

NORTH DEVON COUNCIL

Minutes of a meeting of the Executive held at the Civic Centre, Barnstaple on Tuesday 3rd May 2016 at 10.00 a.m.

PRESENT: Members:

Councillor Brailey (Leader)

Councillors Barker, R. Cann, Harrison, Jones, Lane, Luggar and Yabsley.

Also Present:

Councillors Chesters, Edmunds, Greenslade, Ley, Lovering, Moore and Prowse.

Officers:

Chief Executive, Head of Financial Services, Head of Legal, Chief Planning Officer, Lead Officer Planning Policy, Contracts Delivery Manager, Leisure and Recreation Officer, Service Lead for Environmental Protection, Sustainability Officer, Media and Customer Relations Manager and Senior Corporate and Community Services Officer (BT).

7 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Edgell and Moores.

8 MINUTES

RESOLVED that the minutes of the meeting held on 11th April 2016 (circulated previously) be approved as a correct record and signed by the Chairman.

9 LEADER'S ANNOUNCEMENTS

There were no Leader's announcements.

10 DELCARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Edmunds	Item 13: Sale of Theatres Leasehold to North Devon Theatres Trust. Personal and prejudicial interest as his daughter worked for the North Devon Theatres Trust.
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Councillor Lane Item 7: Consultation Responses to the North Devon and Torridge Local Plan 2011-2031. Personal interest as a developer.

Item 8: Submission of the North Devon and Torridge Local Plan 2011-2031. Disclosable pecuniary interest as had land identified in the schedule of main modifications.

Item 11: Park Lane Lawn Tennis Club. Disclosable Pecuniary Interest as his wife was a member of the tennis club.

Mike Mansell Item 13: Sale of Theatres Leasehold to North Devon Theatres Trust. Prejudicial interest as his wife worked for the solicitors that were acting for the North Devon Theatres Trust.

11 NORTH DEVON AND TORRIDGE LOCAL DEVELOPMENT SCHEME

The Executive considered a report by the Lead Officer Planning Policy (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the approval of the North Devon and Torridge Local Development Scheme which was required to be published setting out the timescale for the future preparation of development plan documents.

DECISION

That the Local Development Scheme as set out in Appendix 1 of the report be agreed and published on the Council's website once it had also been agreed by Torridge District Council subject to the inclusion of the delivery timetable for the Barnstaple neighbourhood plan following confirmation from Barnstaple Town Council.

REASON FOR DECISION

To publish the timetable for the preparation of future development plan documents.

12 CONSULTATION RESPONSES TO THE NORTH DEVON AND TORRIDGE LOCAL PLAN 2011-2031

The Executive considered a report by the Lead Officer Planning Policy (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding consultation responses in relation to amendments to the North Devon and Torridge Local Plan 2011-2031 to address changes in national planning policy.

Following the amendment proposed by the Executive, David Morgans and Dr Phil Bratby, Campaign to Protect Rural England confirmed that they did not wish to address the Executive.

RECOMMENDED

(a) That following the consideration of responses to the public consultation on Additional Proposed Main Changes relating to Policy ST19A: Starter Homes Exception Sites, Executive recommends to Council that:

- i) The Submission draft of the North Devon and Torridge Local Plan 2011-2031 is amended to incorporate all of the Additional Proposed Main Changes to Policy ST19A: Starter Homes Exception Sites (references SHMAC/1 to SHMAC/9 inclusive) that were subject to Publication Consultation under Regulations 19 & 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 during the period 11th February to 24th March 2016;
- ii) No further Main Changes or proposed Main Modifications are taken forward with respect of Policy ST19A: Starter Homes Exception Sites or the associated supporting text; and
- iii) An amendment to Paragraph 7.38E (SHMAC/5) is taken forward as a Minor Modification:

“7.38E: The housing provided by an individual development should reflect first time buyers’ needs, ~~which should be predominantly of a modest scale with regard to bedroom numbers.~~ The Councils will not expect to consider properties which materially exceed the minimum dimensions in the national space standards⁽⁵⁾ for each dwelling by type as Starter Homes. The standards are considered to represent an appropriate size for homes specifically developed under the Starter Homes policy.”

(b) That following the consideration of responses to the public consultation on the Proposed Policy for Wind Energy Development relating to Policy DM11B: Wind Energy Development, Executive recommends that Council defers the decision to a future review of the Local Plan and/ or delegates responsibility to Neighbourhood Plans, by adding a new paragraph on the basis of proposed Main Modifications to the North Devon and Torridge Local Plan:

“6.19A In accordance with Government Guidance, proposals for wind energy development will only be permitted where

they are in an area identified as suitable for wind energy development which is allocated in a Neighbourhood Plan.

REASONS FOR RECOMMENDATIONS

- (a) To enable the proposed changes to Policy ST19A: Starter Homes Exception Sites to be incorporated into the submission draft of the North Devon and Torridge Local Plan 2011-2031.
- (b) To enable the proposed policy approach for wind energy development to be included within the Schedule of Main Modifications when it is sent alongside the Submission draft North Devon and Torridge Local Plan 2011-2031.

13 SUBMISSION OF THE NORTH DEVON AND TORRIDGE LOCAL PLAN 2011-2031

Councillor Lane declared a disclosable pecuniary interest and left the room during the consideration thereof.

The Executive considered a report by the Lead Officer Planning Policy (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the authorisation of the submission of the North Devon and Torridge Local Plan 2011-2031.

The Executive thanked officers for their hard work in preparing the North Devon and Torridge Local Plan 2011-2031.

RECOMMENDED

That Council:

- (a) authorises the submission of the Submission draft of the North Devon and Torridge Local Plan (including associated supporting documentation) to the Secretary of State for its independent Examination;
- (b) endorses the Schedule of Proposed Main Modifications (as detailed in Appendix 1 of the report) to be submitted alongside the Submission draft of the North Devon and Torridge Local Plan, subject to addition of paragraph 6.19A (as amended under minute 12 above);
- (c) delegates authority to the Chief Planning Officer, in consultation with the Lead Member for the Local Plan, to make minor amendments to the Submission draft Local Plan and the Schedule of Proposed Main Modifications endorsed through the above Recommendations, for the purposes of improving its legibility; correction of any

identified errors; or resulting from its consideration and formal authorisation for submission by Torridge District Council.

14 TOWN AND PARISH FUND (NORTH DEVON COMMUNITIES FUND)

The Executive considered a report by the Corporate and Community Services Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding establishing the Town and Parish (TAP) fund (previously known as the North Devon Communities Fund) for 2016/17.

The Executive noted that paragraph 3.1 should state “the combined District and County Fund of **£81,180**”.

DECISIONS

- (a) That the County Council be supported in establishing the fund for 2016/17, that the 10p per elector be agreed (£7,380) and it be allocated to the Town and Parish Fund from the Executive Contingency Fund;
- (b) That the fund revert to it's original name of the TAP (Town and Parish) Fund;
- (c) That match funding is not a strict requirement of applicants, but is encouraged;
- (d) That applications can be submitted at any time up to the deadline of 28.02.17, but that earlier applications are encouraged by a first-come first-served system;
- (e) That the Locality Cluster system trialled in 2015/16 be continued;
- (f) That applications for ditch and drainage work (as per the revised DCC guidance) be for the indicative budget for each parish only, and that early applications are encouraged by not ring-fencing individual parish allocations;
- (g) That subject to meeting eligibility criteria, offers of funding be agreed by County and District Councillors within each Locality area, including confirmation that the project benefits two or more parishes and that each Locality decide whether they wish to meet to judge applications, or administer by email as currently;

- (h) That underspent funds from previous years continue to be ring-fenced for applications from Voluntary and Community Groups providing services to two or more Locality areas;
- (i) That the process for applying and determining applications set out in the guidelines as detailed in Appendix 2 to this report be agreed.

REASONS FOR DECISIONS

- (a) The combined District and County Fund of £81,180 for 2016/17 will provide an opportunity for Town and Parish Council's and voluntary and community groups to work together to tackle local community issues.
- (b) To enable those voluntary and community groups who work across the district to access vital funding otherwise unavailable to them.
- (c) To enable as many groups as possible to access the fund whilst keeping the administration as efficient as possible.

15 APPROVAL AND RELEASE OF SECTION 106 FUNDS – SOUTH MOLTON BMX TRACK

The Executive considered a report by the Project and Procurement Officer Planning Policy (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the allocation of section 106 public open space funds towards the creation of a BMX pump track in South Molton.

DECISION

- (a) That £6950 be allocated to South Molton Town Council towards the cost of creating a BMX pump track;

RECOMMENDED

- (b) That the Capital Programme be varied by £6950 as detailed in minute 15 (a) above, and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Head of Property and Technical Services in consultation with the Head of Legal Services.

REASONS FOR DECISION/RECOMMENDATION

- (a) To ensure that appropriate funding is transferred into and released from the capital programme.

- (b) To provide a public open space facility for children and young people within the community.

16 **PARK LANE LAWN TENNIS CLUB**

Councillor Lane declared a disclosable pecuniary interest in the above item and left the meeting during the consideration thereof.

The Executive considered a report by the Leisure and Recreation Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the funding support for the relocation of the Park Lane Tennis Club with a long term lease.

The Leisure and Recreation Officer suggested that recommendation 2.3 in the report be amended to "...that the courts be leased for 25 years **on a full repairing and insuring lease** to Park Lane Lawn Tennis Club....."

DECISIONS

- (a) That £27,200 of the land sale proceeds be approved to be invested in two public tennis courts next to Rock Park Bowls Club (marked as area 3 on appendix 1 of the report) as this level of funding will allow the courts to be resurfaced and some essential tree works to protect the courts from root damage;
- (b) That the courts be leased for 25 years on a full repairing and insuring lease to Park Lane Lawn Tennis Club to eliminate the Council's long term maintenance responsibilities for the site and that the tennis club pay £750.00 rent per annum for the duration of their lease (plus annual increase in line with RPI).

RECOMMENDED

- (c) That Council be recommended to vary the capital programme by £27,200 and that these funds be released so that officers can project manage the resurfacing project once capital receipts have been banked from the land sales.

REASONS FOR DECISIONS/RECOMMENDATION

- (a) NDC are selling the tennis courts that are currently licensed to Park Lane Lawn Tennis Club and taking a capital receipt in the region of £100,000 for the courts.
- (b) The public tennis courts (Area 3 on site map in appendix 1) are in poor condition and need resurfacing if they are to continue to be used as tennis courts.

- (c) Providing Park Lane Lawn Tennis Club with a lease on the newly refurbished courts will mean that NDC will no longer have maintenance responsibility for the courts. This is expected to be approximately £400 pa saving on the Grounds Maintenance Contract (Moss and weed treatment, power wash and minor repairs). Additionally it is best practice when building a new 2-court facility to save £2,000 per year in a sinking fund required to re-colour the courts every 5 years and resurface the courts every 10 years. By leasing the courts to the club, they would be required to do this to ensure the asset will continue to function in the long-term.
- (d) To ensure that appropriate funding is released from the Capital Programme.

17 AIR QUALITY – BRAUNTON

The Executive considered a joint report by the Head of Environmental Health and Housing and Service Lead Environmental Protection (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the approval of an Air Quality Action Plan for Braunton.

Councillor Derrick Spear, Chairman of Braunton Parish Council addressed the Executive.

DECISIONS

- (a) That the Air Quality Action Plan (AQAP) for Braunton set out in Appendix A of the report be approved;
- (b) That delegated authority be given to the Head of Service (Environmental Health & Housing) to seek clarification from Devon County Council when the traffic related measures in the AQAP will be completed;
- (c) That the commissioning of some local signage in the area be approved;
- (d) That it be recommended that the Air Quality Action Plan for Braunton be presented to Devon County Council's Cabinet.

REASONS FOR DECISIONS

- (a) To meet the Council's obligations under the Environment Act 1985.
- (b) To provide reassurance to the community regarding the implementation of the key measures to improve air quality.

- (c) To encourage responsible driving in the affected area, and promote a wider understanding of the issues in the community.
- (d) To engage with Devon County Council regarding the proposals contained within the AQAP.

18 SALE OF THEATRES LEASEHOLD TO NORTH DEVON THEATRES TRUST

Mr M. Mansell, Chief Executive declared a prejudicial interest in the above item and left the room during the consideration thereof.

Councillor Edmunds declared a personal and prejudicial interest in the above item and left the room during the consideration thereof.

The Executive considered a report by the Contracts Delivery Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the offer from the North Devon Theatres Trust to purchase a leasehold interest in the Landmark Theatre and Queens Theatre.

DECISION

- (a) That the offer of £560,000 from North Devon Theatres Trust (NDTT) be accepted in principal, to purchase a leasehold interest in the Landmark Theatre and Queen's Theatre and the £560,000 be paid over two financial years from 2016/17 and 2017/18;
- (b) That the request for a lease term of 129 years is considered and that details of the terms and conditions of the lease are agreed by the Head of Property and Technical Services, Head of Legal Services and Head of Financial Services in consultation with the Leader and Portfolio Holder;
- (c) That the terms of the lease are to include the requirement that the facilities are to continue to be operated as community theatres;
- (d) That the terms of the lease once agreed be brought to the Executive for approval.

REASONS FOR DECISIONS

- (a) Acquiring the leasehold gives NDTT greater opportunity to access external funding from organisations that currently perceive the theatres as being a local authority service. NDC will receive a capital receipt of £560,000 and will no longer be required to provide a subsidy or regular grant funding for

the provision of theatre services. NDC will no longer have responsibility for the maintenance of the theatres structure.

- (b) Terms and Conditions will need to be agreed before NDC can sign up to the lease with NDTT. This will ensure that the theatres are maintained properly and that NDTT continues to use the facilities to provide theatre services for the community.
- (c) To give the Executive the opportunity to review and approve lease to ensure that best value for money was achieved for the Council, for the residents and visitors to the area.

Chairman

The meeting ended at 11.17 a.m.

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: 5th May 2016.