

PLANNING COMMITTEE

TUESDAY, 15 MAY 2018

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Bullivant, Colclough, Dennis, Hayes, J Hook (was Brodie), Jones, Kerswell, Nutley, Pilkington, Prowse, Rollason, Winsor, Dewhirst (Reserve) and Haines (Reserve)

Members Attendance:

Councillors Clemens, Evans, Gribble and Morgan

Apologies:

Councillors Austen, Fusco, Keeling, Mayne, Orme and Parker

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Rosalyn Eastman, Principal Planning Officer
Donna Crabtree, Senior Planning Officer
Steven Hobbs, Senior Planning Enforcement Officer
Angharad Williams, Senior Planning Officer
Trish Corns, Democratic Services Officer
Michelle Woodgates, Devon County Council, Highways

17. MINUTES

It was proposed by Councillor Haines, seconded and

Resolved

The Minutes of the meeting held on 17 April 2018 be confirmed as a correct record, and signed by the Chairman. (8 votes for, 5 against and 2 abstentions).

Having been confirmed as a correct record the Chairman signed the Minutes.

18. CHAIRMAN'S ANNOUNCEMENTS

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.

19. DECLARATIONS OF INTEREST.

There were no declarations of interest.

20. ENFORCEMENT REPORT DAWLISH - 17/00100/ENF - SMUGGLERS CARAVAN PARK, TEIGNMOUTH ROAD EX7 0JF - REMOVAL OF HEDGEROW, POSITIONING AND HEIGHT OF THREE RESIDENTIAL CARAVANS

The Chairman referred to the deferment of the application at the last meeting for a Member site inspection. This was held on 24 April 2018, to which he attended, and he concurred with the recommendation of report, circulated with the agenda.

Following comments of concern from members that the alterations to ground levels have resulted in neighbours loss of privacy, and had been undertaken without the benefit of planning permission, the Business Manager advised that legislation and Permitted Development Rights has enabled the works to be undertaken, and which does not require planning permission.

It was proposed by Councillor Smith, seconded by Councillor Dewhirst and Resolved

That no enforcement action is taken. (13 votes for and 3 against)

21. 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) NEWTON ABBOT - 18/00683/LBC - The Butter Market, Market Street - Erection of a stud partition wall, roller shutter door and a new suspended ceiling in shop 1

It was proposed by Councillor J Hook, seconded by Councillor Prowse and

Listed building consent 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 details.
 3. The roller shutter door provided by HVP Security Shutters and illustrated on the roller shutter door detail photograph received on 27 April 2018 is hereby approved. The door shall be installed in accordance with the approved detail.
- (15 votes for and 0 against)

b) BOVEY TRACEY - 17/02751/FUL - The Lower Car Park, Station Road - new community hub building

Public speaker, supporter – The project will bring together voluntary groups and the community, following local public consultation; it would provide a flexible community hub for the community, including the provision of public toilets, replacing the existing, small office space for local business, a main hall for

community and voluntary group use, and a tourist information centre.

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

Resolved

Permission be granted subject to the following conditions:

1. Standard three year time limit for implementation;
2. Development shall be carried out in accordance with approved plans/documents;
3. Prior to commencement of development, details of hard and soft landscaping (including boundary treatments) shall be submitted and approved in writing by the Local Planning Authority;
4. Prior to commencement of development, details, material sample and specification of stonework for proposed dwarf walls and stone to be used on main building, including specification for pointing and bonding shall be submitted and approved in writing by Local Planning Authority;
5. Prior to commencement of development, specification details and a sample of the material for the roof, and ridge tiles, including fixing details, shall be submitted to the Local Planning Authority for approval;
6. Prior to works above dpc level, details of window recession, colour of window frames and details and specification of rainwater goods, including fascias shall be submitted to and approved in writing by the Local Planning Authority;
7. Prior to commencement of development, Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority;
8. Prior to commencement, an implementation of a programme of archaeological work to be undertaken in accordance with a written scheme of investigation, which shall be submitted to and approved by the Local Planning Authority;
9. Prior to commencement, submission of a detailed design of the proposed permanent surface water drainage management system shall be submitted and approved by Local Planning Authority;
10. External Lighting shall be carried out in accordance with the approved External Lighting Assessment as prepared by Smith Consult (dated 8 February 2018). All external lighting to be maintained in accordance with this document;
11. Prior to works above dpc level, details including floorplan, elevations and materials of the proposed maintenance shed located to the south east of the site shall be submitted to and approved in writing by Local Planning Authority;
12. Within three months of the building hereby approved being brought into use, the provision of a minimum of two bird boxes shall be fixed to the building, in accordance with paragraph 5.8 of the approved Ecological Survey.
13. Development to be carried out in accordance with the updated and hereby approved Flood Risk Assessment (Bovey Tracey Community Centre, JRC Consulting Engineers, April 2018), including the requirement for Finished Floor levels to be no lower than 29.2m AOD.
14. Prior to commencement of development, the submission of a scheme to minimise flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted and approved in writing by the Local Planning Authority.
15. Prior to the development hereby approved being brought into use, a Flood

Warning and Evacuation Procedure Plan will be submitted to and agreed in writing by the Local Planning Authority.
(16 votes for and 0 against)

c) **CHUDLEIGH - 17/01099/MAJ - Land At NGR 285932 78878, Station Hill - Reserved Matters approval for 218 dwellings and siting of 11 custom build plots (Outline planning permission 13/01062/MAJ)**

The Senior Planning Officer referred to the late representations document and recommended a further condition following advice from the County's Flood and Coastal Management Team: *Detailed drainage design for the duration of construction as recommended by Devon County Council.*

The Business Manager advised that the overall site is allocated in the Teignbridge Local Plan for a mixed use development. The application site itself already has outline planning permission for up to 230 dwellings. This is a reserved matters application that complies with the terms of that outline permission. Means of access was approved in detail at outline stage. This reserved matters application only concerns appearance, landscape, layout and scale.

The Business Manager added that the Applicants have engaged positively in negotiations with officers and the design and layout of the scheme the subject of the application is significantly improved from that originally submitted in May last year. Officers recognise that there is still a lot of public concern about the access arrangements, particularly regarding pedestrian access from the site into the town and the closure of Oldway. However, as stated, means of access has already been approved so these issues cannot be revisited through this reserved matters application. The Applicants are also aware of public concern regarding the closure of Oldway and have proposed an alternative, which would be considered under the next item on the agenda. For procedural reasons it is necessary to determine the reserved matters application before dealing with the subsequent Section 73 application which would allow the retention of one-way traffic in Oldway.

Referring the Committee to the officer recommendations and report circulated with the agenda, the Business Manager advised that there are still detailed ecological matters that require resolution but, subject to these being addressed, the recommendation on this application is approval because the appearance, landscaping, layout and scale are considered to be acceptable.

The Applicants are keen to deliver this allocated site as soon as possible, so, if Members are satisfied with all other aspects of the proposal it is recommended that the remaining ecological issues are resolved by officers without the need for further Committee consideration.

Public Speaker, Objector – on behalf of residents and the community, objected on the following grounds: highway safety – the footpath/cycle path is too narrow being the width of one person, unsuitable for pushchairs and on a bend in the road with limited visibility for drivers. It is unsuitable as the main footpath to the town centre.

Public Speaker, Objector – In addition to objections from the Town Council previously submitted, objections for the following reasons: loss of a Bronze Age

site; reduction in the affordable housing provision; access unsuitable for large number of traffic movements which will be generated from the development; unsustainable development because it will not be for the better; footpath too narrow and dangerous with traffic speeds nearer to 40mph than 30 mph; the unsuitable pedestrian route to town will isolate new residents from the existing community; and better access to town, or better facilities on site should be provided.

Public Speaker, Supporter – The site is allocated in the Local Plan and the principle of development has already been granted at outline stage; the current scheme is an improvement on the original having considered the Urban Design Guide principles; the development will provide onsite facilities and many financial contributions including the provision of a play space, Greater Horseshoe Bat mitigation, transport improvements and street design and materials to match the characteristics of the town; and much needed housing and community benefits will be provided.

Issues raised by Councillors included: increased flooding concerns; loss of a Bronze Age site; unsustainable development; development of a rat-run through Oldway; contribution towards a play area but which should be provided on site; footpath width inadequate, land should be provided for a wider footpath, and the number of units should be reduced to allow for an adequate footpath; no allotments; and the views of Natural England should be taken into account.

In response to issues raised above, officers reiterated that the current application related to reserved matters, and to matters already covered by the Section 106 Agreement. Concerns raised are those regarding the principles of the outline permission already granted, including means of access, and the number of houses. In relation to advice from Natural England, the Council can be challenged through the High Court in accordance with European Law if Natural England's views, a statutory consultee are not taken into account.

In response to further issues raised by Councillors, officers advised that: the plans showed two play areas; the Greater Horseshoe Bat mitigation scheme was yet to be finalised; there would be no impact on highways or surface water drainage and the Flood Risk Assessment is acceptable. A further recommendation as advised above would cover this issue; the footpath is not an issue of the Section 106 Agreement or reserved matters having been agreed at the outline permission stage; there is no land in the applicant's control to deal with the footpath concern that Members are now raising; and there is no policy requirement to provide allotments.

The Business Manager and Legal Adviser commented that there was strong grounds that a refusal of this application would result in the Applicant lodging an appeal, which would not have strong grounds for refusal, and therefore the situation of costs being awarded against the Council was likely. The Business Manager added that issues being raised were agreed at the previous outline planning approval stage. Officers should be given time to approach the Applicants to negotiate issues if members are minded to refuse the application. However, the recommendation was one of approval of the application and not deferment for

negotiation.

It was proposed by Councillor J Hook, seconded by Councillor Prowse and

Resolved

Consideration deferred for negotiations with the Applicant regarding inadequate location and connectivity of open spaces.

(14 votes for and 2 against)

Note: Deferment of this application was contrary to the report of the Business Manager. The Committee considered that it should be deferred for reasons outlined above.

d) **CHUDLEIGH – 17/02330/MAJ - Land At Station Hill - Variation of condition 4 (amended plans for highway arrangements) on planning permission 13/01062/MAJ**

Following the deferment of the previous application 17/01099/MAJ, it was proposed by Councillor Prowse, seconded by Councillor Jones and

Resolved

Consideration deferred because a decision has not been made on application 17/01099/MAJ. (14 votes for and 0 against)

e) **BOVEY TRACEY - 17/02118/MAJ - Land north of Indio House, Newton Road - Outline planning application for up to 30 dwellings and associated works (means of access to be determined only)**

It was reported that the Council's Design and Heritage Team Leader has withdrawn the objection set out in the report circulated with the agenda, in relation to the associated application 17/02275/FUL, because her previously stated concerns had been overcome by the additional information submitted since the last Committee meeting.

Public speaker, Objector – objections in relation to applications 17/02118/MAJ and 17/02275/FUL as follows: highway safety - means of access using the existing drive to Indio House has inadequate visibility, Newton Road does not have spare width for the provision of this, and the safety of cyclists, pedestrians and other road users will be put at risk; an acceptable alternative access off St John's Close is available; traffic survey methodology questionable as it was undertaken for a too limited a time; the existing drive is too narrow and cannot be widened to an acceptable width without unacceptable loss of trees.

Public speaker, Objector – objections in relation to applications 17/02118/MAJ and 17/02275/FUL as follows: highway safety – the validity of the traffic survey in relation to vehicle speeds is questionable when it was undertaken in wet conditions for a limited time; the access and drive is too narrow having been constructed in 1907; egressing vehicles will need to be halfway across Newton Road to gain sufficient visibility of the road; access from St John's Close is preferable; and

ecological concern relating to disturbance to Greater Horseshoe Bats.

Public Speaker, supporter – counteracted objections in relation to applications 17/02118/MAJ and 17/02275/FUL as follows: the methodology of the traffic survey was within guidelines; the access and drive is to an acceptable standard to serve the development and works which may otherwise be detrimental to trees and heritage assets are not required; the earlier concerns of Natural England have been withdrawn because the gateway listed structures and protected trees will not be affected; 30% affordable housing and 5% custom build will be provided; in addition to ecological enhancements.

The Principal Planning Officer advised that an alternative access route is not being proposed, and the Committee should focus on the current application for 30 dwellings, using the proposed drive. The access proposals are acceptable to Devon County Council Highways, including the visibility splays.

Comments raised by Councillors included: both the proposed access and St John's Close are unsuitable accesses; traffic survey should have been undertaken for a longer time period than an hour; and loss of privacy and overlooking to existing neighbours.

In response to comments above the Principal Planning Officer and the Legal Adviser emphasised that refusing the application on highway and heritage grounds would not be sufficiently robust reasons because there is no evidence to support refusal on these grounds that can be provided by the relevant officers at appeal.

It was proposed by Councillor J Hook, seconded by Councillor Nutley and

Resolved

Permission refused for the following reasons:

1. The access drive does not conform to Devon County Council Highways requirements for a shared use residential road accessing over 25 homes, and it has not been demonstrated that it would be possible to bring it up to this standard without having a detrimental effect on the setting of and approach to Indio House, a Grade II Listed Building. The access drive is proposed to be unlit, with no pavements, no edge strips, no kerb stones, and has no structures or legal means for satisfactorily controlling parking along it. The proposal is therefore considered to be contrary to Policies S1 (Sustainable Development criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework (NPPF); and,
2. The exit from the private drive onto Newton Road does not conform to the visibility requirements set out in the Manual for Streets and as such is considered unsafe. The proposal is therefore considered to be contrary to Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 and the NPPF. (13 votes for and 2 against)

Note: The refusal of this application is contrary to the report of the Business Manager. The committee considered the application unacceptable for reasons set out above.

f) **BOVEY TRACEY - 17/02275/FUL - Widening of existing residential driveway and alterations to access**

It was reported that the Council's Design and Heritage Team Leader had withdrawn the objection set out in the report circulated with the agenda.

It was proposed by Councillor Haines, and seconded by Councillor Jones that the application be approved as set out in the report circulated with the agenda. This was lost by 5 votes for and 10 against.

It was proposed by Councillor J Hook, seconded by Councillor Hayes, and

Resolved

Permission refused for the following reason:

1. Unjustified loss of protected trees and heritage.
(8 votes for and 5 against)

Note: The refusal of this application is contrary to the report of the Business Manager. The committee considered the application unacceptable for reasons set out above.

22. 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.

DENNIS SMITH
Chairman