

PLANNING COMMITTEE

TUESDAY, 5 JUNE 2018

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Nutley, Orme, Pilkington, Winsor, Dewhirst (Reserve) and Hocking (Reserve)

Apologies:

Councillors Austen, Kerswell, Parker, Prowse and Rollason

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Donna Crabtree, Senior planning Officer
Paul Bryant, Landscape Officer
Phillip Debidin, Solicitor

43. MINUTES

The Minutes of the meeting held on 15 May 2018 were confirmed as a correct record and signed by the Chairman (16 votes for and 0 against).

44. 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.

45. DECLARATIONS OF INTEREST.

There were no declarations of interest.

46. 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 document previously circulated.

a) **TEIGNMOUTH - 18/00474/FUL/28 - Unit 2, Estuary Court, Broadmeadow - Additional use of building for B2 (General Industrial)**

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

Resolved

Permission be granted subject to the following conditions:

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 & 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 29 March 20018 - Site Location Plan, Unit 2 - 1:500

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

3. The premises shall be used for the distilling and re-distilling of alcohol, bottling, storage and distribution by Exeter Gin Ltd only and for no other purpose (including any other purpose in Class B2 of 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). On vacation of the application site by Exeter Gin Ltd the use of the premises shall revert to Class B1(a) office or B1(c) light industrial use.

REASON: In the interests of local amenity.

4. The use hereby permitted shall not include for retail sales.

REASON: To prevent a retail use operating in this locality, in the interests of local amenity, in the interests of maintaining the viability and vitality of existing shopping centres and to protect the stock of employment land in the district.

(17 votes for and 0 against)

b) **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 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. The Council's Active Leisure Officer is satisfied that the reason for refusal at the last meeting of the committee has been overcome with the following:

- A revised footway and cycleway arrangement to provide a more direct cycle route.
- A 'food production' area is now provided in accordance with condition 13 of the outline permission.
- The Children's play provision is now made within Zone 2 through a "Play On The Way" element.
- A LEAP Detail Layout has been submitted which demonstrates that 5 pieces of play equipment can satisfactorily be accommodated within the area.

The Senior Planning Officer reported one further late representation from Chudleigh Town Council dated 1 June, 2018, raising concerns about the presence and mitigation for the Greater Horseshoe Bat, and disruption with construction traffic.

Public speaker objector – On behalf of residents objected on the grounds of highway safety, and the safety of school children along the footpath at Station Hill, wide enough only for single file pedestrians, along a busy road and a bend; the Town Council and Devon County Council are aware of the situation; the proprietor of Rock Nursery and members of a local running group have raised concerns about the footpath width; and the Chudleigh Road safety group was working with the Town Council to resolve.

Public speaker objector – Objected on the grounds of connectivity and sustainability of the proposal; land is available to widen the footpath at Gordon's Lodge; and consideration should be deferred until the footpath can be made safe.

Public speaker supporter – The proposal was deferred at the last meeting on the grounds of connectivity and this has been addressed; access and highways were approved at outline stage, but can be revisited as part of application 17/02330/MAJ. Since the last meeting officers and the Applicant have met and agreed the amendments as detailed above and the provision exceeds the standard provision, and included Greater Horseshoe Bat Mitigation and £300K for leisure improvements.

The Solicitor referred to the public speaker's reference to highways and access being revisited during the next application and reiterated that the current reserved matters application concerned appearance, landscape, layout and scale only.

The Business Manager referred to the concerns raised by the public speakers. The pedestrian link along Station Hill formed part of the means of access approved at the outline application stage. The narrow section of footpath along Station Hill was recognised at the time and a great deal of time was spent developing a safe alternative route via Oldway. The offer of land from the landowner is welcome but this would improve only a limited section and would not entirely overcome the objections. The Applicant is happy to explore the option.

Comments from Councillors included: development cannot commence until the travel plan is submitted; objections from Natural England in relation to the mitigation proposals; biodiversity concerns; safety of the connectivity to the Town centre; and the offer of free land to widen the footpath along Station Hill should be pursued.

It was reiterated that the Applicant spent a great deal of time developing a safe alternative route via Oldway approved at the outline stage, and this was not an issue for discussion of the current application. The pedestrian connectivity for the current application was not Station Hill but via Oldway.

The Business Manager referred to the issues that were negotiated following then last meeting of the Committee which had been addressed. In addition the

application would provide 229 dwellings, 11 custom build, and £136,000 for outdoor leisure facilities.

The Solicitor reiterated that the issues of deferment had been addressed and urged the Committee that it should have confidence in its officers that the development will be monitored to ensure it stays within the conditions.

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

Resolved

Subject to:

1. Agreement that the updated Outline LEMP document (in consultation with Natural England) satisfactorily addresses required mitigating measures to off-set any identified adverse impact upon biodiversity as set out in the original and supplementary Section 106 forming part of the outline permission reference 13/01062/MAJ.
2. The completion of an Appropriate Assessment and agreement (in consultation with Natural England) on mitigating measures to off-set any identified adverse impact upon biodiversity to be reflected in appropriately-worded conditions in addition to those set out below.

Delegated authority be granted for reserved matters permission to be granted subject to the following conditions (unless additional information is submitted prior to the decision which addresses the requirements of the conditions/and in addition, any other conditions which may be considered necessary under 1 and 2 above).

1. Development to be carried out in accordance with the approved plans (with the exception of employment building detail/layout).
2. Details of boundary treatments and gates (materials, design) to be submitted and agreed in writing.
3. Details of the gabion baskets (rock type, specification) to be submitted and agreed in writing.
4. Plots numbered 82/83/175/176/177/178/186/187 shall be constructed in accordance with Part M4(2) standard of the Building Regulations.
5. Details of equipment and future maintenance of the play areas and other areas of Green Infrastructure required.
6. Notwithstanding the submitted details a phasing plan must be agreed.
7. Road Restraints Risk Assessment Process (RRRAP) to be undertaken and submitted for written approval.
8. Details of how an acceptable noise environment will be achieved in respect of the properties sited closest to the A38.
9. All trees to be planted in accordance with British Standard and to be inspected by Teignbridge District Council Arboricultural Officer prior to planting.
10. Details/samples of materials to be used to construct the dwellings shall be submitted to and approved by the Local Planning Authority.
11. Architectural detailing of dwellings to be submitted to and approved by the Local Planning Authority.
12. Details of all underground services to demonstrate that there will not be a

conflict between services and proposed tree planting to be submitted to and approved by the Local Planning Authority.

13. Submission of a Design Code (in respect of the Custom Build Dwellings) to be approved by the Local Planning Authority.

14. Details of future management and maintenance arrangements for the SUDS required.

15. Details of the temporary drainage scheme, for the period of construction works, to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: Proactive Monitoring.

(10 votes for, 2 against and 3 abstentions)

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

Comment was made that the Section 106 Agreement should be amended to provide the widening of the wall with the offered land. The Business Manager advised that it would be unreasonable to request this of the applicant when a safe route via Oldway has been agreed and approved. The desire of the local community to achieve the widening of the section of Station Hill footpath is acknowledged. The good will offer of the landowner is known to the Applicant and Devon County Council and can be explored.

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

Resolved

Subject to:

1. The Reserved Matters application reference 17/01099/MAJ being granted consent;
2. A Deed of Variation to the Section 106 principal and supplementary agreements completed as part of outline consent reference 13/01062/MAJ; and
3. The completion of an Appropriate Assessment and agreement (in consultation with Natural England) on mitigating measures to off-set any identified adverse impact upon biodiversity to be reflected in appropriately-worded conditions,

Delegated authority be granted for section 73 permission to be granted subject to all conditions attached to the outline consent (condition 4 and 5 amended as per this application) and all conditions attached to the Reserved Matters approval as relevant to the application.

(13 votes for, 2 against and 1 abstention)

Note: It was agreed that outside of the planning process, officers would use best endeavours to explore the widening of the section of footpath on Station Hill adjacent to Gordon Lodge.

d) **IPPLEPEN - 18/00349/FUL - Hettor Barn - Temporary siting of mobile home to support an existing rural enterprise**

Public speaker objector – Objected on the grounds that the business can function without a full time worker on site; the applicant has not provided the evidence to

justify the need for a full time worker on site; there is no increase in employees; and the business has been running successfully for a few years without a full time worker on site.

Comments made by Councillors included: an inappropriate building in the countryside and too prominent in the landscape on a ridge; the business is successful; the isolation unit was kitted out as a dwelling; seven applications have been submitted in the last five years; barns have been built but are different to that applied for; there is no question about the viability of the business, however there is no need for a full time worker on site; and it would be unjustified development in the countryside.

The Business Manager referred to the application which sought permission for a temporary mobile home and not a permanent dwelling. The Agricultural consultant considers the functional need is met for a full time worker on site and supports the application. The business has been running since 2015. The temporary permission would be for three years only.

Additional comments made by Councillors included: the nature of the equestrian business does justify a full time worker on site, and the horses require a great deal of care and attention.

The Solicitor referred to paragraph 3.10 of the report and Policy WE9 and advised: that a policy and functional need is evidenced in the report of the Agricultural Consultant; the seven previous applications is not an overriding factor for consideration; and the application accords with policy.

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

Resolved

That permission be refused for the following reason:

1. Functional need not demonstrated to overcome the normal restraint on residential development in the countryside, therefore contrary to Policy S22. (12 votes for and 5 against).

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

47. SUPPLEMENTARY PLANNING DOCUMENT FOR SOLAR PHOTOVOLTAIC (PV) DEVELOPMENTS IN THE LANDSCAPE

The Landscape Officer referred to the report circulated with the agenda. The Supplementary Planning Document (SPD) was approved for public consultation in December 2017. Public consultation was carried out for 6 weeks from 9 February until 23 March 2018, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and Teignbridge District Council Statement of Community Involvement 2011.

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The Landscape Officer referred to the four responses as a result of the public consultation, details of which were set out in the report.

The responses were noted and it was considered that there was no justifiable need to amend the SPD.

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

Resolved

1. The Committee accepts that the public consultation has been carried out appropriately and in accordance with recommended procedures, that issues raised during the public consultation have been satisfactorily addressed, and no changes are required.
2. The Supplementary Planning Document (SPD) be referred to the Executive for adoption.
(15 votes for and 0 against)

48. 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.

DENNIS SMITH
Chairman