PLANNING COMMITTEE

9 JULY 2019

Present:
Councillors Haines (Chairman), Goodman-Bradbury (Deputy Chairman), Bradford, Bullivant, Clarance, Colclough, D Cox, H Cox, Hayes, J Hook, Keeling, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick and Phipps

Members in Attendance:
Councillor Taylor

Apologies:
Councillors Peart and Wrigley

Officers in Attendance:
Rosalyn Eastman, Business Manager, Strategic Place
Anna Holloway, Senior Planning Officer
Nick Hill, Solicitor
Trish Corns, Democratic Services Officer

30. MINUTES

The Minutes of the meeting held on 10 June 2019 were confirmed as a correct record and signed by the Chairman.

31. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed public speakers to the meeting. He also reminded Members of the Committee that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application.

32. DECLARATIONS OF INTEREST.

Members declared interests as follows:

- 19/00461/FUL, Councillor Parker - Appendix A, Paragraph 14, and left the meeting while the application was determined.
- 19/00779/FUL, Councillors Clarance and Phipps - Appendix A, Paragraph 14, by virtue of the applicant being a close associate, spoke but did not vote on the matter.
- 18/01140/MAJ, Councillor Haines – Appendix B, Paragraph 12, spoke but did not vote on the matter.

33. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.

The Committee considered the reports of the Business Manager – Strategic

Place, together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) **HENNOCK - 19/00461/FUL - Little Orchard Farm Chudleigh Knighton - Garage extension**

Councillor Parker declared an Appendix A, Paragraph 14 interest and left the meeting while the application was determined.

Public Speaker, Supporter – Referred the Committee to the officer report circulated with the agenda; and the Parish Council have no objection to the proposal.

Comments from Councillors included concern about the use of the site for stock cars.

The Business Manager advised that the use of a garage for an active hobby is ancillary use to the main dwelling house, and would not require a separate planning permission.

It was proposed by Councillor Keeling, seconded by Councillor Nutley and

Resolved

Consideration be deferred pending a Members' site inspection.
(12 votes for, 2 against, and 1 abstention)

b) **IPPLEPEN - 18/02039/FUL - Dornafield Farm, Dornafield Lane - Agricultural storage building and new trackway and access**

The application was withdrawn at the request of the applicant.

c) **TEIGNMOUTH - 19/01028/FUL and 19/01029/LBC - Flat 1, 8 Barnpark Terrace - Replacement of uPVC front door**

It was proposed by Councillor Phipps, seconded by Councillor Bullivant and

Resolved

19/01028/FUL - Permission be granted subject to the following conditions:
1. The development shall begin before the expiry of three years from the date of the permission.
2. The development shall be carried out in accordance with the approved plans.

19/01029/LBC - Listed Building Consent be granted subject to the following conditions:
1. The development shall begin before the expiry of three years from the date of

the permission.
2. The development shall be carried out in accordance with the approved plans.

(14 votes for, 0 against and 1 abstention)

d) **TEIGNMOUTH - 19/00779/FUL - 25 and 27 Mill Lane - Loft conversions including new front and rear dormers, three storey side extension to No. 27 only and new parking areas**

Councillors Clarance and Phipps declared an Appendix A, Paragraph 14 interest, by virtue of the applicant being a close associate, and spoke but did not vote on the matter.

Comments from Councillors included: there are similar developments along the road and have not had a detrimental impact; and the design is unattractive.

It was proposed by Councillor Haines, seconded by Councillor Colclough and

Resolved

Consideration be deferred pending a Member site inspection.
(12 votes for and 2 against)

e) **SHALDON - 19/00083/FUL - 17 Horse Lane - Demolition of existing dwelling and replacement with new dwelling**

Public Speaker, Supporter – The proposal is a high quality contemporary design with materials to diminish the impact on the scenery; although there are six objections there are eleven representation in support of the proposal; and there are no objections from the statutory consultees.

Comments from Councillors included: the design is out of character with the area; there is a huge variety of building types in the immediate area; the current building is not of particular special interest; design is a fashion and subjective; and the design is suitable for the area and adjacent to a Conservation Area.

It was proposed by Councillor Clarence and seconded by Councillor H Cox that consideration be deferred pending a site inspection. The proposal was lost by 4 votes for, 9 against and 4 abstentions.

It was proposed by Councillor J Hook and seconded by Councillor Colclough that the application be approved as set out in the report circulated with the agenda. The proposal was carried.

Resolved

Permission be granted subject to the following conditions:
1. 3 year time limit for commencement;

2. Development to be carried out in accordance with approved plans;
3. No development shall take place until a site specific geotechnical investigation and slope stability report is submitted to, and approved by, the Local Planning Authority. If additional works are required to stabilize the slope a slope stabilization scheme including a scheme for the management of vegetation on the cliff shall be submitted to and approved by the Local Planning Authority;
4. All surface water and foul drainage shall be directed to the public sewer. No surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time;
5. All external material samples shall be submitted and approved prior to first use on the dwelling and garage;
6. Sample of reclaimed stone to be used for the new wall to the access shall be submitted and approved prior to first use;
7. Tree protective measures shall be put in place as per the approved tree protection plan prior to commencement of development and retained for the duration of the build;
8. On-site parking provision shall be provided prior to first use of the dwelling and shall be retained thereafter;
9. Landscaping details to be agreed;
10. Ecological report including safeguarding measures and installation of ecological enhancement measures shall be followed and on completion a bat consultant shall confirm that the ecological enhancement measures have been installed in accordance with the recommendations in the report.
(15 votes for, 1 against and 1 abstention)

f) **KINGSKERSWELL - 18/01140/MAJ - Former Galliford Try Infrastructure Site Office, Old Newton Road - New employment development incorporating Use Classes B1(a) (offices), B1(c) (light industrial) and B8 (storage and distribution) with associated parking and landscaping**

Councillor Haines declared an Appendix B, Paragraph 12 interest, by virtue of his membership of, and position of Chairman of Kingskerswell Parish Council. Councillor Haines spoke but did not vote on the matter. It was noted that the Vice Chairman would have a casting vote should it be necessary to exercise this right.

The Senior Planning Officer referred the meeting to the previously circulated updates document in relation to further information submitted by the agent on proposals to minimise carbon footprint in accordance with Local Plan Policies S7 and EN3. The use of the larger unit would be B1c light industrial. The elevations would consist of more cladding and masonry work and details would be submitted once the occupier was known. In relation to concerns raised about the impact on the slip road onto the A380, County Highways had raised no objections to the proposal.

Public Speaker, Objector - spoke on behalf of the Parish Council objecting on the grounds of: there is no need for further industrial premises; there are empty employment units in the area; loss of a green area; the use of the land as the

Galliford Try site was a temporary permission. It was understood that it would be returned to its former state; the grass growing on these fields was round-bailed in 2018 proving that it is agricultural land; it will hamper the introduction of the Aller Valley Country Park and Aller Valley Trail in accordance with Policy KK4; contrary to policies S1 and EN2A; the site is visible and residents of Kingskerswell and wildlife would be disturbed, particularly by light pollution and noise.

Public Speaker, Supporter – the development would provide job opportunities; it is well situated as an exception site for employment, close to road links and bus routes; KK4 allocation is 75 hectares, the site is just 2.4 hectares and separated from the remainder of the site by the road, railway, residential house and trees; smaller units would be provided for small and indigenous businesses; the site is deliverable; there are no major infrastructure issues; only 22.4% footprint coverage, when 35% is the norm and the Council's guide is 40%, so low density to allow for a well landscaped site, with the retention of trees and hedgerows; and the village will benefit from the development.

Comments raised by Councillors included: concern for cars joining A380 on the slip road when travelling behind a lorry it is difficult to reach the speed to join; additional lorries from the site would exacerbate this issue; employment close to residential areas reduces travel distance; contrary to policy and should be part of the Aller County Park as allocated in the Local Plan; and vacant employment units in the area.

The Business Manager referred the meeting to page 61 of the agenda and the comments of the Economy and Regeneration Officer as evidence of demand for the units proposed.

Further comments from Councillors included: two fields and the railway line formed a buffer zone around the site, and the site has excellent road links.

It was proposed by Councillor Keeling and seconded by Councillor Parker that the application be approved as set out in the report circulated with the agenda. Members were advised that if they were not in agreement with the proposal they should vote against it. This was lost by 7 votes for and 8 against.

Additional comments from Councillors included: how would the site be accessed by pedestrians when separated by the railway; the site is allocated as a County Park, and a cycle path would be on the other side of the railway to the site; it is separated by the road, railway, trees and a residential property.

The Business Manager reiterated that there was the need for such units, and local businesses were being lost to other districts because Teignbridge did not have the required units.

Councillors added that: the Council wished to support and improve the economy for the area, emphasising economic growth; and the proposal would increase traffic and result in the loss of a conservation area.

Councillor Patch proposed refusal on the grounds of contrary to the Local Plan, and in a greenfield carbon sink area.

The Business Manager advised that the application was in accordance with Local Plan Policies S22 and EC3. There was no sustainable reason to refuse the application. In response to a question in relation to the designation of the site in the Local Plan and whether it is Brownfield or Greenfield, the Business Manager advised that it had some of the characteristics of a Greenfield site, which had been used as a temporary site by the road construction company, and then returned to agriculture.

The proposal for refusal from Councillor Patch was not seconded.

Councillor J Petherick proposed refusal on the grounds of the proposal being contrary to Local plan Policy KK4.

Councillor Parker proposed approval of the application as set out in the report circulated with the agenda. This was seconded by Councillor Keeling.

Councillor Colclough seconded the motion for refusal proposed by Councillor J Petherick. This proposal was the direct negative of the motion for approval already proposed. Therefore, the vote on the proposal for approval was taken, and Members were advised that if they were not in agreement with the proposal to approve they should vote against it. The proposal for approval was carried by 8 votes for, 7 against and 1 abstention, including the Chair's casting vote in favour of the proposal.

Resolved

Permission be granted subject to the following conditions:
1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Use of each building;
4. Construction Management Plan (CMP) to be approved prior to commencement;
5. Permanent surface water drainage management system to be approved prior to commencement;
6. Temporary surface water drainage management system for the construction phase to be approved prior to commencement;
7. Details of exceedance pathways and overland flow routes to be approved prior to commencement;
8. Tree protection measures to be approved prior to commencement;
9. Development to strictly accord with recommendations and habitat mitigation and enhancement measures as set out within the Ecological Appraisal;
10. Full details of bat and bird boxes including their design and location to be approved prior to commencement;
11. Detailed planting plan including additional tree planting to be approved prior to construction;
12. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement;
13. Details of lighting to be approved prior to installation and only lighting approved to be installed;

14. Carbon Reduction Strategy to be approved prior to construction;
15. Noise arising from the site shall not exceed background sound level by more than 5dB when measured at 1 metre from nearest residential window;
16. Details of any mechanical power generation to be used on site or proposed air conditioning units/air extraction or plant to be approved prior to installation;
17. No HGV deliveries or collections to Block 1 outside the hours of 7 a.m. to 7 p.m.;
18. Hours of operation;
19. No overnight lorry parking except in the location shown on the Block Plan;
20. Acoustic fence to be installed prior to initial occupation and permanently retained and maintained;
21. Substation details to be approved prior to construction;
22. Full waste storage details to be approved prior to construction, installed prior to initial occupation and thereafter retained and maintained;
23. No external storage;
24. Access and parking to be laid out prior to initial occupation and thereafter permanently retained;
25. Pedestrian/cycle access off Aller Road to be provided prior to initial use and thereafter retained for use by occupiers and visitors to all units;
26. Full cycle parking details to be approved and implemented prior to initial use and thereafter retained and maintained;
27. Removal of Permitted Development Rights for changes of use, alterations to the buildings and hardstanding.
28. Carbon Reduction Strategy regarding the detailed information of the measures proposed (e.g. the location of charging points, solar panels, etc),

(8 votes for, 7 against and 1 abstention)

34. APPEAL DECISIONS

The Committee noted appeal decisions made by the Planning Inspectorate.

CLLR M HAINES
Chairman