

PLANNING COMMITTEE

TUESDAY, 20 FEBRUARY 2018

Present:

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

Members Attendance:

Councillors Clemens, Christophers, Connett, Ford, Goodey, Hocking, Lake

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Frances Robinson, Solicitor
Rosalyn Eastman, Principal Planning Officer
Neil Blaney, Economy Manager
Ian Perry, Principal Planning Officer
Kelly Grunnill, Senior Planning Officer
Helen Murdoch, Senior Planning Officer
Trish Corns, Democratic Services Officer
Hannah Milford, Legal Assistant
Brian Hensley, Devon County Council Highways
Michelle Woodgates – Devon County Council Highways
Sarah Ratnage – Devon County Council Highways

322. MINUTES

The Minutes of the meeting held on 23 January, 2018 were confirmed as a correct record and signed by the Chairman. (17 votes for and 0 against)

323. MATTERS OF URGENCY/REPORT ESPECIALLY BROUGHT 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.

324. DECLARATIONS OF INTEREST.

Members declared interests as detailed below.

325. 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) **Starcross 17/02632/FUL 9 Royal Way - Two storey extension and conversion of integral garage into a study.**

The Committee noted the report of the Site Inspection Team circulated with the agenda. Comments from Members included that there would be no detrimental effect on the street scene and the “stepped” design of the terrace would remain. Concern was expressed that the allocation of two parking spaces at the front of the house would result in one being located over the footpath to the door, detrimental to the safety of pedestrians.

It was proposed by Councillor Parker and seconded by Councillor Dennis that the application be approved as set out in the report circulated with the agenda.

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with approved plans.
3. Unsuspected contamination.

(18 votes for 0 against)

b) **DAWLISH - 18/00080/FUL - 46 Teignmouth Road, Teignmouth - Conservatory to front and enlargement of existing front dormer to include provision of Juliet balcony**

Note: Councillor Clemens declared an Appendix A, paragraph 10 pecuniary interest by virtue of him being the applicant and left the meeting while the application was determined. Councillors Prowse and Mayne declared an Appendix A, paragraph 14 interest by virtue of the applicant being a close associate. They did not vote on the application.

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

Resolved

Permission be granted subject to the following conditions:

1. Standard three year time limit for commencement.
2. Development carried out in accordance with the approved plans.

(17 votes for, 0 against and 2 abstentions)

c) **CHUDLEIGH - 17/02789/FUL - Market Way Car Park - Sustainable urban drainage system**

It was proposed by Councillor Keeling that the application be refused on the grounds of the loss of parking or manoeuvring area. The Business Manager advised that the proposal would not result in the loss of parking or manoeuvring area. The proposal was not seconded.

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

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with the approved plans.
3. In accordance with submitted Landscape Details and Arboricultural Statement including replacement tree. The landscaping works hereby approved shall thereafter be maintained until it is returned to the control of Teignbridge District Council, 12 months following completion.
4. The development shall be carried out in accordance with the agreed "Estates Agreement" dated 26 January 2018.

(14 votes for, 4 against and 2 abstentions)

- d) **DAWLISH - 17/02327/FUL 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking**

It was proposed by Councillor Prowse that consideration be deferred for a Member site inspection to assess if concerns of neighbours are being addressed. This was seconded by Councillor Fusco.

Resolved

Consideration deferred pending a Member site inspection.

(18 votes for, 1 against and 1 abstention)

- e) **EXMINSTER - 15/00708/MAJ Land at South West of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)**

The Principal Planning Officer advised that the Section 106 agreement had not been completed in January as expected due to the complicated nature of the development and multiple landowners. Therefore the re-endorsement of the resolution made at the September 2017 meeting was sought.

Public Speaker, Objector – The Council has not sufficiently consulted with Exeter City Council and community groups of Alphington; the bus lane will cut through Markham Lane contrary to Exeter City Council's Supplementary Planning Guidance; the County agreed Markham Lane would be for cyclists and pedestrians; the cycle routes of the development do not properly join up; the community facilities are an unreasonable distance from houses; Alphington is unsuitable for construction traffic and this should be prohibited; and there are a lack of social meeting places.

In response the Committee was advised that ongoing conversations were taking place with Exeter City Council and the County Council in relation to construction and operation plans, and bus routes. In response to other comments the Committee were advised that District Heating may be lost for this site; the site is on the edge of Exeter with good access to bus services and the future train station at Marsh Barton; a bid for housing infrastructure fund has been made for the delivery of roads early in the development construction; building regulations would ensure that dwellings are constructed to the carbon reduction standard.

Mr Hensley from Devon County Council advised that buses can run on un-adopted roads with the permission of the Bus Company and landowner.

Additional comments from Councillors included: the wish for a Railway Station at Exminster in view of the prediction that the A379 would not be adequate to serve the additional housing.

In response to comments relating to the compliance of the Section 106 Agreement, the Business Manager advised that the Agreement cannot be appealed against and legal action can be taken for its compliance.

It was proposed by Councillor Smith, seconded by Councillor Kerswell and

Resolved

Subject to:

The completion of a Section 106 Agreement by 27 April 2018 to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase).
2. A minimum of 30 Custom Build Dwelling plots.
3. A scheme for provision of 4 Gypsy and Traveller Pitches.
4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding).
5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling (precise amount to be agreed with Devon County Council).
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge.
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling.
8. Land and financial contribution for Health Provision at total cost of £500 per Dwelling.
9. Travel planning and packs including £300 voucher per dwelling
10. Exe Estuary SPA mitigation contributions at £96 per dwelling
11. Resident information packs containing travel planning information, pedestrian

and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary.

12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat.
13. Hedge removal covenants.
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use.
15. Indoor sports provision and management.
16. Play provision and management.
17. Green space provision and management.
18. Allotment provision and management.
19. Two x Traffic Regulation Orders at £5,000 each.

B) The exchange/completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

- i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer.
- ii) Land for Community and Health provision.

C) The exchange/completion of Agreement(s) in relation to SANGS provision with Teignbridge District Council.

PERMISSION BE GRANTED subject to:

D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

1. Requirement for Reserved Matters submissions.
2. Timing of submission of Reserved Matters of phases.
3. Time limit for commencement of phases.
4. Development to proceed in accordance with approved plans/documents.
5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.
6. Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 350 dwellings.
7. On-going development compliance plans to demonstrate how the overall masterplan vision will be achieved.
8. Primary control – uses and quantum permitted by the permission.
9. Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses).
10. Local Centre provision.
11. Tree constraints and protection.
12. Landscape strategy.
13. Landscape and Ecology Management Plan (LEMP).
14. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and Provision.
15. Construction access strategy and phasing including for occupants.
16. Noise/air quality protection including for occupants.
17. Sustainable Urban Drainage System (SUDs), provision, management, etc.

- including during construction and design for biodiversity.
18. Archaeological investigations.
 19. Scheduled Monument management and interpretation.
 20. Biodiversity protection.
 21. Foul sewerage survey and provision.
 22. Construction management including noise, air quality and traffic.
 23. Public art.
 24. Lighting strategy.
 25. Watercourse pollution prevention during both construction and operation.
 26. Contaminated land investigation.
 27. Bus stop provision.
 28. Dedication of land to highways to site boundaries.
 29. Detailed highway design.
 30. Safe access to bus stops.
 31. Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme.
 32. Pedestrian and cycle bridge timing.
 33. The site access and visibility splays shall be constructed, laid out and maintained for that purpose.
 34. No development shall take place until a waste audit statement has been provided, and approved.
 35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre).
 36. Bat and bird boxes.
 37. Identification of opportunities for apprentices.
- (20 votes for and 0 against)

- f) **NEWTON ABBOT 16/02826/MAJ - Brunel House, Forde Close - Hybrid planning application including full permission for the demolition of existing buildings and the erection of a Class A1 foodstore (1,140sqm net) with associated car parking and landscaping and outline permission for Class B1/B2 employment units with all matters other than access to be reserved**

The Committee noted the report of the Site Inspection Team circulated with the agenda.

The Business Manager referred to Members considering this application back in June 2017 when it was resolved that, subject to Officers negotiating an improved design for the building, permission should be granted. Officers negotiated hard with ALDI and achieved what is considered a high quality design that respects the context of the site. The permission was issued in December 2017.

The Council's decision was challenged on the basis that Members had not been properly advised on the impact of the development on nearby designated heritage assets. Designated heritage asset means a listed building or a Conservation Area. The Railway Goods Shed is not a designated heritage asset. The basis of the challenge was that Officers had not adequately explained why the recommendation was contrary to the expert advice of the Council's Team Leader – Design and Heritage regarding the impact on designated heritage assets. The designated heritage assets in question are Forde House and its Gate Piers and the three

Newton Abbot Conservation Areas.

Rather than spend public money defending our decision in the High Court it was considered more expedient to agree a Consent Order to quash the decision and to make a new decision on the basis of a report that comprehensively sets out Officer's considerations on the impact on designated heritage assets. These considerations are set out in paragraphs 2.1 to 2.30 of the Addendum Report, circulated with the agenda. In summary Officers do not consider there to be any harmful impact to the settings of designated heritage assets.

The Addendum Report also provides an update on other issues that have changed since the last Committee Report, primarily bat issues. The original Committee Report is appended to the Addendum Report and covers all of the other issues that Members need to consider before making a new decision. Officers do not consider there have been any changes to these other issues that would result in changing the advice and recommendation offered at the time. The issues are:

- Retail Policy Assessment

Officers are still of the view that there are no sequentially preferable sites and there will be no adverse impact on the vitality and viability of Newton Abbot Town Centre (Section 4.1 of original report).

- Loss of Employment Land

Section 4.2 of the main report - Officers remain of the view that for viability reasons the site is unlikely to come forward for purely employment development in the foreseeable future. However the overall proposal involves the transfer of serviced land to the Council to provide 990 sq m of employment floorspace. Together with the jobs created by ALDI itself it is considered that the proposals would not result in a loss of employment opportunities. The Council's Economy Manager supports the application.

- Highway Safety

Section 4.3 of the main report – The Highway Authority does not object to the application. A yellow box junction would be funded by the Applicant to improve traffic flows at the junction.

- Residential Amenity

Section 4.6 of the main report – A suite of planning conditions is proposed to manage the impact of the proposal on nearby residential properties. It should be borne in mind, of course, that the site is located adjacent to the main railway line on an industrial estate so background noise levels are high. Officers remain of the view that the conditions proposed will safeguard the existing level of residential amenity in the locality.

- Ecology and Drainage

Covered in Sections 4.7 and 4.8 of the original report, with bat issues updated in the Addendum report. There are no objections from consultees on these matters

and any impacts can be mitigated by conditions.

- Loss of non-designated heritage assets

The proposal does involve the loss of the Railway Goods Shed. This is a non-designated heritage asset so is not covered by the legal requirements set out in paras 2.3 and 2.4 of the Addendum Report. Nevertheless it is recognised that it is a historic building connected to Newton Abbot's railway heritage. Its loss would be regrettable. However it is part of a derelict site that is unlikely to come forward for any alternative form of redevelopment or conversion in the foreseeable future. Refusal of this application would not result in a viable alternative coming forward anytime soon, so the site would continue to deteriorate. There are considerable economic benefits to the scheme being considered and it is considered that, on balance, the benefits from the proposals outweigh the loss of the building. Therefore the recommendations remains approval subject to the conditions set out on Pages 108 – 113 of the Agenda.

The signatures on the e-petition "Save Our Shed" group has increased to 1103, and additional letters of objection have increased to 36, expressing concern that the loss of the goods shed would detrimentally effect railway tourism in the area.

Public speaker, Objector – The loss of the railway shed would be a great loss to the town; it would be irreplaceable and it belongs to the public; it is not a goods shed but a carriage repair workshop which is a much rarer and valuable asset; Newton Abbot is one of just 16 Railway Towns in the Country; Courtenay Park forms part of the Conservation Area and has a unique association with the Railway; Historic England has advised that 19th Century railway works are rare and valuable; GWR and other supporters all disagree with the Aldi historic report; 1700 supporters in just 16 days have added their names to the Save Our Shed Group; and the Localism Act assists and supports the community in retaining valuable assets

Public speaker, Objector – The use of the site for retail is limited, and full time positions at the store would be low and minimum wage; highway and pedestrian safety issues - increased traffic resulting in chaos at the junction with Brunel Road; the traffic lights and yellow box will not be adequate; there is currently insufficient on street parking for residents of Forde Close, the proposal will exacerbate the situation; the current shed buildings and walls absorb noise and protect the houses in Forde Close from noise and light pollution; the replacement building will be half the length resulting in overlooking and loss of privacy, light and noise pollution; negative economic impact on the Town Centre; this is not the right development for the site; detrimental effect on the town; and time should be taken over the redevelopment of the site so that the result is an asset to the town.

Public Speaker, Supporter – The proposal will have significant benefits for the town and area with the employment floor space which will be transferred to the District Council; the store design and layout will reflect the history of the railway heritage; there will be approximately 50 employment opportunities, all would be paid above the living wage and no zero hours.

Public Speaker, Supporter – Investment in the site is needed; it has not been a rushed proposal with 3 years in the making; the design is appropriate to the site and area; the heritage history is reflected in the bespoke design with such features as arched windows; the signal gantry will be retained and refurbished; the shed is not listed. It has been proposed on three occasions for listing but turned by Historic England each time; Old Forde House is a heritage listed building but officers consider there are considerable economic benefits to the scheme being considered and that, on balance, the benefits from the proposals outweigh the loss of the building.

Comments made by Councillors included: the existing buildings on site and the shed could barely be seen from the vantage points visited during the site inspection; the vantage point from where the buildings were most visible was from Torquay Road and Courtenay Park; the impact on Old Forde House and the gate pillars will be less than minimal; the setting of the heritage assets will not be damaged or compromised; a design different to the Aldi store standard design was welcomed, along with the retention, restoration and maintenance of the Signal Gantry and weather vane; the new building will be lower in height and therefore less of an impact if any; concerns for the detrimental effect on the amenities of residents including parking; traffic increase and highway safety issues; there is an enormous amount of public interest not to destroy the railway carriage workshop shed, which will be irreplaceable; no convincing argument to justify the demolition of the Shed and this should be challenged; the site is a gateway to the town and has a key role to play; the residents amenities will be compromised; residents should be contacted to discuss what can be done to relieve the congestion for them in Forde Close; there could be far worse amenity issues for the neighbours should the site be used for other industrial purposes such as engineering.

The Business Manager commented that the site is an employment site at present and bearing this in mind the conditions are reasonable and will safeguard residents' amenities. It is considered there will be no impact on the setting of the designated heritage assets and the benefits outweigh the loss of the non designated heritage asset. There is no sequentially preferable site in the town for a foodstore.

It was proposed by Councillor J Hook and seconded by Councillor Rollason that the application be refused on the grounds of the loss of a non designated heritage asset, and loss of employment land.

The Business Manager referred to the support of the application by the Economic Development Officer. Loss of employment land would be hard to justify given that there was none currently at the site. The loss of a non designated heritage asset would also be hard to justify given the balance with the significant benefits of the proposal. The Solicitor advised that any reasons for refusal should be based on reasonable grounds. Unreasonable reasons could result in costs being awarded against the Council at appeal.

The proposer and seconder agreed that the proposal should be amended to omit reference to the loss of employment land.

Planning Committee (20.2.2018)

The vote was taken on the amended proposal above and it was lost by 5 votes for and 14 against.

It was proposed by Councillor Prowse and seconded by Councillor Dennis that the recommendation as set out in the report circulated with the agenda, at agenda pages 108 to 113 be accepted. This was carried.

Resolved

Subject to re-entering into and completion of a Section 106 obligation as set out in the original Committee Report approved at Committee on 13 June 2017:

Planning permission be granted subject to the following conditions:

Full planning permission for the demolition of existing buildings and the erection of class A1 food store (1,140 square metres net) with associated car parking and landscaping

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Received on 17 October 2016

Drawing Number 140043 P(1)01 Revision A – Site Location Plan

Drawing Number 140043 P(1)04 – Proposed Roof Plan

Drawing Number 140043 P(1)03 Revision A – Proposed Floor Plan

Energy Statement

Carbon Reduction Plan

K2 Systems Solar Panel Technical Information and Conext CL three-phase grid-tie inverter details

Preliminary Ecological Appraisal dated September 2015

Bat Survey Report dated October 2015

Static Monitoring Bat Survey dated November 2015

Received on 31 October 2016

Arboricultural Impact Assessment and Tree Protection Plan dated 19 October 2016

Received on 2 February 2017

Drawing Number 140043 P(1)14 - Proposed Store Sections

Received on 1 June 2017

Drawing Number 140043 P(1) 05 Revision N – Proposed Site Plan

Received on 1 August 2017

Drawing Number 140043 P(1)18 – Proposed Store Elevations

Received on 24 October 2017

Updated Bat Survey Results 2017 dated 23 October 2017

Received on 20 November 2017

Drawing Number 140043 P(1)20 Revision H – Site Layout Plan

REASON: In order to ensure compliance with the approved drawings.

3. The Use Class A1 foodstore opening hours shall be no longer than 08:00 – 22:00 Monday to Saturday and 10:00 – 17:00 on Sundays.

REASON: In the interests of protecting neighbouring amenity.

4. Prior to the foodstore first trading a Service Yard Management Plan to include best practice for deliveries (to include details about the use of crash mats, vehicles engines to be cut as soon as the delivery vehicle parks within the service bay, no movement of trolleys outside of the building) shall be submitted to and approved in writing by the Local Planning Authority. Deliveries to the store shall operate in accordance with the approved document.

REASON: In the interests of neighbouring amenity.

5. Deliveries shall only take place between the hours of 07:00 - 21:00 Monday to Saturday and 09:00 – 16:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.

REASON: In the interests of neighbouring amenity

6. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.

REASON: In the interests of neighbouring amenity.

7. The collective acoustic impact of the use of the retail unit and any equipment or machinery must not increase existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade.

REASON: In the interests of neighbouring amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no internal sub-division of the foodstore to create multiple units and no provision of mezzanine floors.

REASON: To protect the vitality and viability of the town centre and in accordance with the application submission.

9. There shall be no more than 1,140 square metres net retail floor area provided within the foodstore of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods.

REASON: To protect the vitality and viability of the town centre and in accordance

with the application submission.

10. Prior to the foodstore first trading the car parking and associated vehicular and pedestrian access points shall have been completed in accordance with the detailing set out in the hereby approved plans.

REASON: To provide safe and adequate parking and access.

11. Prior to their installation full details of all external plant associated with the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

REASON: In the interests of neighbouring amenity and the character and appearance of the building and the wider area.

12. Prior to the retail foodstore first trading, utility services shall be taken to the employment land and the employment land access shall be fully completed in accordance with the approved plans.

REASON: To ensure that the employment land can be brought forward in a timely manner.

13. The existing Signal Gantry and the stone building remnants adjacent to the western boundary shall be retained and renovated in accordance with an agreed schedule of works. The Schedule of Works shall be submitted to the Local Planning Authority for written approval prior to the retail unit first trading and shall include an associated timetable for the renovation works to take place. Works shall proceed in accordance with the approved details.

REASON: In the interests of protecting these non-designated heritage assets and the character and appearance of the area.

14. Prior to the retail store first trading the existing northern most vehicular access point shall be closed off in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of neighbouring amenity and highway safety.

15. Prior to works proceeding past foundation level cross sections through the decorative bays on the east and west elevation shall be submitted to and approved in writing by the Local Planning Authority. These shall be at a scale of 1:10 or similar and shall be vertical and horizontal. Works shall proceed in accordance with the approved details,

REASON: In the interests of the character and appearance of the building and the wider area.

Outline planning permission for the employment units with all matters other than access to be reserved

16. Approval of the details of layout, scale, landscaping and appearance of the

building(s), (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To enable full and proper consideration of the proposed development.

17. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

18. The development shall be begun before the expiry of two years from the date of final approval of the reserved matters.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

19. Notwithstanding the description of the development the premises shall be used for purposes falling within Use Class B1 only and for no other purpose (including any other use permitted by the Schedule of the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications or by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification)).

REASON: In the interests of neighbouring amenity and highway safety.

20. The first application for reserved matters approval for layout, scale and appearance shall set out clearly a scheme for the provision of a minimum of 5 x bat boxes to be incorporated into the proposed buildings and shall be delivered on site prior to the employment buildings being first brought into use. The bat boxes shall be maintained and retained in perpetuity.

REASON: To provide alternative accommodation for bats following the demolition of the existing buildings on site.

21. Applications for reserved matters approval for the employment units shall be accompanied by Acoustic Statements and Delivery Strategies demonstrating that the collective acoustic impact of the use covered by such an application and any equipment or machinery does not increase existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade.

REASON: In the interests of neighbouring amenity.

22. Deliveries shall only take place between the hours of 07:00 - 21:00 Monday to Saturday and 09:00 – 16:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.

REASON: In the interests of neighbouring amenity.

23. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.

REASON: In the interests of neighbouring amenity.

For the overall permission

24. Prior to the commencement of construction work on site of the retail unit a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details. The first application for reserved matters approval for layout, scale and appearance for the employment land shall be accompanied by a surface water drainage scheme for written approval and works shall proceed in accordance with those approved details.

REASON: In order to ensure that a satisfactory and sustainable surface water drainage system is provided.

25. Within two months of the commencement of development of the retail unit full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority for the retail unit and its associated areas.

Details of soft landscape works shall include a scheme for replacement tree planting including tree pit detailing, retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include means of enclosure; boundary and surface treatments; vehicle and pedestrian/cyclist circulation; structures; signs and lighting). All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan. Landscaping proposals for the employment land shall be submitted with the reserved matters application(s).

REASON: To secure a landscape scheme that will complement the development in the interests of visual amenity.

26. Prior to their use on external surfaces, samples of all materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed and be retained in accordance with the approved details.

REASON: In the interests of the character and appearance of the building and the wider area.

27. Prior to the commencement of works on site, including demolition, a detailed demolition and construction management plan shall be submitted. The Plan shall specify details of:

- the hours of demolition/construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
- loading and unloading of plant and machinery;
- facilities for the storage of plant, machinery and materials used in the construction of the development;
- the erection and maintenance of security hoardings;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for the recycling/disposal of waste resulting from the demolition/construction works;
- a scheme for the salvaging and re-use of the weather vane on the Goods Shed.

The development shall not be carried out unless in strict accordance with the approved details, unless the Local Planning Authority grants its prior written approval to any variation.

REASON: In the interests of local amenity and highway safety.

28. Other than the demolition of the modern office block, no development including demolition to which this permission relates shall commence until an appropriate programme of historic building recording and analysis, and archaeological monitoring and recording, has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure that an appropriate record is made of the historic building fabric and other archaeological evidence that may be affected by the development.

29. Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

REASON: To safeguard foraging paths for legally protected bats, including bats from the South Hams Special Area of Conservation and in the interests of neighbouring amenity.

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Development shall not thereafter proceed unless in strict accordance with the

measures identified in the approved remediation strategy and verification plan. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

REASON: To ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

(14 votes for, 4 against and 1 abstention)

- g) **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 infrastructure (all matters reserved for future consideration)**

Note: Councillor Bullivant declared a pecuniary, Appendix A interest by virtue of his residence being in proximity to the application site, and left the meeting while the application was determined.

The Committee was referred to the transport assessment addendum submitted by the Applicant to address transport and highway concerns of the Committee. The document included photographs of two large vehicles passing at various locations along Howton Road from the junction with Mile End Road to the site. The applicant had arranged for hedges to be cut back.

The proposal would include junction improvements at Mile End Road and the location of bollards along Howton Road to make it a no through road, to the satisfaction of the County Highway Engineer.

Public Speaker, Objector – Highway safety: Howton Road is single track with high hedges and walls unsuitable for the additional traffic from the additional dwellings; the hedges will grow back reducing the width of the road still further; the road is unsuitable for the additional traffic from 32 houses which will be significant; on street parking spaces will be lost; construction traffic and other large vehicles will have to reverse a significant distance when meeting a passing car; and contrary to the Local Plan promoting Howton Road as a safe cycle and pedestrian route.

Public Speaker, Supporter – The advice from the Highway Consultant has been taken on board in the traffic assessment, and during construction; the cycle route will pass through the development opposite Western House; the entrance to the site will be at the widest part of the road, and will have a visibility splay of 25 metres.

Comments from Councillors included: the road is unsuitable for the additional traffic being narrow, no pavements and with blind corners; the cutting back of the hedges is a one off and would not be repeated; construction traffic and cyclists/pedestrians is an unsafe combination, when the area has been promoted for cyclists.

The Devon County Council Highway representatives advised that Howton Road

would become a cul-de-sac with the location of bollards, and the hedges would be cut back should they obstruct the road.

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

Resolved

Permission refused for the following reason:

1. Road unsuitable for level of traffic generated by 32 dwellings.
(15 votes for and 2 against)

Note: The refusal of the application was contrary to the advice of the Business Manager. The Committee considered the application unacceptable for reasons set out above.

326. EXCLUSION OF THE PUBLIC AND PRESS

Resolved

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

327. 16/03251/MAJ - EXMINSTER/SHILLINGFORD ST GEORGE - WEST EXE PARK, ALPHINGTON

The Business Manager and Solicitor reported on legal advice relating to the appeal against refusal of planning permission reference 16/03251/MAJ - Exminster/Shillingford St George - West Exe Park, Alphington - Outline application for employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, an internal road layout, car parking, landscaping, services and all other associated development (approval sought for access).

At this juncture the Committee returned to public session and Part I of the agenda.

328. EXMINSTER/SHILLINGFORD ST GEORGE -17/03039/MAJ, WEST EXE PARK, ALPHINGTON - OUTLINE - EMPLOYMENT DEVELOPMENT (USE CLASSES B1, B2 AND B8) UP TO 47,112 SQUARE METRES (GROSS FLOOR AREA) TOGETHER WITH ASSOCIATED INFRASTRUCTURE INCLUDING NEW VEHICULAR ACCESS, INTERNAL ROAD LAYOUT, CAR PARKING, LANDSCAPING, SERVICES AND ALL OTHER ASSOCIATED DEVELOPMENT (APPROVAL SOUGHT FOR ACCESS)

Note: Councillor Clarence advised that he had a predetermined view on the application and left the meeting while the application was determined.

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.

The Business Manager advised the following and explained why Officers were recommending approval.

- The previous application was refused on highways and landscape grounds that were not supported by the Council's expert consultees. An appeal has been lodged and there is a very significant risk of losing that appeal with the very real potential for a full costs award against the Council.
- This revised application continues to propose the transport benefits negotiated under the previous application (s106 items a – e). In addition this new application includes up to date traffic counts to remove the doubts about the previous figures. To further reduce likely traffic impacts the B1 element of the proposed development is now to be limited to exclude offices.
- The landscaping proposals have been updated and parameter plans for the landscaping have been submitted to give confidence that substantial planting will be provided to limit the visual impact of the development.
- This is an outline application, only access is being considered in detail at this time. So the floorspace and the mix of employment uses falls to be considered at reserved matters stage. Therefore the precise number of jobs that will be created is unclear, but it will clearly be a significant number.
- There is an immediate need for employment land in Teignbridge – the Local Plan aims to improve the balance of jobs to working age population by providing 12,000 sq m of employment floorspace per year over the plan period. In the first 3 years of the plan only 26,000 sq m were completed so there is already a shortfall of 10,000 sq m. Meanwhile the Council is successfully delivering the required 620 houses per year. If Teignbridge is to be a sustainable place where people can live and work the Council needs to provide jobs to keep up with the successful housing delivery. Job Creation and Encouraging our young people to stay are 2 of the Key Objectives of the Council Strategy.
- The allocated site has planning permission but has not yet come forward – this is because the infrastructure costs have proven higher than expected, in particular the electricity supply in excess of £1m in addition to the new roundabout. The larger site will spread these costs over a greater area, making the overall scheme more viable. The Applicant is confident that permission for the larger site will be viable and has agreed to a shortened time limit for submission of reserved matters to demonstrate their commitment to early delivery.
- It is accepted that there is significant local objection to the proposal and it is absolutely right that Members should take that into account before making a decision. However the objections do need to be balanced against the significant local and district-wide economic and sustainability benefits that will be delivered. Even at the lower end of the range – 500 jobs would be very significant to the

local economy. In view of the lack of any policy or technical objections Officer's view is that the economic benefits of this scheme far outweigh any residual impacts and for that reason the application is recommended for approval. The Principal Planning Officer advised that an additional representation has been received emphasising the need for enhanced facilities for non-car users.

Public Speaker, Objector – The views of the Parish Councils have not been taken into account; at a highways meeting in October 2017 it was advised that an additional slip road could not be added to the A38 because it would be too close to existing junctions: the safety audit for the cycle route has not been provided; no provision for cyclists for crossing the A38; unsafe cycle routes next to a busy dual carriageway; there is no affordable and convenient public transport to the site; increased traffic and pollution along the A38 and A379; increased HGV's running through the villages particularly Kennford; and no mitigation for the increased traffic flows.

Public Speaker, Objector – This application fails to address the previous reasons for refusal and is contrary to several policies - employment land is compromised, the site is unsustainable, increase in traffic, and development in the open countryside.

Public Speaker, Supporter – This is a responsible development with mitigation measures; a traffic survey evidences that the site would have a minimal impact on Kennford; building heights have been fixed; comprehensive landscaping scheme to protect the landscape; it would be a valuable economic boost to the area; the employment allocation in the Local Plan is not being achieved; provision of employment for the 2000 dwellings being developed south west of Exeter; and the area is a Regional Growth Point.

Public Speaker, Supporter – Exeter is the second fastest growing City nationally, with a 3.5% rise in GDP and additional employment sites were needed; statistics from SWERDA evidence 3.5k public sector jobs lost for the region but with a gain of 7k private sector jobs; 1500 jobs would be created at the site, and would meet the demands of the house building aspirations.

Comments from Councillors included: contrary to Local Plan policies; detrimental effect on amenities of neighbouring communities; unsustainable; the original site was unviable; potential difficulties with connection to Western Power; empty employment units at Marsh Barton and Sowton; development in the countryside; unsafe cycle and pedestrian routes; dangerous laybys for bus stops; unacceptable increase in traffic for Kennford; decreased air quality; impact on surrounding transport network, gridlocks; detrimental effect on tourism; failed to take into account the effect of the proposal on the setting of the nearby historical buildings Peamore House and Cottage, and views from the listed Haldon Belvedere; the Local Plan encourages employment in the heart of Teignbridge and not as a satellite for Exeter; the site is not allocated as such in the Local Plan; the smaller development was not viable due to utility costs; reasons for refusal include Area of Great Landscape Value, effect on neighbouring heritage assets, it undermines the Teignbridge Local Plan policies that the priority for economic growth is in the Newton Abbot Town Centre, and employment land requirements are already met; all major planning applications receive objections; 1500 jobs would be created at

the site, which is a well located site for employment; there are no substantial grounds to refuse the application on highway issues.

In response the Committee was advised that employment land is not coming forward for Newton Abbot; the development does not form part of the setting of Peamore House or Cottage; a clear need has been demonstrated for additional employment land; the significant benefits from this application outweigh other issues.

The Economic Development Manager advised the following:

- This site will deliver much needed employment land in the district. If this was an application for housing it would be scrutinised in depth under the 5 year land supply situation and delivery to date. The Council has delivered around a third of the employment floorspace planned, but none of it has been on the allocated sites.
- The application will also address a wider need for the Greater Exeter area, which the Council has committed to both through the GESP, shared economic strategy and its 10 year strategy.
- With reference to the 10 year strategy, the Going to Town and Investing in Prosperity projects form the basis of the emerging work on the Council's Economic Development Plan, which some Members are contributing to as part of a review group. He drew Members attention to three of the actions under Investing in Prosperity that are relevant to this application: The Council
 - will grant applications which help create jobs.
 - will work with Greater Exeter Councils to bring business into the area
 - will grasp opportunities to improve the areas economic base
- Clearly there will always be a balancing of issues and this isn't a carte blanche approach, but it is a very clear direction of travel.
- As highlighted in paragraph 3.29 of the Committee report, an annual review of the South West Property Market by property consultants James Lange Lasalle highlighted the pent up demand for employment space due to the lack of available sites, particularly for manufacturing and logistics and on the key strategic transport corridors.
- In that review they cited Dragonfly Foods, based in Buckfastleigh. The Council worked with Dragonfly for several years to try and help them secure new premises to meet their growing needs. For a number of reasons they were unable to secure a site and have now moved to a site at Willand near Cullompton in Mid Devon.
- Paragraph 3.28 refers to an unmet demand of 30,000sqm of employment floorspace from existing Teignbridge businesses. This is now around 25,000sqm as Dragonfly were part of that demand. This shows how real the risk is of losing businesses, jobs and business rates.
- The Economic Development Manager's finally reiterated the significance of the safeguarding of land for a slip road. This will be of significant benefit to the local economy and could help tackle congestion to the south of Exeter.

In response to the issue raised regarding the impact on the setting of the heritage assets, the Business Manager advised he was content that the proposal would not have an impact on the setting of the heritage assets.

Further comments from Councillors included; Exeter receives several applications for inward investment to one received by Teignbridge; the proposal will provide opportunities for Teignbridge residents; there should be more effort in bringing forward employment opportunities with large housing development more central to Teignbridge, and Newton Abbot in particular.

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

Resolved

Subject to:

The completion of a Section 106 Agreement to provide:

- a) A £250,000 sustainable transport contribution to deliver an off-site cycleway alongside the A379, or the delivery of the cycleway by the developer.
- b) Delivery of off-site bus stops along the A379.
- c) A £5,000 contribution for a Traffic Regulation Order to enable the delivery of a scheme of signage for a 7.5 tonnes weight limit for the village of Kennford.
- d) Scheme for provision of signage at the western and eastern end of Days Pottles Lane to outline that the road is unsuitable for HGVs.
- e) Land for a future slip road as part of a wider strategic objective for Devon County Council to be made available in perpetuity.

Permission be granted subject to the following conditions:

1. Requirement for reserved matters submissions.
2. Time limit for submission of reserved matters.
3. Time limit for commencement of development.
4. Development to proceed in accordance with the approved plans/documents including building height parameters plan and landscape zones.
5. Development Phasing, uses and quantum (B1c, B2, B8 only and removal of Permitted Development Rights to change).
6. Compliance with section 7 (Table 12) of the Ecological Survey.
7. Any relevant reserved matters application to be accompanied by a landscaping plan showing trees planted within or adjacent to hard surfaces and all trees to be container grown and not planted until written approval received.
8. Submission of an operational Landscape and Ecological Management Plan to be approved in writing by the Local Planning Authority.
9. Construction Environmental Management Plan (CEMP) will have been submitted to and approved in writing by the Local Planning Authority.
10. Limitation of hours of operation during the construction period to 7 a.m.–7 p.m..
11. All plant and machinery to not exceed the prevailing background noise levels as existing, by more than 5db at noise sensitive properties.
12. Relevant reserved matters applications to include details of design measures to reduce noise levels.
13. A parking strategy/framework travel plan for the site shall be submitted to and approved in writing by the Local Planning Authority, with parking thereafter maintained in accordance with the approved details.
14. A travel plan to be submitted to the Local Planning Authority for approval in writing prior to the occupation of each unit, and the travel plan implemented as approved. The travel plan shall detail a preferred route for traffic accessing the A38 north from the site that avoids travelling through Kennford Village centre.

15. Prior to the first occupation of each building, cycle parking facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Cycle parking shall thereafter be maintained in accordance with approved details.
16. Implementation of a programme of archaeological work in accordance with a written scheme of investigation.
17. Temporary and permanent surface water drainage management has been submitted to and approved by the Local Planning Authority.
18. Full details of a foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority.
19. Unsuspected contamination.
20. Notwithstanding the submitted details, full access details including the new roundabout shall be submitted to and approved in writing by the Local Planning Authority. The access works and roundabout shall be completed in accordance with the approved details prior to first occupation.
21. Provision of an external lighting scheme to be submitted and approved by the Local Planning Authority.

(7 votes for, 6 against and 2 abstentions)

329. APPEAL DECISIONS

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

330. EXCLUSION OF THE PUBLIC AND PRESS

Resolved

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

331. 16/03251/MAJ - EXMINSTER/SHILLINGFORD ST GEORGE - WEST EXE PARK, ALPHINGTON

Following further consideration of legal advice it was proposed by Councillor Bullivant, seconded by Councillor Dennis and

Resolved

That recommended option 3 as set out in the report be approved.
(13 votes for and 0 against)

DENNIS SMITH
Chairman