

## **PLANNING COMMITTEE**

### **18 DECEMBER 2018**

Present:

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

Members in Attendance:

Councillor Clemens

Apologies:

Councillors Dennis, Mayne and Pilkington

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Claire Boobier, Planning Officer  
Trish Corns, Democratic Services Officer  
Steven Hobbs, Senior Planning Enforcement Officer  
Phillip Debidin, Legal Adviser

### **300. MINUTES**

The Minutes of the meeting held on 20 November, 2018 were agreed as a correct record and signed by the Chairman. (17 votes for and 0 against).

### **301. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed public speakers to the meeting. He also reminded Members of the Committee that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application.

### **302. DECLARATIONS OF INTEREST.**

There were no declarations of interest.

### **303. 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) **NEWTON ABBOT - 18/01785/REM - 9 Forde Park - Approval of details for a dwelling (approval sought for layout, scale, appearance, access and landscaping)**

A potential highway safety concern was raised in relation to the access being at the point of the turning area. The Business Manager advised that the access is sufficient, with turning space on site and vehicles accessing and egressing the site in a forward position, all to the satisfaction of the County Highway Engineer. Vehicles cannot legally park in front of an access, and therefore the proposed access would assist in preventing vehicles parking in the turning area.

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

Resolved

That 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. Parking to be provided and retained.
  4. Restricted Permitted Development Rights.
  5. Obscure glazing to first floor (bathroom) window in west elevation and top hung.
  6. Obscure glazing to first floor (bathroom) window in north elevation and top hung.
  7. Sample stone panel.
  8. Sample or details of all external material.
  9. Drainage proceed in accordance with submitted details.
  10. Demolition works in accordance with Ecological Survey (Outline condition 5).
  11. Notwithstanding Ecological Survey (received 8 November 2018) bird and bat boxes located as shown on Drawing PL3 Rev B.
- (16 votes for and 1 against)

b) **BOVEY TRACEY - 18/01452/FUL - 7 Battle Road, Heathfield Industrial Estate - Construction of extension to main warehouse and new external freezer**

Concerns were raised in relation to: possible insufficient on-site parking spaces, exacerbating on-road and footpath parking; and food odours emanating from the premises causing a nuisance to residents, particularly in the summer months when windows are opened.

The Planning Officer confirmed that the travel plan submitted with the application is acceptable with no objection from the County Highway Engineer. There would be nine spaces less than there currently is. Recommended conditions 3 and 4 detailed in the report circulated with the agenda addresses noise and odours

The Business Manager advised that employees worked in three shifts at 17 per shift. Not all spaces would be used at any one time and it would be unreasonable to request more spaces from the applicant than was needed.

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

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit;
2. In accordance with approved plans;
3. Prior to first use of the new extension or external freezer an odour management plan to include on-going maintenance of proposed measures and detailing how fugitive odour and emissions arising from the premises will be prevented from causing a nuisance to nearby residential dwellings shall be submitted and approved by the Local Planning Authority. Once approved the measures shall be installed prior to first use of either the new extension or external freezer and thereafter shall be retained and maintained in accordance with the approved maintenance plan;
4. Noise levels arising from the installation of the new refrigeration unit and any other plant and equipment located within the new extension shall not exceed existing background noise levels experienced at nearby noise-sensitive dwellings. (16 votes for and 1 against)

c) **TEIGNMOUTH - 18/01384/FUL - Car Park accessed off Buckeridge Road - Four dwellings**

Public speaker, objector – Objected on the grounds of: no affordable housing; overlooking and loss of privacy to residents; overbearing; lack of amenity space; inappropriate design, including large windows and balconies, out of keeping with the surrounding area of Victorian and Edwardian properties; highway safety, no footpath, and access is on a blind bend and narrow section of Buckeridge Road; and increased risk of surface water flooding.

Public speaker, supporter – The current access to the back land site is a narrow unmade road, the current use is a 30 space car park; there is no objection from the County Highway Engineer; it is an effective use of the site with quality development. Boundary treatment, house orientation and window positions are such to minimise effect on neighbours; the size and spacing around the dwellings are similar to surrounding properties, and a modern design rather than mimicking the existing surrounding style.

The Planning Officer confirmed that affordable housing was not required on site because it would be provided at an off-site location.

The Legal Adviser commented that the current application and 18/01383/FUL should be considered as separate applications on their individual merits.

Comments from Councillors included: the tarmacking of the site will cause flooding; highway safety, the access is on a narrow part of the road with no footpath and a blind bend; loss of privacy; overbearing; the design is not is keeping and could be improved; affordable housing should be provided on site; not an effective use of the site; doesn't meet the housing needs of Teignmouth;

and out of keeping with the street scene.

It was proposed by Councillor Orme and seconded by councillor Fusco that that consideration be deferred for a site inspection.

An amendment was proposed by Councillor Colclough and seconded by Councillor Prowse that permission be refused on the grounds of highway safety, design, overbearing, out of keeping, and detrimental to amenities of neighbours.

The Business Manager advised that highway safety could not be substantiated as a reason for refusal. Highway proposals were acceptable and there was no objection from the County Highway Engineer. Refusal on highway grounds would be unreasonable and the council would risk having costs awarded against it as was the case with two other recent appeals. Surface water drainage would not be made worse as a result of the development, therefore flooding could not be supported as a reason for refusal. There is no connectivity between the current site and that of application 18/01383/FUL, and they are to be dealt with separately. The plot sizes reflect the existing character of the area and therefore the proposal cannot reasonably be regarded as overbearing.

The proposer of the amendment for refusal, Councillor Colclough referred to her revised reasons for refusal as inappropriate design out of keeping with the surrounding area, no provision for affordable housing and not best use of the site. This was supported by the seconder, Councillor Prowse.

A vote was taken on this amendment and it was,

Resolved

Permission be refused for the following reasons:

1. Inappropriate design out of keeping with the surrounding area.
  2. No provision for affordable housing and not best use of the site.
- (16 for and 2 against)

*The refusal of the application was contrary to the report of the Business Manager. The Committee considered the application unacceptable for reasons set out above.*

d) **TEIGNMOUTH - 18/01383/FUL - Trinity Lodge , Buckeridge Road - Demolition of existing building and replacement with six dwellings**

Public Speaker, objector – Several residents, the Town Council and the housing enabling team have raised objections on the grounds of: unacceptable access on a blind bend and narrow road, no footpath along Buckeridge Road, lack of parking provision; overlooking, loss of privacy, inappropriate three storey design with balconies and large windows, out of keeping with the surrounding area, and detrimental to the amenities of neighbours.

Public speaker, supporter - it is an effective use of the site with quality

development, and density in accordance with policy; the site naturally slopes so some overlooking is expected, as with existing surrounding housing overlooking one another; boundary treatment, house orientation, window positions, and distances between buildings are such to minimise effect on neighbours; the visibility splay at the access will be improved, and highway issues are to the satisfaction of the Highway Engineer.

It was proposed by Councillor Orme that permission be refused on the grounds of inappropriate design, out of keeping with the street scene. This was seconded by Councillor Fusco.

Comments raised by Members included no affordable housing onsite; the design characteristics and materials should be reflected in the new development.

The Planning Officer confirmed that the design was one of terrace, and the brick design would form part of the elevational details. There would be as financial contribution towards affordable housing which would be provided off-site.

The Committee agreed that a second reason for refusal of insufficient affordable housing and not best use of the site should be included. The proposer and seconder incorporated this into the proposal.

Resolved

Permission be refused for the following reasons:

1. Inappropriate design out of keeping with the surrounding area.
  2. Insufficient affordable housing and not best use of the site.
- (16 votes for and 2 against).

*The refusal of the application was contrary to the report of the Business Manager. The Committee considered the application unacceptable for reasons set out above.*

- e) **TEINGRACE - 18/01759/FUL - Greenacres - Alterations to existing gypsy and traveller site including the relocation of 1 existing pitch and creation of 7 additional pitches (8 pitches in total), amenity buildings, landscaping and surface water drainage**

It was noted that permission already exists for five pitches at this site. The application seeks to increase this to eight gypsy and traveller pitches. The scheme is acceptable to the Drainage Engineer.

Public speaker, objector – 70% of those that would be affected by the proposal have objected, and the gypsy forum does not support the application; the five year supply has already been met; the site is not large enough for the additional pitches; the site is outside the development boundary; unsuitable narrow access road that is subject to flooding; and loss of property value.

Public speaker, supporter – Planning permission already exists for five pitches, one pitch is completed and occupied; the others will be reconfigured to enable the additional pitches; the application is policy compliant; there will be a dedicated play area; and the site will be conveyed to Teign Housing to manage.

Comments from Members included: overdevelopment of the site, which would jeopardise the five pitches; increased water run off to the road and flooding; unsustainable location with no pavements, particularly unsuitable for children walking to school; infrastructure is limited; and located on a dangerously narrow road and on a bend.

The Business Manager advised that the pitches were being located here as off-site allocation for the S W Exeter development. The remaining pitches from the SW Exeter development would be located at Haldon Ridge. The location of the current application is acceptable, the increase of three pitches for the current site are well designed and will not increase the flooding risk.

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

Resolved

Permission be granted subject to conditions addressing the following matters:

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with the approved plans.
3. No external lighting unless details first submitted for approval.
4. Gypsy/traveller occupancy only.
5. No business use.
6. Limit pitches to 8 (each comprising 1 static caravan, 1 space for a touring caravan and vehicular parking).
7. Maintenance of visibility splays.
8. Works to proceed in accordance with agreed drainage strategy including foul.
9. Details of location of septic tank to be submitted for approval.
10. Retention of hedgerows and agreement to new boundary treatments.
11. Landscaping to be carried out in first planting season after commencement and thereafter maintained.
12. Archaeology watching brief.

(11 votes for, 4 against and 2 not voted)

### **304. BREACHES OF PLANNING CONTROL**

#### **a) Newton Abbot - 32 Devon Square**

Following consideration of the report circulated with the agenda, it was proposed by Councillor J Hook, seconded by Councillor Prowse and

Resolved

1. An Enforcement Notice be served for the unauthorised change of use of the

property to a house of multiple occupation. In the event of the Notice not being complied with, within 6 months the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990.

2. A Listed Building Enforcement Notice be served for the unauthorised works carried out in the basement of the property. In the event of the Notice not being complied with, within 6 months the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990 and Section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. An Enforcement Notice be served for the unauthorised construction of the raised seating area and flower bed in the rear garden. In the event of the Notice not being complied with, within 3 months the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990.

(15 votes for and 0 against)

b) **Chudleigh - Land at Graeden Park, Milestone Cross**

Consideration was given to the report circulated with the agenda. A document was also circulated to members of the Committee, which was confidential and exempt under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

It was proposed by Councillor Keeling, seconded by Councillor Colclough and

Resolved

Any further action is deferred for a period of two months as a Certificate of Lawfulness is expected to be submitted and determined. If the Certificate is approved but no planning application is submitted within one month of the decision to determine whether the new dwelling can be retained, then an Enforcement Notice be served to secure the unauthorised dwelling is removed from the land within six months. If a Notice is served but not complied with, the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990.

(16 votes for and 0 against)

DENNIS SMITH  
Chairman

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