

PLANNING COMMITTEE

TUESDAY, 17 APRIL 2018

Present:

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

Members Attendance:

Councillors Clemens, Dewhirst, Gribble, Haines and Russell

Apologies:

Councillors Colclough, Fusco, Jones, Orme and Prowse

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Paul Clough, Temporary Legal Advisor
Hannah Milford, Legal Assistant
Rosalyn Eastman, Principal Planning Officer
Claire Boobier, Planning Officer
Kelly Grunnill, Senior Planning Officer
Steve Hobbs, Senior Planning Enforcement Officer
Mark Devin, Democratic Services Officer (Exeter City Council)

402. MINUTES

The minutes of the meeting held on 9 March 2018 were confirmed as a correct record and signed by the Chairman. (15 votes for, 0 against, 2 abstention).

403. 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 welcomed public speakers to the meeting.

404. DECLARATIONS OF INTEREST.

No declarations of pecuniary interest were made.

405. 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) CHUDLEIGH - 18/00333/FUL - 169 Palace Meadow - Single storey side extension
The Business Manager – Strategic Place reported that there were no updates to the application.

It was proposed by Councillor Smith and seconded by Councillor Mayne and

Resolved

That permission be granted subject to the following conditions:

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

(18 votes for and 0 against)

406. BOVEY TRACEY - LAND NORTH OF INDIO HOUSE, NEWTON ROAD

Public Speaker, Objector – Objected on behalf of a local resident on the grounds that Bovey Tracey would accommodate 600 new homes rather than the 400 outlined in the local plan; an Environment Impact Assessment would need to be undertaken to assess the impact on the 12 species of bat which inhabited the area, as recommended by the Devon Wildlife Trust; the application did not comply with the policy so there are ecological reasons to refuse the application; there could be substantial harm to the heritage of the location; and the average speed on Newton Road was in excess of 44 mph, differing to the 2003 speed survey. A new survey should be performed and all key highway information provided.

Public Speaker, Objector – Objected on the grounds that the report was inconsistent with the local plans options for site access and that the access points had not been addressed at the correct planning stages. Members needed to note that the chosen options for accessing the site from Newton Road would be impacted by driver speeds, which were above 30 mph. A new road survey needed to be undertaken to assess the Newton Road.

Public Speaker, Supporter –the applicant had worked closely with the Council officers to make the application both acceptable and sustainable. The junction entrance would only be widened. The number of units would be proportionate to the site to deliver affordable homes, public open spaces and ecological enhancements.

The Principal Planning Officer presented the report explaining that the application was for 30 new homes, which was under the Environmental Impact Assessment threshold of 1000 homes and therefore not required. Natural England had confirmed there would be no impact on the local wildlife following a habitat assessment at the location. The proposed entrance widening would improve visibility at the junction onto Newton Road. Devon County Highways would secure increased visibility through a Section 278 Agreement.

Comments from Councillors included: the driveway and entrance would impact the area and heritage; the location was not suitable for 30 new homes; concern about the loss of trees; access for larger vehicles; the detrimental effect that a population increase would have on the area; a speed survey to be undertaken to address the speed limit on Newton Road; issues with multiple access points to the site; the development could lead to a loss of the period archaeology and local wildlife heritage; more information was required from South West Water on drainage and flood impacts.

In response the Principal Planning Officer and Business Manager, Strategic Place stated that ecological and environmental impact assessments had been undertaken and a Tree Preservation Order (TPO) would be in place during the development period. He clarified that the local plan detailed multiple alternatives to access the site and not multiple access points. Devon County Council had withdrawn their objection for drainage, the entrance driveway would be maintained by a management company and a site survey had been already been undertaken to address the site archaeology concerns.

The local plan had approved the site for development, and a condition would be added to ensure more information was provided. However there was not enough evidence for refusal, which could lead to an appeal. If more information was required, the Business Manager, Strategic Place recommended deferring the item.

It was proposed by Councillor Haines and seconded by Councillor Dennis and

Resolved

Permission be refused on highways and heritage grounds but decision deferred to consider an Officer's report on refusal options.
(15 votes for and 2 against)

**407. TEIGNMOUTH - 17/02233/FUL - MARLYN HOUSE, SECOND DRIVE -
CONVERSION AND EXTENSION OF DWELLING INTO EIGHT FLATS**

Public Speaker, Supporter – explained he was the owner of Marlyn House, located in a conservation area had been derelict for 15 years. The proposal was to restore the private dwelling, extending its size to develop eight units for residential use. The applicant has been working with Planning Officers and had consented to include conditions on the application and to remove the north elevation windows. Objectors had requested the property be reverted back to a private dwelling, but the property was appropriate to supply affordable homes.

The Planning Officer advised that updates had been received from both the Conservation Officer and Devon County Council, had been circulated to Members and that Marlyn House had been subject to antisocial behaviour requiring intervention from the police and Council.

Comments from Councillors included: a way forward to restore the property following years of neglect and issues with anti-social behaviour; reconstruction of the stone wall boundary would be acceptable in a conservation area; the

development needed to remain in character to the conservation area; concerns about the size of the application and the offsite contributions; the one year time limit for commencement must be adhered to and all conditions be followed; the priority for the site would be to restore the property back to a suitable dwelling to match the surrounding area.

In response the Planning Officer and Business Manager, Strategic Place explained the written ministerial statement was balanced alongside the local plan policy for affordable housing, moderated by the national planning guidance. The offsite contributions would be appropriate to meet the affordable housing policy, and there would be little difference in the cost between one and two bedroom flats.

It was proposed by Councillor Hook and seconded by Councillor Dewhurst and

Resolved

That subject to applicant signing a Section 106 agreement to secure the provision of an offsite affordable housing contribution of £18,139, that permission be granted subject to the following conditions:

1. Time limit of 1 year for commencement;
2. Development to be carried out in accordance with the approved plans;
3. The exterior refurbishment works to Marlyn House including replacement windows shall be completed prior to the erection of the new extension;
4. Recommendations for watching brief as set out in the ecology report to be followed;
5. Surface water drainage scheme including infiltration testing results shall be submitted for approval and installed prior to occupation of any apartment;
6. On-site parking provision and turning area to be provided prior to first occupation of any apartment and thereafter kept free of obstruction;
7. The cycle store shown on the submitted site layout plan shall be provided prior to first occupation of any apartment and thereafter retained free of obstruction;
8. Low stone boundary walling to be provided prior to first occupation and thereafter retained;
9. Sample of stone for boundary walling to be submitted and agreed in writing by the Local Planning Authority prior to installation and shall thereafter be installed and retained in perpetuity;
10. The refuse and recycling store shown on the site layout plan shall be provided prior to first occupation of any flat and shall thereafter be retained for storage of refuse and recycling;
11. Material samples to be submitted for approval unless matching materials used;
12. Landscaping scheme to be submitted and agreed and planted in first available planting season following first occupation of any of the apartments;
13. The windows in the north elevation of the proposed extension shall be obscure glazed;
14. Construction Management Plan to be submitted for approval;
15. The communal gardens/amenity space shown on site layout plan shall be provided prior to first occupation and shall be retained thereafter;
16. Roof lights shall lie flush with the external plane of the roof and shall not project above it;

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17. Prior to installation of replacement or new windows/doors full 1:5 scale cross section details of the proposed windows to include details of glazing bars, glazing and means of fixing, frame, sill and window reveal depth shall be submitted to and approved in writing by the Local Planning Authority;

Additional conditions as set out by the Devon County Council Highways Officer as follows:-

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

REASON: In the interest of local amenity.

Additional conditions as set out by the Teignbridge District Council Conservation Officer as follows:-

1. New render specification to be agreed prior to first use;
2. Sample of slate and tiles to be used shall be agreed and shall be traditionally fixed;
3. Existing decorative barge boards and finials, band courses and corbels to windows shall be retained;

4. Sample of rainwater goods and barge boards to be used shall be submitted and agreed prior to first use;
5. Details of the new piers to the entrances shall be agree prior to first installation;
6. External lighting scheme for lighting within car park to be agreed prior to first installation;
7. Landscaping details to be agreed;
8. Section and details of walls including capping and materials to be agreed;
9. Prior to commencement of works on the car parking area a site section shall be provided and agreed showing levels for this area, and height of cars in relation to boundary walls and any screening proposed to mitigate any impact identified;
10. Notwithstanding details provided details of windows/doors to be installed to be agreed prior to installation including material and profile;
11. Details of fascia and soffits to be submitted and agreed.

(15 votes for, 1 against, 1 abstain and 1 no vote)

408. KINGSKERSWELL - 17/03030/VAR - LAND AT FLUDER HILL - VARIATION OF CONDITION 1 ON PLANNING PERMISSION 16/00022/VAR TO AMEND LANDSCAPING, REVISE TURNING HEAD, SHORTEN ACCESS ROAD, AMENDMENTS TO WINDOWS, PROVISION OF UP TO DATE SURVEY AND ROAD RETAINING WALL

Public Speaker, Supporter – explained he had been appointed by the owner of the site and following a survey to confirm the size and layout of the property, they would be using the original landscape proposal, finalised the building design and removed the need for a drainage pumping station.

The Senior Planning Officer presented the report confirming that additional representations had been received.

Comments from Councillors included: issues with the size of the site; the removal of earth from the site would require council approval; plan details required clarification; timescales of the site work and landscaping details to be added to the plan.

In response the Senior Planning Officer confirmed that the field would be seeded and the existing pathway would be removed, leaving just the access point.

It was proposed by Councillor Haines and seconded by Councillor Clarence and

Resolved

That permission be granted subject to the following conditions:

1. Development to be carried out in accordance with the approved plans;
2. Removal of Permitted Development Rights – Part 1, Schedule 2 (Classes A, B, C, D, E and G – alterations and extensions to dwellings, outbuildings, roof alterations, porches, chimneys and flues);
3. Hard and soft landscaping, retaining structures and boundary treatments to be undertaken prior to first occupation and thereafter maintained in accordance with approved plans and details;

4. Notwithstanding condition 2, details for additional hedge and tree planting to the rear of Plot 2 and 3, along the shared neighbouring boundary, including implementation and management, shall be submitted to and approved in writing and undertaken in accordance with the approved details. Planting mix shall be evergreen and of native species;
5. Remediation works to land edged in blue on submitted drawings to be undertaken in full within two months following completion of the last dwelling. Confirmation shall be submitted to the Council in writing;
6. The garage at plot 3 shall be used ancillary to the enjoyment of the property only and shall not be used as extra living accommodation (incidental to or annexed to Plot 3);
7. External materials for Plot 1, 2 and 3 and associated garaging to accord with those previously approved.

(18 votes for and 0 against)

409. NEWTON ABBOT - 17/03073/FUL - 20 BUCKLAND BRAKE - CHANGE OF USE OF HOUSE IN MULTIPLE OCCUPATION 6 PERSONS (USE CLASS C4) TO HMO FOR UP TO 8 PERSONS (SUI GENERIS)

Public Speaker, Objector – Objected on the grounds that residents considered that the eight person House in Multiple Occupation (HMO) to not be suitable for the area or street scene. 82 objections had been submitted about car parking which they felt the location could not sustain. Inspectors had also raised the issue of noise disturbance and privacy from overlooking in a recent appeal decision elsewhere in Newton Abbot.

Public Speaker, Supporter – Confirmed that applications had been submitted to the planning officers at each stage of the development. Devon County Highways had confirmed they were happy with the application. The property would provide a good standard of accommodation and would be managed by a local estate agents.

Comments from Councillors included: the existing issue of congestion in the area which was an access route to the shopping area; additional cars would create an adverse effect on the existing neighbours with limited parking; the development was considered inappropriate and impact on the surrounding area; parking would take place on roads and would be difficult to control.

The Business Manager – Strategic Place explained that the lawful use of the property as a 6 person HMO must be considered. The applicant had requested to raise the development from a six to an eight person HMO, which the Officers considered would not have any significant additional impacts.

It was proposed by Councillor Parker and seconded by Councillor Winsor and

Resolved

That permission be refused for the following reasons:

- (1) The adverse effect on residential amenity and character of the area.

(15 votes for, 2 against and 1 no vote)

410. SHALDON - 18/00210/FUL - 22 HORSE LANE - REPLACING FELT ON FLAT ROOFED DORMERS, REPLACEMENT OF HUNG CONCRETE TILES ON DORMERS WITH CLADDING AND INSTALLATION OF CLADDING ON SIDE AND REAR EXTENSIONS

Public Speaker, Supporter –the applicant provided Members with samples of the proposed colour schemes for dormer cladding. They had requested to use a lighter shade, which had been supported by four neighbours. Planning officers had requested the use of a traditional brown colour.

The Business Manager – Strategic Place explained there had been no updates to the application and that the only matter at issue was an agreement of the cladding colour on the dormers.

Comments from Councillors included: the colour scheme would not impact the conservation area, which had existing modern designed homes previously built.

It was proposed by Councillor Bullivant and seconded by Councillor Winsor and

Resolved

That permission be granted subject to the following conditions:

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

(17 votes for and 0 against)

411. ENFORCEMENT REPORT - LAND FORMERLY KNOWN AS THE HAUNT, TEIGNMOUTH ROAD, HOLCOMBE, DAWLISH

Comments made by Councillors included: the site licence allowed the developer access to work and impact the area; residents should have a right to vote on the development of the site and clarification was needed on site licences; a site visit by Members would be required.

The Senior Planning Enforcement Officer advised that it was difficult to assess how much ground levels had been raised by. The Business Manager – Strategic Place commented that historic photos could be provided for a site visit, but legislation did not specify the extent of groundworks allowed to comply with a site licence.

It was proposed by Councillor Rollason and seconded by Councillor Mayne that

Resolved

Consideration deferred pending a Member site inspection.

(17 votes for and 0 against)

412. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

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.

Chairman