

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 11th December, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Solicitor (DH), Lead Planning Officer (North) (BP), Conservation Officer (CH), Senior Planning Officer (JM) and Planning Officer (KB)

Also Present:

Councillor Wilkinson (Ward Member)

Paul Young, Highways Officer, Devon County Council

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Crabb.

44. TO APPROVE AS CORRECT RECORDS THE MINUTES OF THE MEETINGS HELD ON 13TH NOVEMBER 2019 (ATTACHED) AND 3RD DECEMBER 2019 (TO FOLLOW).

RESOLVED that the minutes of the meetings held on 13th November 2019 and 3rd December 2019 (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

The Vice-Chair advised that the presentation to the Committee on the National Design Guide had been requested from the Head of Place.

46. DECLARATION OF INTERESTS

No declarations of interest were announced.

47. 66342: ERECTION OF ONE LOCAL NEEDS DWELLING (ADDITIONAL INFORMATION): LAND TO THE NORTH OF MEREWOOD CLOSE, PRIXFORD, DEVON

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

Chris Spear (Chair of Marwood Parish Council) and Matt Steart (agent) addressed the Committee.

In response to questions from the Committee, the Planning Officer (KB) advised that Prixford was not considered as a rural settlement in terms of policy ST07, paragraph 3 of the Joint North Devon and Torridge Local Plan (NDTLP). He also suggested that Members should forward any comments regarding the categorisation of rural settlements and definitions of community facilities to the Joint Local Plan Working Group so that they may be considered as additions to their Frequently Asked Questions document for future reference.

RESOLVED that the application be APPROVED (11 for, 0 against, 1 abstained) as it was considered that Prixford did comply with policy DM24 of the NDTLP as it had community facilities (which included a church, community hall, community play area, public house and community car-parking) and subject to:

- a) a Section 106 agreement to secure the local needs dwelling and the imposition of conditions being delegated to the Head of Place; and
- b) that the Joint Local Plan Working Group be requested to consider the categorisation of rural settlements and definitions of community facilities so that they may be considered as additions to their Frequently Asked Questions document.

48. **70366: PROPOSED IMPROVEMENTS TO LEISURE FACILITIES TOGETHER WITH WOODLAND PLANTING, LANDSCAPING AND THE ERECTION OF 107 HOLIDAY COTTAGES AND ASSOCIATED INFRASTRUCTURE WORKS, WILLINGCOTT VALLEY HOLIDAY VILLAGE, BRADWELL ROAD, WOOLACOMBE, EX34 7HN.**

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

The Lead Planning Officer North (BP) advised the Committee that:

- Since the publication of the agenda, further documentation had been received. This included an email from the Ward Member (Councillor Wilkinson) regarding the drainage on site, a letter from the agent, response from the Landscape and Countryside Officer, a late consultation response from Devon County Council Flood and Coastal Risk, and additional letters of representation. These had been issued in advance of the Committee. Devon County Council had raised no objection but had recommended conditions.

- The late representations did not raise any new issues other than in relation to the Tarka Trail and equestrian access to it. The Landscape and Countryside Officer had no objection in principle.
- The AONB partnership had been re-consulted and in response to the applicant providing a lighting plan for the site, no longer had an objection as it would appear that the proposals would not increase any sky glow.
- A late response was received from South West Water which was read to the Committee. A representative was not able to attend the meeting.
- There had been no objections or issues raised by South West Water. They were satisfied that the existing drainage system and sewage treatment works was not at capacity and could accommodate the additional demand.
- A late response was received from the British Horse Society who were now satisfied with the response of the applicant and the proposed condition 9.

Trevor Jones (supporter) and Mr Bennett (objector) addressed the Committee.

In response to questions from the public, the Solicitor (DH) advised of the procedure for site visits.

Alison Shelley (objector), Phillip Hackett (objector), Sally Watts (objector), John Stratton (objector) David Wilkinson (objector) and Steve Harris (applicant's agent) addressed the Committee.

Councillor Malcolm Wilkinson (Ward Member) addressed the Committee.

In response to questions from the public, the Lead Planning Officer North (BP) advised that:

- Improvements to the boundary around the property to the south of the site could be incorporated under condition 9. It had been requested in order to prevent horses and dogs accessing the land which the owner advised contained Ragwort and mushrooms poisonous to animals.
- The residents of the four properties along the boundary of the site had been notified of the application from the outset.
- The siting of the play area in relation to the bordering properties to the south had been identified during the site visit and additional tree planting was to take place in this area to screen the properties. The Environmental Health Officer had no objections on noise grounds, but had recommended a condition requiring submission of a noise statement.
- Improvements to signage on Spreacombe Hill could be considered although this would be the remit of Devon Highways.

The Lead Planning Officer North (BP) confirmed that consultation responses had now been received and the following amendments and conditions were recommended:

- Conditions as recommended by DCC Flood and Coastal Risk and the Landscape and Countryside Officer.

- Condition 2 of the DCC recommendation to be amended to May 2020 as the applicant was now in agreement with DCC regarding flood risk and ground monitoring.
- Condition 9 be amended to include “Prior to commencement of Phase 2 of the new development hereby permitted, details of the route and construction....”
- Condition 10 be amended to include reference to a two stage process.
- A new condition to control the use of facilities to ensure that those not open to the public are used by residents of the site only.

In response to questions from the Committee, the Lead Planning Officer North (BP) advised that:

- The extension to the Tarka Trail would be across the site only. There was no requirement for the developer to extend further than the site. The trail would allow access across the site for pedestrians, walkers and horse riders.
- Site access/construction times could be restricted further to an 08.00 start and 17.30 finish for the comfort of local residents.
- Occupation conditions allowed the use of the properties all year round, but restricted them to holiday accommodation use only.

In response to questions from the Committee, DCC Highways Officer (PY) advised that;

- The figures for the theoretical traffic generation had been established using the TRICS system which was a nationally-approved database used by many County Councils. The database looked at figures across the UK which were then adapted to meet the conditions of the North Devon area (allowing for local trends).
- Theoretically the impact of this development was actually a negative impact, as reduction rather than increase in traffic movements. Although the golf course and club house were not currently in use there was nothing to prevent an operator taking on the business in the future and running them at capacity; creating the maximum traffic figures being used in the assessment. Therefore they had to be considered as such.
- There were a significant number of passing places along Bradwell Road and Spreacombe Hill.
- As a Highways Authority, DCC would not be in a position to recommend refusal based on this or they could be open to challenge it if it were deemed that DCC had objected unreasonably.

In response to a question from the Committee, the Lead Planning Officer North (BP) advised that the remaining ten dwellings from the original outline planning permission which had not been built, but had previously been granted permissions would not be built as that permission had now lapsed, and the land on which they would have been sited was now part of the new site plan.

In response to questions from the Committee, DCC Highways Officer (PY) advised that;

- Maintenance of the trail through the site would remain the responsibility of DCC (as a public highway).
- Depending on the timing of the works on the Tarka Trail, it could be found that section(s) may need to be temporarily closed to access to enable construction works to take place safely. Viability issues could arise if the works to the Trail were deemed to be required to be completed during stage one.

RESOLVED that the application be APPROVED (8 for, 2 against, 2 abstained) as recommended by the Head of Place and amended by the Lead Planning Officer; subject to South West Water adequately addressing concerns raised regarding sewerage to the satisfaction of the Head of Place and the imposition of conditions being delegated to the Head of Place in consultation with the Ward Member and Chair of the Committee to include the following:

- a) Conditions as recommended by DCC Flood and Coastal Risk and the Landscape and Countryside Officer;
- b) Condition 2 of the DCC recommendation to be amended to May 2020 as the applicant was now in agreement with DCC regarding flood risk and ground monitoring;
- c) Condition 9 be amended as follows "Prior to commencement of Phase 2 of the new development hereby permitted, details of the route, and construction....";
- d) Condition 10 be amended to include reference to a two stage process;
- e) A new condition to control the use of facilities to ensure that those not open to the public are used by residents of the site only;
- f) Condition 11 be amended so that the hours of operation on site be set between 08:00AM at 17:30PM Monday to Friday;
- g) Condition 3 be amended to require the extension to the Tarka Trail to commence in Phase 1;
- h) Condition 9 be amended to include the provision of appropriate screening along the boundary with the property to the South East of the site; and
- i) A condition requiring the provision of signage on Spreacombe Hill to direct visitors to use the appropriate route to the site.

49. ADJOURNMENT OF MEETING

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

RESOLVED that the meeting be reconvened to consider the remaining business.

50. 70438: ERECTION OF DWELLING. SUNNYSIDE HOUSE, SUNNYSIDE ROAD, WOOLACOMBE, DEVON, EX34 7DG.

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

The Senior Planning Officer (JM) advised the Committee;

- A decision notice could not be issued until the 21 day notification of Historic England had expired.
- Of a correction to a photograph issued on page 96. It had incorrectly identified the location of the plot.
- Photographic views of the conservation area were provided to members and an explanation provided in respect of the impacts on the Conservation Area from development on infill sites, the Conservation Area character appraisals approach to this and the test of weighing the harm against the benefits.
- An additional drawing was presented to the Committee which had been commissioned by the occupants of Ocean View. This showed an impression of the view from the apartment following the building on the Sunnyside House plot and its effect of the view and light.
- The property known as 'Tartooga' had been built nearby, within the Conservation area, following an appeal. Further development within this stretch of land was hoped to be avoided to prevent further impact of additional in-fill sites on the wider area.
- Access to the new dwelling would be via the driveway to the right of the main property, as accessed during the site visit.

Fiona Over (objector), Rob Russell (objector), Mark Dermont (objector), John Woodward (agent) and Jason Smith (applicant) addressed the Committee.

Councillor Malcolm Wilkinson (Ward Member) addressed the Committee.

The Conservation Officer advised the Committee;

- Although the site was within the boundary of the Conservation Area this did not prevent any development but added a level of scrutiny to such applications.
- Woolacombe had two separate characteristics: that of the central village area which was more densely populated, and that of the esplanade and surrounding area.
- The pattern of development; the Edwardian properties on large plots, were very important in the character of the area.
- Whether the property had a green roof, or not, it was still a building rather than a garden and would be visible.
In accordance with paragraph 196 of the National Planning Policy Framework (NPPF) any harm caused by an application should be weighed against harm to the public, rather than private, benefit.

In response to questions, the Senior Planning Officer (JM) clarified to the Committee the provisions of paragraph 193 of the NPPF in relation to how 'less than substantial harm' should be interpreted.

In the discussion, Cllr Davies discussed the possibility of imposing a condition to require a BRE light assessment. JM clarified that a condition would not be suitable as a negative assessment could mean the application was unacceptable in planning terms and if this was required a deferment should take place if members felt it was necessary.

Following the motion to approve, Senior Planning Officer (JM) clarified to members the need for clarity on whether they were asserting the scheme conserved and enhance the conservation area or whether they considered there to be less than substantial harm which was outweighed by public benefits. They were referred to Policies DM07 and ST15.

RESOLVED that it being 1:00pm that the meeting continue in order for the remaining business to be transacted (unanimous).

RESOLVED that the application be APPROVED (6 for, 4 against, 2 abstained) as it was considered that the proposal preserved and enhanced the heritage asset and therefore complied with policies ST15 and DM07 of the NDTLP subject to the imposition of conditions being delegated to the Head of Place in consultation with the Ward Member and Chair of the Committee to include the following:

- a) a standard condition that the development must be begun not later than the expiration of three years beginning with the date on which the permission is granted;
- b) a condition detailing the materials to be used;
- c) the removal of permitted development rights; and
- d) the construction of parking provision prior to occupation.

Chairman

The meeting ended at 1.23 pm

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