

PLANNING COMMITTEE

TUESDAY, 31 JULY 2018

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Bullivant, Colclough, Dennis, Fusco, Keeling, Kerswell, Nutley, Orme, Pilkington, Rollason, Winsor, Dewhirst (Reserve), Haines (Reserve) and Russell (Reserve)

Members Attendance:

Councillors Clarence, Gribble, Morgan

Apologies:

Councillors Austen, Hayes, J Hook (was Brodie), Jones, Mayne, Parker and Prowse

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Ian Perry, Principal Planning Officer
Donna Crabtree, Senior Planning Officer
Phillip Debidin - Legal Advisor
Trish Corns, Democratic Services Officer
Steven Hobbs, Senior Enforcement Officer
Fergus Pate, Principal Delivery Officer, Strategic place

110. MINUTES

The Minutes of the meeting held on 3 July 2018 were confirmed as a correct record and signed by the Chairman. (11 votes for, 1 against and 1 abstention)

111. 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.

112. DECLARATIONS OF INTEREST.

There were no declarations of Interest.

113. 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 - 18/00659/FUL and 18/00660/LBC - Lifeboat House, Lifeboat Lane - Installation of kerbstone barrier with fence**

It was proposed by Councillor Russell, seconded by Councillor Haines and

Resolved

Planning permission and listed building consent be refused for the following reasons:

A kerbstone barrier with timber palisade fence would not be appropriate here as it would not provide a sympathetic boundary treatment worthy of a Grade II listed building, and the provision of such structures would detrimentally affect the architectural integrity and setting of the listed building and consequently adversely affect the character and appearance of the Conservation Area.

(14 votes for, 1 against and 1 abstention)

b) **BISHOPSTEIGNTON - 18/00548/FUL - Teignmouth Golf Club, Teignmouth - Erection of indoor practice building**

Public speaker, supporter – The indoor practice area would be a valuable addition and enhancement for both members and visitors, particularly in encouraging juniors and members of the community to participate in the sport.

It was proposed by Councillor Colclough, seconded by Councillor Dennis 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 approved plans.
3. Tree planting to be carried out in accordance with the approved plans in first planting season following completion of the building. Any plants that fail within the first 5 years to be replaced.
4. The works shall proceed in strict accordance with the precautions and measures described in section 7 of the Preliminary Ecological Appraisal.
5. External lighting restrictions.

(16 votes for, and 0 against)

c) **TEIGNMOUTH - 18/00916/FUL - First Aid Hut, Promenade - Change of use to Use Classes A3 (cafe/restaurants) and A5 (hot food takeaway), replacement window and external seating**

A comment was made that the opening hours could be restrictive for the summer months. It was noted that the hours of 09.00hrs to 18.00hrs was longer than had been applied for. The Applicant could address this at a later time through a variation application if necessary.

It was proposed by Councillor Fusco, seconded by Councillor Russell 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. Should any extract vent flue be required, precise details to be submitted to and agreed in writing by the Local Planning Authority.
 4. Hours of operation 09:00 – 18:00 daily.
- (16 votes for and 0 against)

- d) **BOVEY TRACEY - 17/01821/MAJ - Land At NGR 280887 78068, to West of Monks Way - Detailed application for initial phase of residential development of 156 dwellings including access, associated infrastructure and landscaping; outline application for 12 self build housing plots and employment use site (B1/B2/B8)**

The Senior Planning Officer advised the receipt of an additional representation of objection but which raised no new issues.

Public speaker, Objector – The proposal would exacerbate the current risk of flooding; homes were flooded in 2000 and 2012; the site is a flood plain, the Environment Agency monitor and maintain the culvert and screen; the site is not suitable for a soakaway; the sloping terrain would speed surface water in a down pour; the attenuation tanks need to have the capacity for extreme weather conditions; garden walls should have pipe holes to enable the continuation of surface water drainage throughout the site.

Public speaker, Objector – Access through Brimley Vale is unacceptable on the grounds of Highway safety, a petition of 44 addresses objecting to this has been submitted; Self Builds can be accessed through Monks Way; Brimley Vale is currently a cul-de-sac and the safety of residents, particularly young children would be put at risk; cars and property would be damaged from large construction vehicles; high levels of dust; and large vehicles would block the road.

Public speaker, Supporter – The site is allocated in the Local Plan as BT3; the flood risk mitigation includes a robust scheme approved by the Environment Agency, and Devon County Council and the Council's drainage officers; the 7173 cubic metre flood storage unit would significantly decrease downstream flooding; £2,429,000 CIL funds would be available; the Highway scheme has been approved by Devon County Council; the use of Brimley Vale would be limited to the construction of the self-build units to enable the plots to come forward and not have to be delayed until the internal road off Monks Way has been constructed.

Comments from Members of the Committee included: there is a lack of general infrastructure in the town for this development; the speed along Monks Ways,

currently 60 mph would be reduced to 40 mph but this should be reduced further; the use of Brimley Vale for the construction of self-build units should be limited; the play area is too close to the attenuation equipment and is likely to be more at risk of flooding; the area for industrial units should be converted to SANGS and not additional housing if marketing proves there is no demand for units in that location; utilities infrastructure is already at its potential without the additional housing; the primary school is already not large enough and many children travel to schools outside the town; the GP surgery is full; the inadequate infrastructure should be addressed prior to development; it would be a long time before CIL funds would start to address the issue; and the current flooding problems would be exacerbated.

The Business Manager emphasised that the site was allocated in the Local Plan, there are no issues with the highways and drainage schemes; the development would provide affordable housing and custom build plots; nearly £2.5 million would be provided through CIL; when the internal road is constructed the Brimley Vale access would be closed off to all but emergency vehicles; and the scheme is in accordance with policies of the Local Plan and Development Framework Plan.

Further comments from Members included: the highway speed along Monks Way should be further reduced from 40 mph; all access to the site should be through Monks Way and not Brimley Vale; and who would be responsible for the maintenance of the attenuation tank.

In response the Senior Planning Officer reported that maintenance and management of the attenuation tank would be subject to condition, and drew Members attention to the further conditions recommended in the updates sheet.

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

Resolved

Subject to:

1. 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;

And subject to the applicant entering into a Section 106 Agreement to secure:

- Delivery of a controlled crossing, footpath, and introduction of a 40 m.p.h. speed limit on Monks Way;
- Delivery of Affordable Housing to meet local needs at 30% with a tenure mix of 70:30 rented (subject to a reduction in quantum according to provision of wheelchair accessible dwellings, Part M4(3))
- £75,382 (or other such amount agreed with Devon County Council) towards secondary school transport;
- 12 Custom Build Plots and marketing strategy;
- Provision of serviced employment site comprising a minimum of 3,500m²

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- of gross floor space and agreement of marketing strategy for the site;
- Travel Packs (including £300 sustainable travel voucher) provided prior to first occupation of each dwelling and employment building;

The Business Manager be authorised to grant planning permission 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 1-2 above):

To apply to the outline consent (Custom Build/Employment) only

1. Submission of a reserved matters application within 5 years for Custom Build Plots/ 7 years for the employment building.
2. Development shall commence before the expiry of 2 years from the date of final approval of reserved matters.
3. Submission of a Design Code (in respect of the Custom Build Dwellings) to be approved by the Local Planning Authority prior to submission of first reserved matters relating to custom build plots.
4. A noise assessment to be submitted as part of the Reserved Matters application for the employment site.

To apply to the full planning permission

1. Development to be commenced before the expiry of three years.
2. Implementation of a programme of archaeological work and palaeo-environmental investigation and analysis in accordance with a written scheme of investigation which shall be submitted to and approved by the Local Planning Authority.
3. Details of equipment and future maintenance/management strategy for the Public Open Space and formal play areas to be submitted and approved by the Local Planning Authority (to include details of remediation following any greater return flood event).
4. Detailed design of the bridge crossing of Challabrook Stream to be submitted to and approved in writing by the Local Planning Authority.
5. Notwithstanding the approved plans, details of the substation building shall be submitted to and approved by the Local Planning Authority.
6. New trees shall not be planted until written approval has been obtained by the Council that they meet British Standards.
7. Tree protection fencing shall be erected around trees to be retained, in accordance with plans to be approved.
8. No materials shall be brought onto site until a programme of arboricultural supervision is agreed.
9. Details/samples of external surfacing materials/hard landscaping shall be submitted to and approved by the Local Planning Authority.
10. Notwithstanding the submitted plans, architectural detailing of the proposed dwellings shall be submitted to and approved by the Local Planning Authority.
11. Notwithstanding the submitted plans, samples and/or details of the materials to be used on the external surfaces of the dwellings shall be submitted to and approved by the Local Planning Authority.
12. Notwithstanding the submitted plans, details of boundary treatments shall be submitted to and approved by the Local Planning Authority.

13. Details of external lighting to be submitted to and approved in writing by the Local Planning Authority.

14. Highways details to be submitted to and approved in writing by the Local Planning Authority.

To apply to both the outline (custom Build/Employment) and the full

15. Development to be carried out in accordance with the approved plans;

16. Phasing plan/details to be submitted (to include construction access, estate roads, drainage works and landscaping);

17. Restriction on hours of works generating significant noise and deliveries to the site;

18. Development to be carried out in accordance with Construction Impact Assessment;

19. Waste removed from the site by alternative means other than burning;

20. Details of security lighting during the construction period to be submitted to and approved;

21. Construction Management Plan (CMP) to be submitted to and approved by the Local Planning Authority.

22. Off-site highways works shall take place prior to commencement on site.

23. The Brimley Vale access shall be bollarded and used as an emergency access only and not used for construction vehicles.

24. Detailed drainage design for the permanent surface water management drainage system to be submitted to and approved by the Local Planning Authority.

25. Detailed drainage design for the construction phase surface water management drainage system to be submitted to and approved by the Local Planning Authority.

26. Full adoption and management details to be submitted to and approved by the Local Planning Authority.

27. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (AWP, Revision E, July 2018), including the following details:

(a) The culverts crossing Challabrook Stream (main river designation 'Avenue Stream') and Five Wyches Brook, together with associated earthworks, shall be installed according to the dimensions and levels shown on approved drawings 0264-PDL-303-Rev H (Proposed Stream Culverts) and 0624-SK-301 Rev A (Five Wyches & Challabrook Stream Culvert Sections).

(b) The channel modifications to both the Avenue Stream and Five Wyches Brook shall be carried out in accordance with approved drawings PDL-301 Rev D (Preliminary Stream Improvements), 0264-PDL-302 Rev A (Typical Stream Improvement Sections), 0264-PDL-303-Rev H (Proposed Stream Culverts) and 0624-SK-301 Rev A (Five Wyches & Challabrook Stream Culvert Sections).

(c) The detention basins, the flood storage bund between Five Wyches Brook and Blenheim Terrace, and the flood storage bund between the site and Monks Way (A382), which provide compensatory and additional flood storage, shall be carried out in accordance with approved drawings PDL-101 Rev H (Flood Compensation Storage Plan) and RC-101 Rev E (Detention Basin Sections). The bund between Five Wyches Brook and Blenheim Terrace shall have a crest level set at 33.8mAOD; the bund alongside Monks Way shall have a crest level set at 33.6mAOD (in

accordance with the above listed plans). While the detention basins within the northern and southern catchments will include 300mm freeboard, the central detention basins will include 400mm freeboard in order to maintain the agreed capacity of the flood storage area at 7173m³. The capacity of the flood storage area must in no way be compromised either by the final design of the surface water drainage system for this development or any future development to the west of this site.

(d) Finished floor levels of the dwellings shall be set in accordance with levels shown on drawing 0264-PDL-201 REV H.

(e) The finished road levels within the development, and the maximum level of the footway on the exceedance flow route across the road adjacent to the Challabrook Stream (main river designation 'Avenue Stream') culvert, shall be set according to the levels and locations shown on approved drawing 0264-PDL-303-Rev H (Proposed Stream Culverts).

(f) The parapets on the roads above each culvert shall be of open design.

(g) The tributary of Five Wyches Brook shall be culverted with a minimum 450mm diameter pipe, as shown on drawing 0264-PDL-303-Rev H (Proposed Stream Culverts).

(h) The flood storage bund and detention basins shall be built in the first phase of the development.

(i) Any level design within the residential and commercial development areas should minimise the extent of any reprofiling works and retain existing catchment areas wherever possible.

(j) Prior to construction of the footbridge across Challabrook Stream (main river designation 'Avenue Stream') near the downstream extent of the site, detailed drawings regarding the design and precise location of the footbridge (which must be positioned to allow sufficient space for any future maintenance or upgrade works to the culvert beneath Monks Way(A382)) must be submitted to and approved by Teignbridge District Council.

(9 votes for and 7 against)

- e) **TRUSHAM - 18/00856/FUL - Overdale, Trusham Hill - Raising roof to form additional accommodation, single storey rear extension, new garage and alterations for access and parking**

This application was withdrawn from the agenda at the Applicant's request.

- f) **BOVEY TRACEY - 17/02593/FUL - Unit 9, Station Park, Haytor View, Heathfield - Retention of building and change of use from B8 to mixed Use Classes B1, B2, B8 and Sui Generis (display and selling of vehicles)**

The receipt of a further representation, but which raised no new issues was noted.

Public Speaker, Objector – Highway safety objections; insufficient infrastructure in place for the increase in traffic as a result of the proposal; the road is unsuitable for heavy traffic and large vehicles; the narrow road with no footpath

is a designated cycle path since 2014 and part of the cycle network; users of the road are the young, old and inexperienced; no street lighting; it has a blind summit; the access to the A38 is unsuitable for additional traffic; and the application is retrospective with the use in situ without planning permission.

Public Speaker, Supporter – The proposal is in accordance with Policy; there are no objections from statutory consultees; support from the Council's Economic Development Officer; and 52 representations of support.

Councillor comments included: difficulty in enforcing business working hours comply with conditions; the road is unsuitable being a recognised cycle route; wildlife would be disturbed with additional traffic; B8 storage and distribution use does not generate much employment; and the breach of condition is being investigated.

The Solicitor advised that the Environmental Protection Act covered statutory nuisances such as dust, fumes and noise nuisance.

It was proposed by Councillor Kerswell and seconded by Councillor Dewhurst that the application be refused on the grounds of additional vehicles and non-compliance with hours stated in the planning condition.

An amendment was proposed by Councillor Bullivant and seconded by Councillor Haines that the application be approved as set out in the report circulated with the agenda.

The Business Manager advised that the site would not change in appearance or use because the application is retrospective. There is no support for refusal from statutory consultees, there would be no reduction in employment, and the business is not of a scale that would impact on the viability of the town centre.

A vote on the amendment was taken because there were no substantial reasons put forward for refusal and therefore no grounds to vote on the proposal.

Resolved

Permission be granted subject to the following conditions:

1. Development to proceed in accordance with the approved plans.
2. Use restricted to the purposes set out in supporting documents or Class B8 only.
3. Noise levels arising from works should not exceed the background noise by more than LAeq 5 dB.
4. Within 1 month from date of decision a landscaping scheme shall be submitted for approval and work shall be carried out within 3 months regarding screening to the rear to mitigate the impact of lighting on the site.
5. Operating hours including deliveries limited to Monday–Friday 07:00 to 19:00, Saturdays 07:00 to 13:00 and not at all on Sundays or Bank Holidays.
6. The polythene-clad building shall be clad in metal sheeting within 3 months of approval, full details of which, including colour and manner of fixing, shall be first approved in writing by the Local Planning Authority.

7. No external lighting to be installed unless first approved - full details of already installed lighting to be submitted for approval in writing within 1 month of approval. Any existing lighting that is not approved to be removed.
(8 votes for and 7 against)

114. BREACHES OF PLANNING CONTROL

The Committee considered the reports of the Business Manager – Strategic Place, together with additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) The Buntings, Higher Woodway Road, Teignmouth

The Senior Enforcement Officer advised that the site has been cleared to an extent that it was no longer considered untidy and the notice has been satisfactorily complied with. Another Notice could be served should the site become untidy again.

It was proposed by Councillor Russell, seconded by Councillor Bullivant and Resolved

No further action is taken in relation to the untidy land because the Untidy Land Notice have been complied with. (16 votes for and 0 against)

b) Land at Bakers Yard, Forders Lane, Bishopsteignton

The Chairman reported on the views of the Ward Member, Councillor Golder advising that the site has been of concern over the years, and a solution would be welcomed by the local community.

It was proposed by Councillor Haines, seconded by Councillor Colclough and Resolved

Any further action is deferred for six months. (15 votes for and 0 against).

115. 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, reported by the Business Manager as follows:

17/00081/ENFA - appeal against Enforcement Notice – Mistleigh Farm Barns, Doddiscombsleigh.

116. 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.

117. NA3 WOLBOROUGH, NEWTON ABBOT, DRAFT DEVELOPMENT FRAMEWORK PLAN

The Principal Delivery Officer referred to the report previously circulated. The report contained information relevant to the Draft NA3 Wolborough, Newton Abbot, Development Framework Plan, (DFP). The Committee considered the information before making a decision on the Development Framework Plan below.

Resolved

That the report be noted.

At this juncture the meeting returned to public session.

Consideration was given to the report circulated with the agenda, which sort approval of the Draft NA3 Wolborough, Newton Abbot, Development Framework Plan and supporting documents for consultation purposes.

The Principal Delivery Officer advised that the documents would be published for a minimum 8 week period of public consultation together with the SEA and HRA screening reports. The general public, local groups and organisations, together with statutory consultees would be consulted on these documents. The public consultation would include a drop-in event to be held in the local area.

Following the consultation, the DFP and any proposed revisions would be reported to a future Planning Committee, followed by the Executive where it is expected that approval will be sought.

The draft DFP has been prepared as a Supplementary Planning Document but there may be merit in taking it forward as a Development Plan Document (DPD), which would be slower to produce but more authoritative. As part of the consultation the DFP would seek views on this issue.

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

Resolved

1. The Draft NA3 Wolborough, Newton Abbot, Development Framework Plan and supporting documents, (attached to this report as Appendices 1-3), are approved for consultation with a view to a final version being approved at a future Executive. An updated version of the Development Framework Plan will be reported to the Planning Committee prior to the meeting of the Executive
2. Authority be delegated to the Business Manager Strategic Place to make minor formatting changes to the appendices prior to the commencement of consultation.
3. Natural England, the Environment Agency and Historic England are consulted on the draft determination on whether a Strategic Environmental Assessment is required.
4. Natural England is consulted on the draft Habitats Regulation Appropriate Assessment on whether the draft Development Framework Plan will result in likely significant effects on the South Hams Special Area of Conservation (SAC), subject to appropriate mitigation.

(9 votes for and 0 against)

DENNIS SMITH
Chairman