to all references to paragraph 7.2 in minute 20 being amended to "paragraph 7.2 (c)".

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

(a) Order of agenda

RESOLVED that the order of the items on the agenda be considered in the following order: item 8, item 7 and item 6.

27. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Prowse Planning application 70262: Prejudicial interest

as had business dealings with the applicants.

Councillor Yabsley Planning application 70296: Disclosable
Pecuniary Interest as the applicant and owner
of the site.

**28. 70296: ERECTION OF ONE AGRICULTURAL BUILDING, LAND
AT LITTLE YEO, WITHERIDGE**

Councillor Yabsley declared a Disclosable Pecuniary interest in the above application and left the room during the consideration thereof.

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.

**29. 70265: RETROSPECTIVE APPLICATION FOR CHANGE OF USE
FROM DWELLING (USE CLASS C3) TO BED & BREAKFAST
(USE CLASS C1), LION HOUSE, VICTORIA STREET, COMBE
MARTIN**

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

Following the site inspection undertaken by the Committee on 4th October 2019, the Senior Planning Officer clarified the number of properties that accessed Kiln Lane which were as follows: 10 authorised residential properties, 4 unauthorised residential properties, farm at the top end of the lane and one building which was used for storage and distribution. The authorised residential properties generated 6 to 8 vehicle movements per day, therefore the maximum movements would be between 60 to 80 per day. The number of vehicle movements for the farm was unknown. The vehicle movements for the unauthorised residential properties were between 24 to 32 per day and between 4 to 6 for the holiday unit. The consent of the application could potentially generate a 30% increase in vehicle movements for authorised uses.

The Senior Corporate and Community Services Officer read a letter received by the Chair from Combe Martin Parish Council to the Committee in support of the application.

Andrew Bates (applicant) addressed the Committee.

The Highways Officer (PY) advised that he was in agreement with the applicant that the standard method had been used to calculate the number of vehicle movements per day. The calculation made had been based on the location of the site. It was not considered that the number of vehicle movements calculated would be as high as calculated. Although it was acknowledged that the applicant marketed the

property for cyclists and walkers, it would still generate additional traffic movements and 16 to 20 movements per day were considered to be significant. The arrangement of Kiln Lane and the horizontal alignment and inadequate visibility from the junction with the A399 were substandard which may result in incidents due to the highway deficiency. This has been reinforced by a dismissed appeal for a new dwelling with access off of Kiln Lane. The critical question was whether it generated additional traffic and the proposal would result in additional traffic. The A399 was a high road class and was restricted to 30mph. If an accident occurred with a vehicle travelling at this speed it would result in an impact of vehicles and pedestrians.

In response to questions, the Senior Planning Officer advised that the property had five bedrooms. If a home owner provided less than half of the bedrooms for bed and breakfast, this would not constitute a material change of use. However, in this case only one bedroom would be used by the owner and four would be used for bed and breakfast and along with the amenity use and the number of vehicle movements generated constituted a material change of use. The classification of the property was C3, residential property. Airbnb was a marketing tool and not a use classification of a property. Previously the property was a public house and in 2002 was changed to a residential use. If the property was to revert to a public house it would result in a material change of use.

In response to a question, the Lead Planning Officer advised that an advisory note could be recommended requesting the applicant to provide safety advice to customers regarding the use of the Kiln Lane junction with the A399 for accessing and egressing the property.

In response to a question, the Highways Officer (PY) advised that other commercial and tourist venues provide guidance on their websites and literature regarding accessing the venue.

RESOLVED (12 for, 0 against and 1 abstained) that the application be APPROVED as the number of vehicle movements from this use did not warrant refusal and the economic benefit accrued towards tourism in the area outweighed the highways concerns raised subject to:

- (a) The wording of conditions being delegated to the Head of Place;
- (b) A condition be included that the prior approval of extraction and ventilation fans for the kitchen be obtained;
- (c) That an advisory note be included on the consent requesting that the applicant provide safety advice to customers regarding the use of the Kiln Lane junction with the A399 for accessing and egressing the property.

30. 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.

31. 70262: CONVERSION OF EXISTING BUILDINGS TO CREATE 14 DWELLINGS TOGETHER WITH ERECTION OF 7 NEW DWELLINGS & ASSOCIATED WORKS, THE OLD TANNERY, SOUTH MOLTON

Councillor Chesters declared a prejudicial interest in the above application and left the meeting.

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

The Lead Planning Officer advised that the Heads of Terms of the section 106 agreement had now been agreed with the applicant and recommended that the Head of Place be delegated authority to secure the heads of terms of the section 106 agreement. The off site public open space contribution had been reduced to £58,148.

Matt Steart (agent) addressed the Committee.

Councillor Worden (Ward Member and on behalf of South Molton Town Council) addressed the Committee.

In responses to questions, the Lead Planning Officer advised that further to the Landscape and Countryside Officer's consultation response, the applicant had submitted the correct version of the Tree Protection and Arboricultural Impact Assessment and therefore the matter had been resolved. The existing provision of residential parking on the site was a commercial arrangement and could stop at any time. It was not within the remit of the applicant to resolve parking for existing residents. The scheme provided two parking spaces for every dwelling and two visitor parking spaces. Two spaces were also provided on the site for the occupiers of numbers 77 and 77a East Street.

In response to questions, the Highways Officer (MC) advised that there had been no recorded vehicle collisions at the site entrance despite the substandard arrangements of the access. There was no opportunity to improve the access to the site. The existing provision of on-street parking along East Street, resulted in the reduction of speed of vehicles. There would not be an increase in traffic entering and exiting the site. Large vehicles accessing the site currently would cease.

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

In response to further questions, the Lead Planning Officer advised that Devon County Council was currently undertaking a review of on street parking and pedestrian safety in South Molton and it was recommended that representations be made to Devon County Council regarding these issues. The application had a neutral impact on the highway issues in East Street. The advice from the Highways Authority was that there would be a net increase in safety as the number of large vehicles accessing the site would cease. On site parking would be provided and that parking rights for other third parties could not be granted. Off site works for the re-alignment of the pavement would be secured. Additional recording work has been commissioned to address the comments of the Devon County Council's Archaeologist, which had not yet been received. Given the proximity of the Brook it was important to ensure that surface water runoff was controlled to greenfield run off rates so as not to cause any issues downstream. Additional information has been requested by DCC as Lead Local Flood Authority was commissioned. The Bark Shed would be used for either covered car parking or uncovered parking. The Conservation Officer had expressed concern regarding its demolition and this issue was still outstanding and delegated authority was sought to resolve this issue. The use of building materials was a mixed pallet. The Conservation Officer had requested that units 15-21 be redesigned three times. The site was within the development boundary of South Molton. The scheme would be unlikely to be viable with the exclusion of the new builds. Delegated authority had been requested to resolve issues identified in the report that were awaiting clarification.

RESOLVED (8 for, 0 against, 2 abstained) that the application be APPROVED as recommended by the Head of Place subject to:

- (a) That the Head of Place be delegated authority to resolve those issues identified in the report that were awaiting clarification and to apply appropriate conditions as required by the consultees to address the issues raised, secure the heads of terms of the section 106 agreement and seek a reduction in the construction hours as detailed in condition 8 on Monday to Fridays;
- (b) That representations be made to Devon County Council requesting that: a comprehensive review of on street parking in East Street be undertaken; an assessment of traffic speeds which were considered excessive; an assessment of whether a weight restriction would be appropriate and whether a formal pedestrian crossing was required at the eastern end of East Street.

Chairman

The meeting ended at 11.50 am

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