



|                   |   |  |  |
|-------------------|---|--|--|
| Cllr R Lock       | X |  |  |
| Cllr P Pennington | X |  |  |
| Cllr D Smith      | X |  |  |
| Cllr C Wheatley   | X |  |  |
| Cllr J Whittaker  | X |  |  |

(Vote: For 8, Abstentions 1)

139. DECLARATION OF INTEREST

The Chair reminded Members to declare their interests when the relevant item was up for discussion. Declarations of interest were made as indicated below and in accordance with the previously agreed arrangements for “dual-hatted” Members.

140. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

141. URGENT MATTERS

There were no urgent matters.

142. PUBLIC PARTICIPATION

The Chair advised the Committee and members of the public of the details in respect of the Council’s public participation scheme.

143. PLANNING APPLICATIONS

(a) Application No. 1/0647/2023/OUT

The following Councillors had attended the site visit listed below:  
Councillors: R Lock, P Hames, K Hepple, J Whittaker, P Pennington and C Leather

Application No. 1/0647/2023/OUT - Outline application for 3no. dwellings with all matters reserved except access - Lakenham Residential Care Home, Lakenham Hill, Northam

Interests: Councillors Hames, Whittaker and Leather declared personal interests – dual hatted – Northam Town Council

Officer recommendation: Grant

The planning application had been called into Plans Committee by the Ward Member Councillor Lo-Vel if minded to approve, for the following reason:

*“Access: the proposed development uses the existing driveway, parking and garages for the Residential home to service the new properties in site. This would leave the Residential home with its nineteen residents, visitors and staff with no option but to park on the already congested nearby roads”.*

Prior to the presentation, Members were informed of the following updates:

#### Drainage

Further drainage information has been submitted and Environmental Protection have been consulted and have stated the following:

*“The Environmental Protection Team has no objection to the proposal although it would be prudent to seek advice from Building Control in relation to the separation distances and required capacity”.*

Amendments to Conditions should Members approve the application:

Condition 11 – Officers recommend the Arboricultural Assessment and Tree Protection Plan be updated as part of the detailed proposals.

Condition 3 – Access – requires compliance with the Plans and Plans Schedule. This is an Outline application therefore there are no Plans for consideration other than a Location Plan which is listed on the Schedule and an Indicative Site Plan showing point of access also listed on the Plans Schedule. To amend Condition to indicate that the Plan is only included to show the point of vehicular access.

Condition 8 – also refers to the Site Plan. It was clarified that vehicular access is just from Tadworthy Road and not Lakenham Hill. Condition to be amended if application approved.

In the absence of the Development Management Team Leader, the Planning Manager presented the report and informed Members of the main planning considerations.

During the discussion the following matters/concerns raised included:

- Conflicting opinions as to whether or not it is a windfall site.
- It is a green site that separates parts of Westward Ho! and Northam.
- Given the number of large houses being built on the neighbouring site, there is not a need for more large houses.
- Serious overlooking issue.
- Impact on designated asset, Lakenham House.
- Impact on the amenity of the existing dwelling on the edge of the site.

- No archaeology report. It was confirmed by the Planning Manager that there have been no archaeological investigations associated with this application. Although no comment had been received from the Senior Historic Archaeologist at Devon County Council, the standard Archaeology Condition could be applied if required by Members.
- The proposal will improve the appearance of the gardens.
- Future protection for the residents of the Care Home.

Advice and clarification on planning matters was given by the Planning Manager throughout the debate.

It was proposed by Councillor Leather, seconded by Councillor Lock that the application be approved.

A recorded vote was taken.

| Councillor        | For | Against | Abstain |
|-------------------|-----|---------|---------|
| Cllr D Bushby     | X   |         |         |
| Cllr K Hames      |     | X       |         |
| Cllr K Hepple     | X   |         |         |
| Cllr C Leather    | X   |         |         |
| Cllr R Lock       | X   |         |         |
| Cllr P Pennington | X   |         |         |
| Cllr D Smith      | X   |         |         |
| Cllr C Wheatley   | X   |         |         |
| Cllr J Whittaker  |     | X       |         |

(Vote: For 7, Against 2)

**RESOLVED:**

**That the application be Granted subject to the Conditions as set out in the report, amendments to Conditions 3, 8 and 11 as set out above and additional Archaeological Conditions.**

Richard Hall addressed the Committee objecting to the application.

(b) Application No. 1/0846/2023/FUL

The following Councillors had attended the site visit listed below:

Councillors: R Lock, P Hames, K Hepple, J Whittaker, P Pennington and C Leather

Application No. 1/0846/2023/FUL - Retention of covered seating canopy - Land Adjacent Quay 22, 22 The Quay, Bideford.

Interests: Councillor Bushby declared a prejudicial interest – pre-determination – left the table and took no part in the debate and decision making.

Officer recommendation: Refuse

The planning application had been referred to Plans Committee due to Torridge District Council retaining an interest in the land.

The Principal Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

During the discussions the following concerns/points raised included:

- If the application was to be approved, it would set a precedent for other businesses.
- Disappointed with the Consultee response from Historic England
- High number of public representations in support of the application

In response to comments raised during the debate, the Planning Manager gave advice and an explanation as to why the application had been recommended for refusal.

It became evident during the debate that Members were supportive of the application, stating that the public benefits outweighed the identified harm.

The Planning Officer gave advice on the conditions to be imposed should the application be approved.

Members agreed that should the application be granted, the wording of the conditions be delegated to Officers in conjunction with the Chair and Vice Chair.

It was proposed by Councillor Leather, seconded by Councillor Pennington that the application be approved.

A recorded vote was taken.

| Councillor    | For | Against | Abstain |
|---------------|-----|---------|---------|
| Cllr D Bushby |     |         |         |

|                   |   |   |  |
|-------------------|---|---|--|
| Cllr K Hames      |   | X |  |
| Cllr K Hepple     | X |   |  |
| Cllr C Leather    | X |   |  |
| Cllr R Lock       | X |   |  |
| Cllr P Pennington | X |   |  |
| Cllr D Smith      | X |   |  |
| Cllr C Wheatley   | X |   |  |
| Cllr J Whittaker  |   | X |  |

(Vote: For 6, Against 2)

### **RESOLVED**

**That the application be Granted subject to the wording of the conditions being delegated to Officers in conjunction with the Chair and Vice Chair.**

Anna Dart addressed the Committee as a member of the public, in support of the application

Mr Michael Upton addressed the Committee objecting to the application

Councillor Bushby, Ward Member, addressed the Committee

(c) Application No. 1/0632/2023/OUT

The following Councillors had attended the site visit listed below:

Councillors: R Lock, P Hames, K Hepple, J Whittaker, P Pennington and C Leather

Application No. 1/0632/2023/OUT - Outline application for 1no. local needs dwelling with all matters reserved (amended description) - Land Adjacent Barley Flat, Pancrasweek, Devon.

Interests: None

Officer recommendation: Refuse

The planning application had been called into Plans Committee by Councillor James. The reasons given are as follows:

- *An urgently required bungalow for an applicant with increasing needs*
- *Adjoins existing local need development*

- *His daughter lives in one of those adjacent homes*
- *His son lives at a large dairy unit just up the road*
- *He is able to get family support*
- *Similar dwelling built for identical reasons 200 yards along the road as a local need*

The Graduate Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

Following differing opinions from Members, the Planning Manager clarified the difference between a local needs dwelling and an open market dwelling. A local needs dwelling must be in a rural settlement – this site falls outside of the definition of a rural settlement. It is therefore classed as being an open market dwelling in the open countryside.

It was proposed by Councillor Hepple that the application for a local needs dwelling be approved. The Planning Manager emphasised that strong justification reasons as to why this is needed would be required.

Councillor Lock sought advice on whether this application could be deferred and resubmitted as a Full application including detailing the applicant's medical concerns etc. Legal advice was that this application needs to be determined because if deferred would run the risk of non-determination.

Councillor Bushby seconded Councillor Hepple's proposal for approval.

The Planning Manager gave advice on Policies and conditions to be imposed should Members be minded to approve the application.

It was proposed by Councillor Hepple, seconded by Councillor Bushby that the application be approved.

A recorded vote was taken.

| <b>Councillor</b> | <b>For</b> | <b>Against</b> | <b>Abstain</b> |
|-------------------|------------|----------------|----------------|
| Cllr D Bushby     | X          |                |                |
| Cllr K Hames      |            | X              |                |
| Cllr K Hepple     | X          |                |                |
| Cllr C Leather    |            | X              |                |
| Cllr R Lock       |            | X              |                |
| Cllr P Pennington |            | X              |                |
| Cllr D Smith      | X          |                |                |

|                  |  |   |  |
|------------------|--|---|--|
| Cllr C Wheatley  |  | X |  |
| Cllr J Whittaker |  | X |  |

(Vote: For 3, Against 6)

The motion to approve was lost.

It was proposed by Councillor Leather, seconded by Councillor Whittaker that the application be refused.

A recorded vote was taken.

| Councillor        | For | Against | Abstain |
|-------------------|-----|---------|---------|
| Cllr D Bushby     |     | X       |         |
| Cllr K Hames      | X   |         |         |
| Cllr K Hepple     |     | X       |         |
| Cllr C Leather    | X   |         |         |
| Cllr R Lock       | X   |         |         |
| Cllr P Pennington | X   |         |         |
| Cllr D Smith      |     | X       |         |
| Cllr C Wheatley   | X   |         |         |
| Cllr J Whittaker  | X   |         |         |

(Vote: For 6, Against 3)

**RESOLVED:**

**That the application be refused subject to the reasons as stated in the report.**

D Newcombe, Agent, addressed the Committee in support of the application.

Mr T Bacon, Applicant, addressed the Committee in support of the application.

Cllr James, Ward Member, addressed the Committee.

(d) Application No. 1/0707/2023/FUL

The following Councillors had attended the site visit listed below:

Councillors: R Lock, P Hames, K Hepple, J Whittaker, P Pennington and C Leather



Application No. 1/0707/2023/FUL - Conversion of redundant rural building to residential dwelling - Barn At Grid Reference 243124 097942, Halwill, Devon

Interests: None

Officer recommendation: Refuse

The planning application had been called into Plans Committee by Councillor James for the following reasons:

- *The application makes use of a redundant building (in line with current policy and Government Permitted Development Consultation)*
- *It provides a dwelling for a young couple (retention of young people in our Rural Communities)*
- *The applicants are the son who works there on the family farm and the member of well-known established farming business*
- *The siting of the Barn does not have a major material effect on the running of the farm and vice-a-versa*
- *The application should be decided on material effect not theoretical circumstances*

The Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

It became apparent during the discussion that Members were supportive of the application.

The Planning Officer gave advice on the conditions to be imposed should the application be approved.

Members agreed that should the application be granted, the wording of the conditions be delegated to Officers in conjunction with the Chair and Vice Chair.

It was proposed by Councillor Leather, seconded by Councillor Pennington that the application be approved.

A recorded vote was taken.

| <b>Councillor</b> | <b>For</b> | <b>Against</b> | <b>Abstain</b> |
|-------------------|------------|----------------|----------------|
| Cllr D Bushby     | X          |                |                |
| Cllr K Hames      | X          |                |                |
| Cllr K Hepple     | X          |                |                |
| Cllr C Leather    | X          |                |                |

|                   |   |  |  |
|-------------------|---|--|--|
| Cllr R Lock       | X |  |  |
| Cllr P Pennington | X |  |  |
| Cllr D Smith      | X |  |  |
| Cllr C Wheatley   | X |  |  |
| Cllr J Whittaker  | X |  |  |

(Vote: For - Unanimous)

### **RESOLVED**

**That the application be Granted subject to the wording of the conditions being delegated to Officers in conjunction with the Chair and Vice Chair.**

Mr L Piper, Agent, addressed the Committee in support of the application.

Lee James, Applicant, addressed the Committee in support of the application.

Councillor Hackett, Ward Member, addressed the Committee.

In accordance with the Constitution it was proposed by Councillor Whittaker, seconded by Councillor Lock and –

Resolved:

That in view of the fact 3 hours had elapsed since the meeting had commenced, that the meeting should continue.

A recorded vote was taken.

| <b>Councillor</b> | <b>For</b> | <b>Against</b> | <b>Abstain</b> |
|-------------------|------------|----------------|----------------|
| Cllr D Bushby     | X          |                |                |
| Cllr K Hames      | X          |                |                |
| Cllr K Hepple     | X          |                |                |
| Cllr C Leather    | X          |                |                |
| Cllr R Lock       | X          |                |                |
| Cllr P Pennington | X          |                |                |
| Cllr D Smith      | X          |                |                |
| Cllr C Wheatley   | X          |                |                |
| Cllr J Whittaker  | X          |                |                |

(Vote: For – Unanimous)

(e) Application No. 1/0911/2023/FUL

The following Councillors had attended the site visit listed below:  
Councillors: R Lock, P Hames, K Hepple, J Whittaker, P Pennington and C Leather

Application No. 1/0911/2023/FUL - Erection of 1no. agricultural worker managers dwelling - Land At Holwell, Buckland Brewer, Bideford

Interests: Councillor Pennington declared a prejudicial interest – pre-determination – left the table and took no part in the debate and decision making.

Officer recommendation: Refuse

The planning application had been called into Plans Committee by Councillor Pennington for the following reasons:

- *This dwelling is needed to allow a well-run agricultural business*
- *The relevant policies NDTLP Policy DM28 Rural Workers Dwelling NPPF para 79 this well run agricultural business needs to progress*
- *There is policy justification for a business to have the dwelling*

The Principal Planning Officer presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

In response to an enquiry from Councillor Hames in relation to materials proposed, Officers advised it would be a mix of timber cladding, stone, natural slate roof and render. Should the application be approved, a condition could be imposed stating that the development to be carried out in accordance with the Plans and samples to be submitted and approved by the Local Planning Authority.

It became apparent during the discussion that Members were supportive of the application.

The Principal Planning Officer gave advice on the conditions to be imposed should the application be approved.

Members agreed that should the application be granted, the wording of the conditions be delegated to Officers in conjunction with the Chair and Vice Chair.

It was proposed by Councillor Lock, seconded by Councillor Leather that the application be approved.

A recorded vote was taken.

| <b>Councillor</b>            | <b>For</b> | <b>Against</b> | <b>Abstain</b> |
|------------------------------|------------|----------------|----------------|
| Cllr D Bushby                | X          |                |                |
| Cllr K Hames                 |            | X              |                |
| Cllr K Hepple                | X          |                |                |
| Cllr C Leather               | X          |                |                |
| Cllr R Lock                  | X          |                |                |
| <del>Cllr P Pennington</del> |            |                |                |
| Cllr D Smith                 | X          |                |                |
| Cllr C Wheatley              | X          |                |                |
| Cllr J Whittaker             | X          |                |                |

(Vote: For 7, Against 1)

### **RESOLVED**

**That the application be Granted subject to the wording of the conditions being delegated to Officers in conjunction with the Chair and Vice Chair.**

Mr Andrew Heywood, Agent, addressed the Committee in support of the application.

Councillor Pennington, Ward Member, addressed the Committee.

#### 144. APPEAL DECISIONS SUMMARY

The Committee noted the Appeal Decisions.

#### 145. COSTS ON APPEALS

The Committee noted the Costs on Appeals.

#### 146. DELEGATED DECISIONS - AGMB APPLICATIONS

There were no Delegated Decisions.

#### 147. PLANNING DECISIONS

### **RESOLVED**

That the Planning decisions for the period 20 October 2023 to 23 November 2023 be noted.

The meeting commenced at 9.30am and closed at 12.15pm.

Chair:

Date: