

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 12th February, 2020 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Head of Place, Lead Planning Officer (North) (BP), Senior Planning Officer (MB), Senior Planning Officer (JM) and Solicitor

Also Present:

Councillors Jenkins

51. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Fowler.

52. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 4TH OCTOBER 2019 (ATTACHED) AND 11TH DECEMBER 2019 (ATTACHED).

RESOLVED that the minutes of the meetings held on 4th October 2019 and 11th December 2019 (circulated previously) be approved as correct records and signed by the Chair.

In response to a question from the Committee, the Senior Planning Officer (JM) advised that, in relation to application 70438 (Erection of dwelling: Sunnyside House, Sunnyside Road, Woolacombe, Devon EX34 7DG) that had been approved at the meeting of 11th December 2019 the decision notice had been issued on 7th January 2020 with standard conditions. The application had been approved with a delegated issue pending a response from Historic England. The date for 21 day notification of Historic England had now expired, therefore the decision notice had been issued.

53. DECLARATION OF INTERESTS

No declarations of interest were declared.

54. 66135: OUTLINE APPLICATION FOR ERECTION OF ONE LOCAL NEEDS DWELLING AND ACCESS (SOME MATTERS RESERVED) (AMENDED PLANS): BARLEYCOTT, MUDDIFORD, BARNSTAPLE, DEVON, EX31 4ES

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

Chris Spear (Chair of Marwood Parish Council), Graham Townsend (planning consultant), Matt Steart (agent), and Dr Sam Cockburn (applicant) addressed the Committee.

In response to questions from the Committee, the agent confirmed that:

- access to the site via the lower road had been considered. That road was privately owned and the owner had been approached but refused to give permission for its use.
- The triangular area of land at the side of the entrance to the site access (the 'top' road) was owned by the applicant's family.

In response to questions from the Committee, the Senior Planning Officer (MB) advised the Committee that:

- In relation to planning policy, and the Joint Local Development Plan (JLDP), the area of Blakewell did not form a 'cluster' and as per paragraph 4.1.6 of the plan, the dwelling was not adjoining a rural settlement and therefore the application could not be supported.
- The JLDP would allow for an extension to an existing dwelling in this location.
- The building marked on the plans to the left of the proposed dwelling was, in fact, a garden structure, rather than another dwelling.
- Blakewell was not deemed to be a rural settlement under the JLDP as it did not contain at least one prescribed service or community facility from the following list as set out in paragraph 4.15 of the JLDP: community/village hall, post office, public house, convenience shop, place of worship, sports playing field or primary school. The facilities at the nearby Blakewell Fishery, which included an onsite café, did not meet this criteria.
- A Fishing lake was not counted as a sports field.
- The number of traffic accidents that had occurred at the junction with the B3230 was unknown.

In response to a question from the Chair, the Head of Place advised that the existing policy was in place as per the JLDP which had been subject to extensive consultation prior to adoption. It had been adopted and could be reviewed in future but as yet no timetable had been set. The JLDP Working Group was currently working on a timetable for the areas of revision required within the JLDP which would be available within the next few weeks. Any such review would take approximately two years.

In response to comments made by the Committee, the Solicitor (DH) re-iterated that the lake and café at Blakewell Fishery do not constitute a prescribed service or

community facility as set out in paragraph 4.15 of the JLDP and that if the Committee sought to approve the application on the basis that they do constitute such a prescribed service or community facility then their decision would be open to challenge.

Councillor Prowse declared a personal interest as he knew some of the applicant's family.

In response to questions from the Committee, the Senior Planning Officer (MB) reconfirmed that Devon County Council (DCC) Highways had objected to the increased use of the junction on to the B3230 and the limited visibility of the junction. He also read the paragraph relating to 'rural settlements' in the Joint LDP to the Committee.

In response to a question from the Committee, the Head of Place explained that although it may be possible for a Supplementary Planning Document (SPD) to be developed by the Joint Local Development Plan Working Group to reconsider the list of prescribed services or community facilities to include in paragraph 4.15 of the JLDP, it should be noted that the Officers had an extensive work load already and that other work could take priority over the creation of the SPD.

RESOLVED (9 for, 3 against, 1 abstained) that the application be DEFERRED for a period of four months pending receipt of the following information:

- (a) confirmation of Devon County Council's highways stance on the proposal;
- (b) information regarding whether the negative impact on the landscape can be resolved;
- (c) receipt of an ecology report;
- (d) clarification of reasons why 'key workers' have been excluded from the current Local Plan;
- (e) update on the timetable for the production and adoption of a Supplementary Planning Document in relation to Rural Settlements.

55. ADJOURNMENT OF MEETING

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

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

56. 70867: APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 FOR PLANNING PERMISSION AND DEMOLITION CONSENT FOR REMOVAL OF EXISTING DEFECTIVE STRUCTURE TOLL BOOTHS / TICKET KIOSKS 1-4 AND RELOCATION OF PARTS OF LOCAL INTEREST LIST TO

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

The Senior Planning Officer (JM) advised the Committee that:

- The two applications 70867 and 70868 (both being considered at this Committee) were linked as the first application involved the removal of the existing kiosks as part of the measures to widen the harbour entrance, and the second application included the relocation of two of the kiosks.
- The kiosks were not nationally listed but thought to be of architectural note and were part of the Local List of Important Buildings.

In response from questions from the Committee, the Senior Planning Officer (JM) confirmed the two applications were linked through condition 5 to “ensure that premature demolition does not take place and that the heritage assets are adequately restored).

RESOLVED (unanimous) that the application be APPROVED as recommended by of the Head of Place, subject to the second bullet point in condition 5 being amended to read “The contract and scheme for timing of works for the relocation of the kiosk buildings”.

57. 70868: APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 FOR PLANNING PERMISSION TO ERECT SIGNIFICANT HISTORIC PARTS OF TOLL BOOTHS (RE-LOCATED FROM THE QUAY) TOGETHER WITH ASSOCIATED EXTERNAL WORKS AND LANDSCAPING: EAST END OF V

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

The Senior Planning Officer (JM) advised the Committee that:

- An additional condition had been added to the recommendation:
(a) Notwithstanding the provisions of Schedule 2, Part 3 and Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the buildings hereby approved shall be used only for the sale of hot or cold food and beverages and the hire of golf clubs and for no other purpose without the further grant of planning permission. To control operations carried out within the building such that it safeguards town centre viability and vitality, neighbouring amenity and heritage interests to ensure compliance with Policies DM01, DM02, DM04, DM07 and DM19 of the North Devon and Torridge Local Plan.

The Committee Clerk, at the request of the Chair, read aloud an email from the Councillor Fowler.

In response from questions from the Committee, the Senior Planning Officer (JM) confirmed that:

- 1) She had only been made aware of the issue regarding the storage of the kiosks for an 18 month period by Ilfracombe Town Council on 11th February 2020.
- 2) The scheme was recommended for approval although it did not prevent the submission of future applications for alternative schemes which would be judged on their merits.
- 3) Historic England had requested that the kiosks be preserved and presented publicly.
- 4) The planning department were aware of the ongoing consultation in relation to the Ilfracombe Seafront Plan.
- 5) The Head of Place advised the Committee that the Ilfracombe Regeneration Board was working with Officers to enhance the Ilfracombe seafront.

RESOLVED (unanimous) that the application be APPROVED as per the recommendations of the Head of Place subject to the following additional condition: Notwithstanding the provisions of Schedule 2, Part 3 and Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the buildings hereby approved shall be used only for the sale of hot or cold food and beverages and the hire of golf clubs and for no other purpose without the further grant of planning permission. To control operations carried out within the building such that it safeguards town centre viability and vitality, neighbouring amenity and heritage interests to ensure compliance with Policies DM01, DM02, DM04, DM07 and DM19 of the North Devon and Torridge Local Plan.

Notwithstanding the decision, the Planning Committee recognised that the Public Consultation being undertaken may find an alternative location for the toll booths.

58. 70906: LISTED BUILDING APPLICATION FOR INTERNAL AND EXTERNAL WORKS ASSOCIATED WITH FIT OUT OF A BUTCHER'S SHOP: 9 BUTCHERS ROW, BARNSTAPLE, EX31 1BW.

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

There were no questions from the Committee.

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

Chair

The meeting ended at 12.09 pm

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