

PLANNING COMMITTEE

TUESDAY, 19 DECEMBER 2017

Present:

Councillors Smith (Chairman), Kerswell (Vice-Chairman), Austen, Bullivant, Clarence, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Keeling, Nutley, Pilkington, Prowse and Rollason

Members Attendance:

Councillors Clemens (Portfolio Holder for Planning and Housing), Ford, Hockin, Hocking and Gribble

Apologies:

Councillors Jones, Mayne, Parker and Winsor

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place

Frances Robinson, Solicitor

Angharad Williams, Planning Officer

Hannah Milford, Legal Assistant

Claire Boobier, Planning Officer

Trish Corns, Democratic Services Officer

Paul Bryan – Landscape Officer

256. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING.

The Minutes of the meeting held on 21 November, 2017 were confirmed as a correct record and signed by the Chairman. (15 votes for and 0 against).

257. MATTERS OF URGENCY/REPORT ESPECIALLY BROUGHT FORWARD FORWARD WITH THE PERMISSION OF THE CHAIRMAN.

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

258. DECLARATIONS OF INTEREST.

Councillors declared interests as detailed in the minutes below.

259. PLANNING APPLICATIONS FOR CONSIDERATION

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 sheet previously circulated.

- a) **SHALDON - 17/02014/FUL Storage and distribution centre, Long Lane - Change of use of yard from storage (Use Class B8) to a mixed use of storage and boat yard and extend working hours of building to 8.30am to 1pm on Saturdays**

Note: Councillor Pilkington declared an Appendix A, paragraph 13 interest by virtue of his trade being in the marine engine business. He left the meeting while the application was determined.

Members considered the site inspection report which suggested amendments to the conditions of the report of the Business Manager circulated with the agenda for the Planning Committee on 21 November 2017. It also suggested an amendment to the description of the application to be 'Change of use of yard from storage (Use Class B8) to a mixed use of storage and a boat yard and the extension of working hours of the building to 8.30am to 1pm on Saturdays.' This would prevent the use of the site for any other general industrial B2 use without planning permission.

The Business Manager reported he had received correspondence suggesting that the site inspection was not properly conducted and should be re-run for two reasons: one of the Parish Council's representatives may have had an interest; and the noise tests carried out lacked any technical basis and could not be considered as evidence on which to base a decision. On the first point, the Business Manager advised that the Site Inspection is not a formal decision-making meeting so there is no requirement for Parish representatives to declare any interest. The formal views of the Parish Council are contained within the report of the site inspection circulated with the agenda for the meeting. These views are not superseded by the informal comments of the representatives at the Inspection. On the second point the Business Manager added that the purpose of the site inspection was to assess the relationship between the site and neighbouring properties and to consider how any noise from the site may impact on these properties. The Environmental Health Officer was consulted prior to the Site Inspection to see whether it would be possible to have noise measuring equipment at the inspection. However it was his considered opinion that this would only provide a snapshot of the overall impact of the development and it would be affected by the vagaries of the weather and other prevalent conditions on the particular day and time of the visit. So, although Members were able to hear some noise-generating activity during the inspection, he advised the Committee not to place any great weight on what Members heard on the day from the site or the adjoining railway, as this may not be an accurate reflection of day to day noise from the site and surroundings. The real purpose of the visit was to see the location of the site in relation to surrounding properties and to consider how any noise from the site would cause an impact, not just the noise Members heard at the inspection. He urged the Committee that it is on this basis that Members should determine the application.

Public speaker, objector – There was no attempt to assess the noise from the site at the site inspection, given that noise is the issue of objectors' complaints; the noise from the site lasts much longer than the sample noise levels produced for the inspection; one of the parish council representatives declared an interest at the Parish Council meeting but did not declare his interest at the site inspection, and therefore the credibility of the site inspection is questionable; and the Applicant's agreement to Saturday morning should be conditioned.

Public speaker, supporter – All conditions will be complied with; means to reduce noise will also be complied with, such as water tanks, acoustic boxes and time restrictions.

Comments made by Members included: the site inspection team visited a number of neighbouring properties to assess the distance from the site; members listened while in close proximity to a large running outboard motor and a pressure washer; conditions restrict the use of the site and noise that can emanate from it; the change to the application description would restrict the use of the site; noise would be controlled by environmental health legislation and conditions; and there is no objection from Devon County Highways.

It was proposed by Councillor Clarence, seconded by Councillor Fusco and

Resolved

Permission be granted subject to conditions:

1. Standard 3 year time limit for commencement.
2. Development to proceed in accordance with the approved plans.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with our without modification) the building and use of boat yard hereby permitted shall be used for boat repair, boat storage and maintenance works only and for no other purpose including another purpose in Class B2 or that would otherwise be a permitted change to B1.
4. The use of the building and boat yard for boat repair and maintenance works hereby approved shall not take place other than between the following hours of 8.30am to 5.30pm Monday to Friday, 8.30am to 1pm on Saturdays and not at all on Sundays or Bank Holidays and there shall be no deliveries outside of these hours.
5. An acoustically-shrouded enclosure for the containment of the compressor used for the de-fouling of the boat hulls shall be installed on site within 3 months of this decision unless otherwise agreed in writing by the Local Planning Authority and shall be designed, and once installed tested, to ensure that noise arising from the compressor does not exceed more than 5dB above the background noise levels prevailing at the time at the nearest residential dwellings.
6. An on-site water tank for the testing and running of all outboard engines shall be installed on site within 3 months of this decision and

shall be used for the testing and running of all outboard engines thereafter. No engines shall be allowed to run dry in the building or boat yard.

7. Noise arising from the use of the compressor or any other mechanical equipment including vehicle movements in connection with the business on site shall be limited to 8.30am to 5.30pm Monday to Friday and 8.30am to 1.00 pm on Saturdays and not at all on Sundays and/or Bank Holidays and at no time shall noise arising from the use of mechanical equipment exceed more than 5dB above the background noise levels prevailing at the time at the nearest residential dwelling(s).
(14 votes for and 0 against)

b) **DAWLISH – 17/01944/FUL Tucks Plot - 12 hole safari-themed adventure golf course with accompanying golf/refreshment kiosk**

Note: Councillor Fusco declared a non-pecuniary Appendix A interest as a Teignmouth Town Councillor by virtue of a close relative of the Applicant being a Teignmouth Town Councillor. Councillor Fusco spoke but did not vote on the application.

The Planning Officer reported on amendments to the application since the last meeting of the Committee, as set out on the updates sheet and which were considered by the site inspection team.

Public speaker, objector – The footprint of the kiosk is too large; the refreshment element could have a detrimental effect on existing catering businesses and the visual amenity of the immediate area; and contrary to enhancement of the site as a civic space.

Public speaker, supporter – The amended plans show the reduction in tables and benches, giving the site a feeling of openness, motor scooter and wheelchair friendly; the kiosk will provide a storeroom, WC and refreshment area/golf equipment hire; much money is being invested in the venture and the refreshment area is required to make it viable.

Comments from Councillors included: the proposal would enhance and benefit the area, other businesses and the town; the area should be kept as a green open space; operation hours should not be restricted; the footprint of the kiosk is not as large as expected; and a catering outlet situated on the seaward side has been lost which this facility would compensate.

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

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for implementation.
2. Development to proceed in accordance with the approved plans.
3. Sample of kiosk materials to be submitted and agreed prior to installation.
4. Landscaping scheme including details of species for green roof to be

provided prior to the safari golf themed adventure golf course being brought into use and to be planted in the first available planting season following approval of the details.

5. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.

6. No retail sales other than the sale of refreshments ancillary to the use of the site as a miniature golf course and merchandise connected to the use of the site as a miniature golf course.

(14 votes for and 0 against).

c) **NEWTON ABBOT - 17/02596/FUL - Market Walk - Renovation of Market Walk facades, provision of new canopy, new paving and associated works**

The Planning Officer recommended that the words “including details of lighting” be added to condition 3 as detailed in the report circulated with the agenda.

It was considered the proposal would enhance the town centre and the project was welcomed.

It was proposed by Councillor Hook (was Brodie), seconded by Councillor Bullivant and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement of development.
2. Development to be carried out in accordance with the approved details.
3. Material samples to be submitted for approval, including details of lighting.
4. Bat and bird survey to be carried out and submitted for approval prior to commencement; mitigation to be carried as identified and agreed.

(15 votes for and 0 against)

d) **NEWTON ABBOT - 17/01503/VAR - Devon County Football Association, Coach Road - Variation of condition 2 on planning permission 92/0437/01/3 to accommodate the revised low energy lighting system**

Note: Councillor Smith declared an Appendix B interest by virtue of his position as a Director of Devon County Football Association.

It was noted that condition 2 set out in the report circulated with the agenda would address concerns relating to lighting.

It was proposed by Councillor Pilkington, seconded by Councillor Prowse and

Resolved

Permission be granted subject to conditions addressing the following

matters:

1. Development to proceed in accordance with the approved plans.
 2. The lights and associated fittings shall be installed and retained in accordance with the approved details in perpetuity and, prior to use achievement of Environmental Zone 1 at the closest residential frontage shall be demonstrated.
 3. The lighting system shall be automatically controlled with a timer which turns the lighting system off outside of the operational hours. This shall be fitted prior to the new lights being first brought into use.
 4. The lighting system shall only be used between the following hours:
 - Three nights out of Monday-Friday 09:00-21:45.
 - Saturday and Sundays 09.00-19.00.
 - Not at all on Bank Holidays.
 5. The source of the illumination from the floodlights shall be directed on to the pitch away from nearby residential properties and the adjacent highway, to the satisfaction of the Local Planning Authority.
 6. The office hereby permitted shall only be occupied by the DCFA.
 7. The use of any amplification system installed on the site shall be restricted to announcements only and shall not be used for music.
- (13 votes for, 1 against and 1 abstention)

- e) **NEWTON ABBOT - 17/02166/MAJ - Land At NGR 283353 2691, Howton Road - Outline application for up to 20 custom build dwellings (approval sought for means of access)**

The report of the Site Inspection held on 30 November 2017 was noted.

The Planning Officer referred to the Master Plan and the provision of the land to enable the link road. A representation of Sibelco's mineral interest was also referred to. Devon County Council (Minerals and Waste Planning) raised no objection to the proposal. The majority of the site is outside the minerals consultation area. In relation to highways, bollards would be placed along Howton Road to provide a no-through road.

It was proposed by Councillor Hook (was Brodie), seconded by Councillor Clarence and

Resolved

Permission be granted subject to the following conditions:

1. Requirement for reserved matters submissions;
2. Timing of submission of reserved matters;
3. Scheme for the provision of 20% affordable housing to be submitted for approval.
4. No development to commence until either:
 - a) A Section 106 Agreement has been completed to secure:
 - Financial contribution towards provision of community facilities (£1,617 per dwelling);
 - Financial contribution towards provision of employment development (£3,179

per dwelling);

- Financial contribution towards Green Infrastructure provision (£2,235 per dwelling);

- Cirl Bunting compensation (£4,748); or

b) A scheme for mitigation of the following matters has been submitted for approval which provides for:

- community facilities;
- employment provision;
- Green Infrastructure provision;
- biodiversity impact;

5. Land to be safeguarded for the construction of a highway for 10 years

6. No occupation until a Traffic Regulation Order for the closure of Howton Road to through traffic has been made.

7. Compliance with approved plans/documents including Design Code.

8. Prior to commencement the submission of a passing bays and surface water disposal route biodiversity plan. Scope of survey to be agreed in advance with the Local Planning Authority.

9. Prior to commencement, submission of a Construction, Environmental Management Plan (CEMP).

10. Compliance with mitigation measures as set out in Preliminary Ecological Appraisal and Dormouse Survey including provision of 10 metres wide buffer zone.

11. Prior to commencement of development, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

12. Prior to commencement, including site clearance, a bat roost plan to be submitted to and approved in writing by the Local Planning Authority.

13. Prior to commencement of work on any dwelling, submission of detailed plans showing how bird and bat roosting opportunities will be incorporated in each dwelling.

14. Prior to commencement of works, a Landscape and Ecological Management Plan to be submitted and approved in writing by the Local Planning Authority.

15. Submission of detailed waste audit statement at reserved matters.

16. Prior to commencement, detailed design of proposed temporary and permanent surface water drainage system, including adoption and maintenance arrangements, and avoidance of surface water draining onto highway, to be submitted for approval by the Local Planning Authority.

17. Notwithstanding the details submitted, no development on any dwelling to commence until details of a scheme to dispose of foul drainage has been submitted and approved by the Local Planning Authority.

18. If during development, contamination not previously identified is found to be present at the site then no further development shall be undertaken until a remediation strategy has been submitted.

19. Prior to commencement, a Construction Management Plan to be submitted for approval by the Local Planning Authority.

(15 votes for and 0 against).

- f) **NEWTON ABBOT - 17/00618/MAJ - Western House, 10 Howton Road- Outline - erection of 32 dwellings including incidental open space, landscaping and an area of strategic green**

Note: Councillor Bullivant advised that he resided in the area. He did not vote on the application.

The report of the site inspection held on 30 November 2017, circulated with the agenda for the meeting was noted. It was also noted that the application had been amended from 34 to 32 dwellings.

Public speaker, Objector - Representing Imerys Minerals Ltd – the proximity of the development site to the tip could cause a significant hazard during construction work; the Applicant has not undertaken a survey to evidence that the development will not be a risk to the structure or operation of the quarry; the quarry and the extraction of Devon Ball Clay is important to the economy of the area; residents from the development may make statutory complaints about noise and dust from the quarry which could constrain the activities of the quarry; and there should be a buffer zone of at least 250 metres between the quarry and residential property.

Public speaker, Objector - The development will not have suitable infrastructure; HGV's will only be able to access via Highweek village; detrimental to the amenity of residents of Howton Road; loss of views; Hele Park houses are not being sold and remain empty; where will the bollards be located to provide a no through road; highway safety – the road is too narrow with too few passing bays for the additional traffic, and will put cyclists and pedestrians in danger.

Public speaker, Supporter – The proposal will influence the type of style and design and provide needed housing for elderly and disabled people; Imerys has had plenty of time to object; and traffic issues have been dealt with by Devon County Council.

Comments from Councillors included: the highway network is too narrow, high hedges and restricted visibility, and unsuitable junction with Mile End Road for additional traffic; impact on amenities of Highweek village residents; unsuitable site; is the site of a distance not to cause a problem for the quarry operation?; and the site is allocated in the Development Framework plan.

In response the Planning Officer referred to the allocation of the site in the Local Plan as NA1; Devon County Council highways comments that the road width is sufficient for two cars to pass safely and meet the guidance for Howton Road speeds; the recommended condition 4 at agenda page 71 provides for highway junction improvements prior to occupation of dwellings; and there is no history of complaints to the Council's Environmental Health Officer about dust.

The Business Manager advised that the site is a large allocation in the Framework Plan, which would provide 20% affordable housing. A refusal on

the grounds of lack of infrastructure at this stage would be unsupported.

It was proposed by Councillor Hook (was Brodie), seconded by Councillor Fusco that the application be refused. An amendment was proposed by Councillor Clarence, seconded by Councillor Prowse and

Resolved

Consideration deferred for investigation into highway improvements which could be achieved to accommodate 32 dwellings on the site, or if no improvements a reduction in the number of dwellings.

(11 votes for and 2 against)

Note: The deferment of the application was contrary to the recommendation of the Business Manager. The Committee considered that the highway in its current form was insufficient to serve the additional traffic from 32 dwellings. Before taking the vote, the Business Manager advised that the Applicant would have the right to go to appeal on non-determination should the application be deferred.

g) **DODDISCOMBSLEIGH - 17/02394/FUL - Mistleigh Farm Barns - Change of use of the building to allow for the storage and maintenance of historic and classic vehicles**

An objection letter dated 18 December from residents was circulated by the public speaker.

Public speaker, Objector – objected to the activities on site on the grounds of: a detrimental impact on the amenities of neighbours; there is a long history of planning contravention at the site; only three vehicles on site could be considered as *classic*; residents are requesting some amendments to the recommendations detailed in the report circulated with the agenda to define *historic* and *classic* and to prevent modern commercial vehicles and inappropriate heavy plant to be stored at the site; condition 4 to be amended to add *at least 20 years old* at the end; condition 6 to be amended to read *no overnight parking of vehicles or storage of parts.....*; condition 9 to be amended to include *two passenger vehicles* and the words *and no modern commercial vehicle less than 20 years old* to be added to the end; condition 10 be amended to read *no parts or machinery shall*; condition 13 be amended to have noise levels measured from *the boundary of the site* instead of the *nearest noise sensitive premise(s)*.

Comments from Councillors included: the long history of planning contravention at the site such as the unauthorised storage of car parts, scrap vehicles, large pieces of equipment, heavy plant, non-agricultural machinery, and the use of the site for a transport depot, shipping and scrap merchants; and detrimental to the quality of life and amenities of neighbouring residents.

The Business Manager advised that the residents' suggested amendments to the recommended conditions are reasonable and the dialogue with them has been helpful; the conditions are enforceable; the site has been cleaned up since the last enforcement procedure; and the enforcement notices would remain with the land.

It was proposed by Councillor Hook (was Brodie), and seconded by Councillor Keeling that the application be approved as set out in the report circulated with the agenda and including the additions suggested by residents in the letter dated 18 December 2017.

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for implementation.
2. Development to proceed in accordance with the approved plans.
3. No external lighting shall be installed on the building for which the change of use is hereby approved without the prior submission and approval of an external lighting scheme. Only the approved lighting shall be installed on the building.
4. The building shall be used only for the storage of historic and classic vehicles, of at least 20 years old.
5. Only the area marked as workshop area as indicated on the indicative storage layout diagram shall be used as a workshop. This area shall only be used to repair and maintain the vehicles stored within the building and all other areas of the building shall be used for the storage of historic and classic vehicles and associated parts only.
6. No overnight parking of vehicles or storage of parts shall take place on the site outside of the building.
7. No vehicle parts or scrap materials shall be stored outside the building at anytime.
8. No overnight storage of vehicles shall take place outside the building, and during daylight hours historic and classic vehicles shall only be stored on the hardstanding area on occasion when space is needed inside the building to undertake works on the vehicles. Only one historic and/or classic vehicle shall be stored on the hardstanding to provide space within the building at any one time.
9. The hardstanding area shall only be used for the parking of two passenger vehicles for the owner to access the site, and no modern commercial vehicles less than 20 years old.
10. No parts or machinery shall be stored within the building, other than those needed to repair the historic and classic vehicles stored within it
11. Repair and maintenance works shall at no time be undertaken outside of the building.
12. All doors to the building for which the change of use is hereby approved shall be kept shut whilst noise generating equipment is being used to facilitate the repair and maintenance of vehicles stored within it.
13. Noise arising from the use hereby approved including any equipment or

machinery associated with the use shall not exceed more than 5dB above the background noise levels prevailing at the time of operation measured at the boundary of the site.

14. No burning of waste created from the use of the building shall take place on the site.

(14 votes for and 0 against)

h) **BOVEY TRACEY - 17/01934/FUL - The Paddocks, Southbrook Lane - Retention of use of building as a dwelling**

Public speaker, supporter – She purchased the small holding in 2011 and the disreect converted stable is her sole residence; the Government is encouraging small scale conversion of buildings in the countryside; it is not detrimental to the countryside; she has a right to a home under Human Rights legislation; and she could be granted personal consent.

Comments from Councillors included: sympathy for her personal situation, however the application should be refused; and contrary to Policy S22.

The Business Manager advised that the application is contrary to policy because it is residential use in the countryside. A personal use should not be granted for permanent development.

It was reported that Councillor Morgan, a Ward member who was unable to attend the meeting was in support of the applicant's case.

It was proposed by Councillor Colclough and seconded by Councillor Kerswell that the application be refused with 4 months for enforcement action.

An amendment was proposed by Councillor Hook (was Brodie) and seconded by Councillor Keeling that consideration be deferred pending a member site inspection. The amendment was lost with the Chairman's casting vote by 6 votes for and 7 against.

A vote on the original proposal was taken, and lost by 5 votes for, 6 against and 1 abstention.

It was proposed by Councillor Austen and seconded by Councillor Colclough that the application be refused as set out in the report circulated with the agenda. This was carried.

Resolved

Permission be refused for the following reason:

The application site lies outside any settlement boundary and within designated open countryside. No overriding justification has been provided for a dwelling in this location. The retention of a dwelling in this location

would therefore be contrary to Policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and to the guidance contained in the National Planning Policy Framework. (6 votes for, 5 against and 1 abstention)

260. LANDSCAPE SENSITIVITY TO SOLAR AND WIND DEVELOPMENT IN TEIGNBRIDGE

Following consideration of the report circulated with the agenda it was proposed by Councillor Rollason, seconded by Councillor Kerswell and

Resolved

- a) The draft Supplementary Planning Document for Solar Photovoltaic (PV) Developments in the Landscape be approved for public consultation.
- b) The Assessment of the Landscape Sensitivity to Onshore Wind Energy Developments in Teignbridge District be approved as part of the evidence base to support the review of the Teignbridge Local Plan.
(6 votes for, 0 against and 1 abstention).

261. APPEAL DECISIONS

The Committee noted decisions made by the Planning Inspectorate on appeals against refusal of planning permission as set out in the report circulated with the agenda.

DENNIS SMITH
Chairman