

BRAUNTON PARISH COUNCIL



Minutes of the Braunton Parish Council Advisory Discussion meeting held on Monday 26 February 2024 at 7pm by video conference call.

Present

Cllrs: M Shapland in the Chair, D Spear, E Spear, R Shapland, L Childs, R Byrom, V Cann, E Blackmore, A Bryant, T Kirby and G Bell.

Officers: T Lovell, Parish Clerk

Sue Prosper, Chairman of the Braunton Neighbourhood Plan Steering Group (BNPSG)

AD/39/2023/24

Apologies

Received from Cllrs:
M Cann – prior engagement.

AD/40/2023/23

Receive items for information not on the agenda, which in the opinion of the Chair should be brought to the attention of members.

There were none.

AD/41/2023/24

Declaration of Interest

There were none.

AD/42/2023/24

Public Participation

There was no public participation.

AD/43/2023/24

Braunton Neighbourhood Plan Steering Group (BNPSG) – update implementation of the Neighbourhood

The Chairman welcomed Sue Prosper Chairman of the BNPSG to the meeting.

Members had received the BNPSG's report circulated prior to the meeting, attached as - **appendix one**.

Cllr L Childs was concerned regarding the Local Planning Authority (LPA) not having sufficient knowledge to give the Neighbourhood Plan full consideration when determining planning applications. It was noted that the planning officers had responded that they are still interpreting the plan and this will take time. The Braunton Neighbourhood Plan was 'made' by North Devon Council (NDC) in October 2023 but it had been in circulation for many years before that with NDC being involved from an early stage.

Members noted the email exchange between the Clerk and Lead Planning Officer regarding 74411 – Mariners Close and 77983 – LPG Storage Yard. It was noted that both had

been approved with no detailed consideration of the Neighbourhood Plan policies. These were another example of the LPA officers not according the Neighbourhood Plan the full weight that it should be.

The Parish Council Chairman Cllr M Shapland had attended the Parish Forum on the 31 January, where the LPA Officer Tracey Blackmore mentioned the Braunton Neighbourhood Plan as an exemplary document: Encouraging town and parish councils to contact Braunton for advice if they were thinking of developing a Neighbourhood Plan.

Sue Prosper advised that there were examples of Case Officer not embracing the Plan but a recent Case Officer's Report for 78041 -22 Stallards, Braunton did consider the plan in depth giving a detailed discussion on each of the relevant Neighbourhood Plan policies.

Members understood that case officers need to balance their decisions with other related policies but it was disappointing that Policy H1 – Primary Residency had not been applied to any development as requested by the Parish Council since the Neighbourhood Plan was made.

Following discussion, it was agreed that Tracey Blackmore should be copied in on all future correspondence relating to the Neighbourhood Plan. It was further agreed that all correspondence and communication with NDC should be via the Clerk.

Sue Prosper requested whether future BNPSG's reports should be submitted to full Council meetings as these are legal meetings. The Chairman of the Parish Council confirmed that once the advisory discussion notes have been ratified by full Council, they become legal decisions of Council. It was agreed that the BNPSG would continue to report this meeting.

The Chairman thanked Sue Prosper and the BNPSG members for their work on the Neighbourhood Plan.

AD/44/2023/24 **Planning**

Cllr E Spear and G Bell in their capacity as North Devon Councillors, stated that any opinions expressed during discussions on the following planning applications represent a preliminary view and that they will naturally reconsider the application fresh when presented all the facts at principal level.

(a) 78275

Proposed: Alteration of window to French window & erection of a shed

Location: Flat 1 Caen House Caen Street Braunton Devon EX33 1AH

Applicant: Mr Bruce Harris

Moved by Cllr V Cann, seconded by Cllr E Blackmore to recommend refusal.

With 8 votes in favour and 3 abstentions the Council agreed to recommend refusal on the grounds, as follows:

The site is in a conservation area and prominent in the street scene. The proposed French patio doors replacing the front window would unbalance the appearance of the building and add an uncharacteristic feature resulting in an adverse effect on the appearance of the street scene and the appearance of this section of the conservation area.

The proposed shed would be particularly prominent in the street scene. The applicant has already removed mature vegetation from the frontage of the property resulting in a loss of biodiversity net gain (BNG), there appears to be no proposals to replace or improve the BNG on site.

The proposal would be contrary to Policy H9 in the Braunton Neighbourhood Plan due to the loss of character to a prominent building in a conservation area.

Caen House is believed to be a House in Multiple Occupancy (HMO) and consideration should be given to Policy BE1 in the Braunton Neighbourhood Plan due to the adverse impact on the amenity of neighbouring uses.

The plans for the proposed shed are unclear as the measurements on the east elevation appear to be different to the measurements on the proposed site plan.

The Council is concerned that works to this property appear to have begun prior to planning consent being granted and would request that the Local Planning Authority Enforcement Team be notified.

(b) 78200

Proposed: Siting of solar panels on weighted, removable bases on flat roof of Brock Lodge holiday let
Location: Brock Ash Road Braunton Devon EX33 2EF
Applicant: Mr Antony Palmer

Moved by Cllr D Spear, seconded by Cllr V Cann to recommend approval.

With no votes to the contrary the Council recommended approval.

(c) 78312

Proposed: Variation of condition 2 (approved plans) attached to reserved matters application 77656 for layout, siting, scale and design (outline planning permission 77086 for erection of two dwellings with all matters reserved (resubmission of 76175)) to allow amended design
Location: Land adjacent Oak House Lower Park Road Braunton Devon EX33 2LH
Applicant: Arcadian Property Holdings Ltd

Moved by Cllr T Kirby, seconded by Cllr E Blackmore to

recommend refusal.

With nine in favour, one against and one abstention the motion to recommend refusal was carried on the grounds, as follows:

Braunton Parish Council had previously supported this application as the proposed two new dwellings with 3 bedrooms for rental would have met local need as identified in the Braunton Housing Needs Assessment (HNA). This was also supported by Policy H2 – Responding to Local Housing Market Needs in the Braunton Neighbourhood Plan. The variation for two new dwellings with 4 bedrooms will not meet the local housing need as illustrated in Table 5.9 in the Braunton HNA. The Parish Council therefore objects to the proposed variation.

(d) 78326

Proposed: Demolition of garage, erection of extensions & loft conversion including dormers
Location: 5 Limetree Grove Braunton Devon EX33 1HE
Applicant: Mr and Mrs Burrell

Moved by Cllr R Byrom, seconded by Cllr R Shapland to recommend approval.

With no votes to the contrary the Council recommended approval.

(e) 78176

Proposed: Conversion & alteration of redundant store/workshop into 2 dwellings
Location: 6 The Square Braunton Devon EX33 2JD
Applicant: Peter Fidge

It was noted that the amended proposed floor plans and elevations appear to address the access issues previously raised.

Moved by Cllr G Bell, seconded by Cllr D Spear to recommend approval.

With nine in favour and 2 abstentions the Council recommended approval subject to the applicant liaising with local businesses in the immediate vicinity to minimise disruption during their operating hours.

AD/45/2023/24

North Devon Council
– Planning Decisions

78064

Description: Side extension to property
Site Address: 2 Mint Park Road Braunton Devon EX33 1LE
Applicant: Mr Jonny Poland
Decision: APPROVED
Decision Date: 07/02/2024

The meeting closed at 8.30pm.

Signed by the Chair:
(Cllr M Shapland)

Date:



AGENDA ITEM 5: Neighbourhood Plan Steering Group Update to Parish Council meeting 26th February 2024

1. This is the first report to Parish Council by the Neighbourhood Plan Steering Group since 24th October 2022. The reason for this gap was the extended period of time it took from submission of the Neighbourhood Plan to NDC in November 2022, NDC appointment of an independent examiner, examination of plan through to public referendum in September 2023.
2. The Braunton Parish Neighbourhood Plan was formally “made” at the meeting of the North Devon District Council on Wednesday 4th October. Cllr Liz Spear (Ward Councillor for Braunton East) attended the meeting and put forward the proposal. It was seconded by the Deputy Leader of the Council and by Simon Maddox (Ward Councillor for Braunton West). LS reported that there was full support from Councillors across the board, as evidenced by the unanimous vote.
3. North Devon Council Final Decision Statement was received from NDC Officer Elizabeth Dee and the Parish Clerk circulated it to all members of the Parish Council on the 6th October 2023.
4. In the period between the referendum and NDC’s formal adoption of the Neighbourhood Plan, the Parish Clerk and Steering Group Secretary were in correspondence with the LPA. The issue was that Case Officers were not complying with NP policies for applications being determined post referendum, in particular policy H1 concerning primary residence as they did not accept that the Plan had been made from the point of the yes vote at referendum.
5. This position was subsequently confirmed as incorrect but as the applications had been determined and decision notices issued there was little that the Parish Council could do to challenge. As will be seen later in this report the issue of Case Officers considering applications against the Parish Neighbourhood Plan is an ongoing problem.
6. The Steering Group now monitors the implementation and effectiveness of the Parish NP policies. The process is based on the Locality document – “After the Neighbourhood Plan is Made: Implementation, Monitoring and Review”. This proposed approach was accepted by the Steering Group 6th November 2023 on the understanding that it may need to be revised over time.
7. A quarterly monitoring report, prepared by the Parish Clerk, lists the planning applications together with the relevant NP policies to be considered by the Parish Council. The Parish Council response to each application is then recorded together with any relevant detail from the subsequent Case Officer’s report including the decision. The completed monitoring reports are then reviewed by the BNPSG at their quarterly meeting who will report back to the Parish Council as to how the NP is being implemented by NDC and the effectiveness of the policies.
8. The first of these monitoring reports is considered in paragraphs 10 - 14 below.

9. Prior to the Steering Group quarterly meetings taking place the Parish Clerk and Steering Group Chair have catch up session with Elizabeth Dee for an update on national and local planning policy and development.

The first catchup session was held on the 8th January 2024 and following was advised by the LPA:

- NDC do have a five year land supply. This was confirmed at appeal in respect of application 73875 which was refused by the Planning Inspector who accepted that NDC do have a 5 year housing land supply in determining the case.
- The Levelling Up and Regeneration Act was enacted at the end of 2023. "There are lots of bits and pieces in it" which are effectively building blocks for new way of developing Local Plans.
- It was confirmed that there will be a joint approach in respect of developing the new North Devon and Torridge Local Plan. In response to a question as to whether Torridge would be a dominant partner given their success at acquiring Levelling Up funds assurances were given that this would not be the case.
- Neighbourhood Planning Statements will be introduced - they are basically a vision statement for smaller rural areas. These are seen to be less arduous than a full NP.
- Government is proposing the drafting of National Development Management policies. They were to come out in January 2024 for consultation but as yet nothing has been published. It is not clear how they will fit in with all the other national planning policies.
- New NPPF came into effect in December 2023 encouraging identification of land for development and a requirement for 5 YHLS plus 20%. It was confirmed that NDC is already meeting that requirement. The government is preparing a new NPPF which will be put out for consultation at some point this year.
- LPA confirmed that there had been correspondence between Braunton CLT and Matt Brown, but gave no further detail

10. The Steering Group met 26th January to review all determined applications for the period. The group considered the outcome against Parish Council recommendations, Case Officer reports detailing policy considerations in particular compliance with Neighbourhood Plan policies.
11. The attached pdf details all the planning applications considered by the Parish Council together with a commentary which are the points raised during the Steering Group's discussion of each one.
12. It is very apparent that the LPA has not considered the Neighbourhood Plan in most of the applications despite assurances from the end of September 2023 that Case Officers were told about it. This assurance was in respect of the Parish Clerk's enquiry why the Plan was not given weight immediately after the referendum (see para 4 – 5 above). It is disappointing at best that LPA Case Officers do not appear to be giving the Parish policies weight when making a determination.
13. Several of the determined applications have been raised by the Parish Clerk directly with Elisabeth Dee and Matthew Brown. In response they repeatedly state that as the Neighbourhood Plan is new

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to Case Officers they need guidance in considering policies. Hence the request to the Parish Council to detail all the policies they believe material to their recommendations when responding to consultation requests.

14. This request by LPA officers for more detailed responses was accepted by the Parish Council and actioned with immediate effect. The next review will indicate whether this approach has assisted Case Officers.
15. Changes to Steering Group membership:
Sean Ross' resigned from the Steering Group on 5th October 2023 and at January 2024 meeting the Steering Group voted unanimously to accept the application of local resident Jan Gent to join.
16. The next quarterly meeting of the Steering Group is April 12th 2024 when planning applications for January to March will be reviewed.

Sue Prosper
Chair
Braunton Parish Neighbourhood Plan Steering Group

Attachment

2024012 Agenda Item 4 Planning Apps NP Policies September - December 2023 COMMENTARY



20240112 AGENDA
ITEM 4 - 20230929 P