

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Virtual - Online meeting on Wednesday, 10th June, 2020 at 10.00 am

PRESENT: Members:

Councillor Ley (Chair)

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

Officers:

Head of Place, Solicitor, Lead Planning Officer (North), Lead Planning Officer (South), Senior Planning Officer (MB) and Senior Planning Officer (MP).

Also Present:

Councillor Mack

**65. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE**

The Chair outlined the virtual meetings procedure and etiquette to the Committee and public in attendance.

The Senior Corporate and Community Services confirmed the names of those Councillors and officers present and advised that members of the public and press were also in attendance.

**66. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**67. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11TH MARCH 2020**

RESOLVED that the minutes of the meeting held on 11 March 2020 (circulated previously) be approved as a correct record and signed by the Chair.

**68. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY**

The Chair advised that planning appeals decisions would be included on future agenda if they were of particular interest to the Committee and would be considered at the end of the meeting.

**69. DECLARATION OF INTERESTS**

There were no declarations of interest announced.

**70. 66135: OUTLINE APPLICATION FOR ERECTION OF ONE LOCAL NEEDS DWELLING AND ACCESS (SOME MATTERS RESERVED) (AMENDED PLANS), MARWOOD, BARLEYCOTT, MUDDIFORD, BARNSTAPLE, DEVON, EX31 4ES**

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

In response to a question, the Senior Planning Officer (MB) advised that the agent was in agreement for a time limit to not be included within deferral as he was unsure as to when the additional information would be available. He further advised that he would be in agreement for the deferral of the application being for a six month period should the Committee be minded to defer for this period of time.

RESOLVED (unanimous) that the application be DEFERRED as recommended by the Head of Place for a period of six months.

**71. 70952: CONVERSION OF SHOP TO FORM ONE FLAT, COMBE MARTIN, COASTAL BOROUGH ROAD, ILFRACOMBE, DEVON, EX34 0DQ**

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

Graeme Coombs (applicant) addressed the Committee.

In response to a question in relation to paragraph 163 of the National Planning Policy Framework, the Senior Planning Officer (MP) advised that the application was for a change of use from a shop to form one flat. The residential use would be more vulnerable than its existing use with residents sleeping overnight at the property. The property was in Flood Zone 3 and a safe access and egress should be made available. The property should be flood resistant and appropriate design measures put in place to make it flood resistant. The Environment Agency had recommended the ground floor level be increased by 0.8 metre, however this design alteration could not be achieved. The property would still be at risk of flooding even with appropriate escape routes and improvements being made to the culvert.

In response to a question, the Solicitor advised that the Committee should consider the application as submitted and not speculate upon whether the ground floor of the property might be put to any other type of use.

Councillor Gubb (in her capacity as Ward Member) addressed the Committee.

In response to a question, Graeme Coombs (applicant) advised the Committee that the applicant had been in consultation with the Environment Agency since January 2019.

In response to a question, the Senior Planning Officer (MP) advised that the Environment Agency had stated that the ground floor property was not suitable for any form of residential development even including a lounge or kitchen. Therefore if the whole building was converted into a single dwelling house, even limited residential elements could not be safely located on the ground floor.

The Lead Planning Officer (North) advised that he would be concerned if the Committee considered approving the application and going against the advice of the Environment Agency.

RESOLVED (unanimous) that the application be DEFERRED for two months to allow the applicant the opportunity to undertake further negotiations with the Environment Agency regarding the objections raised.

**72. 71029: CHANGE OF USE OF GROUND FLOOR FROM USE CLASS A1 (RETAIL FORMER POST OFFICE) TO USE CLASS D2 / SUL GENERIS (TANNING STUDIO) TOGETHER WITH ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS, BARNSTAPLE, 39-40 BOUTPORT STREET, BARNSTAPLE, EX31 1SA**

Councillor Crabb joined the meeting.

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

The Senior Planning Officer (MB) reported the receipt of three additional letters of representations received from Natasha Watts, C. Renyard and Tree Tops Planning which had been emailed to the Committee.

Andrew Tregay (agent) and Leanne Shurety (objector) addressed the Committee.

Councillor Mack (in his capacity as Ward Member) addressed the Committee.

In response to questions, the Senior Planning Officer (MB) advised that the Joint Local Plan paragraph 13.113 criteria (c) encouraged competition between

commercial activities but did not refer to local or national businesses. Page 49 in the report was correct in that planning should not stifle new business and competition on high streets. The applicant would need to secure a licence from the Licensing Authority.

In response to a question, the Head of Place advised that reference to the vitality and viability was in relation to the town centre as a whole and not in relation to individual businesses. The consequences of competition between businesses was outside the remit of the Local Planning Authority.

In response to further questions, the Senior Planning Officer (MB) advised that the benefits of the application were considered to outweigh the harm. The Government's proposal to drive the economy was an important factor and carried significant weight. The vitality and viability of the town centre was looked at as a whole. He was not aware of the Royal Society Public Health vitality of the town centre publication. The Committee could consider imposing a time limit if the application was approved, however the Government advised against this and there was no benefit in granting a temporary permission. If the use of the premises failed, then the owner could apply for a change of use to A1.

RESOLVED (13 for, 2 against, 0 abstained) that the application be APPROVED as recommended by the Head of Place.

**73. 71459: CHANGE OF USE OF BUILDING TO AN OPERATIONAL POLICE STATION TOGETHER WITH THE ERECTION OF FOUR ANCILLARY BUILDINGS, UNIT 1B (FORMERLY BARUM AUTOPARTS), SEVEN BRETHERN BANK, BARNSTAPLE, DEVON, EX31 2AS**

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

Councillor Knight (in his capacity as Ward Member) addressed the Committee.

In response to a question, the Lead Planning Officer (South) confirmed that the permitted use of the site as a police station shall be discontinued and the site restored to its former condition on or before 30 June 2025 as detailed in condition 3 to allow the Police maximum time to find an alternative location.

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

Chair

The meeting ended at 12.10 pm

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



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