

PLANNING COMMITTEE

TUESDAY, 26 SEPTEMBER 2017

Present:

Councillors Smith (Chairman), Kerswell (Deputy Chair), Austen, Bullivant, Clarence, Dennis, Fusco, Hayes, Jones, Keeling, Nutley, Orme, Parker, Pilkington, Rollason, Winsor, Haines (for Colclough) and Russell (for Prowse)

Members Attendance:

Councillors Connett, Clemens, Goodey, Hellier-Laing, Cook and Lake

Apologies:

Councillors Brodie, Mayne and Price

Officers in Attendance:

Nick Davies, Business Manager - Development Control
Frances Robinson, Solicitor
Rosalyn Eastman, Principal Planning Officer
Neil Blaney, Economy Manager
Donna Crabtree, Senior Planning Officer
Angharad Williams, Planning Officer
Steven Hobbs, Senior Planning Enforcement Officer
Maureen Pearce, Team Leader Design & Heritage
Trish Corns, Democratic Services Officer
Hannah Milford, Legal Assistant

146. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING.

It was proposed by Councillor Kerswell and seconded by Councillor Nutley that the minutes of the meeting held on 29 August 2017 be approved as a correct record and signed by the Chairman. This was carried by 16 votes for, 0 against and 1 abstention.

147. 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.

148. DECLARATIONS OF INTEREST.

Members declared interests as detailed below.

149. 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 updates sheet previously circulated.

• **NEWTON ABBOT - 17/01773/FUL - 6 Belvedere Road - Proposed timber decking and pergola in rear garden of property**

Councillor Bullivant declared an interest by virtue of his residence being within close proximity to the application site. He did not participate in discussion or vote on the application.

It was proposed by Councillor Smith and seconded by Councillor Parker that the application be approved as set out in the report circulated with the agenda.

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.

(16 votes for, 0 against and 1 abstention)

• **STARCROSS - 17/01703/MAJ - Cockwood Harbour & Starcross Slipways, Cockwood - Tidal defence scheme to include flood gate installation and replacement, slipway raising and wall raising at tidal inlets, together with a combination of raising, repair and reconstruction of Cockwood Harbour seawall, and associated works**

The Committee noted the further information requested at the meeting on 29 August in relation to technical information and any impacts on nearby buildings arising from pile driving works alongside possible alternatives, and measures to minimise and monitor vibration levels or mitigation.

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

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
2. Development to proceed in accordance with the approved details.
3. Cockwood Harbour wall shall be recorded at level 3 as set out in HistoricEngland Guidance Understanding Historic Buildings: A Guide to Good Recording Practice and the results deposited with the Devon Historic Environment Record (HER).
4. Archaeological written scheme of investigation to be submitted to and approved by the Local Planning Authority and implemented as agreed.

5. Photographic survey of Cockwood Harbour wall and Starcross Slipways shall be completed and shall inform and form part of a method statement for the proposed works to be submitted and approved by the Local Planning Authority. Method statement shall determine the extent of capping and stone to be salvaged and reused, how capping and salvaged stone will be stored, and re-used.
 6. Details of a sustainable Urban Drainage System for the full period of construction shall be submitted to and approved by the Local Planning Authority
 7. Notwithstanding the approved plans, submission of details/materials of the following items shall be submitted for each individual section of the scheme as relevant:
 - a) Wall capping details.
 - b) Steps.
 - c) Handrails (type, colour, material and method of fixing).
 - d) Flood defence gates (design, materials and levels of fixings).
 - e) Surface treatments to slipways and walkways, and pavements (including between Rock Cottage and Cockwood Harbour).
 - f) Balustrade (type, colour, material and method of fixing).
 8. Sample panels of stonework shall be provided for inspection by the Local Planning Authority (to show size of stone, bonding and mortar type).
 9. Details and locations for mooring rings to be installed at Cockwood Harbour shall be submitted and approved in writing by the Local Planning Authority.
 10. Details of street lighting and bollards shall be submitted to and approved by the Local Planning Authority.
 11. Recommendations and mitigation measures as set out in table 18.1 of the submitted EIA must be followed.
 12. Monitoring of vibration levels and mitigation measures as set out within the submitted Technical Note to be strictly adhered to during any pile driving operations being carried out.
- (18 votes for and 0 against)**

- **EXMINSTER - 15/00708/MAJ - Land at South West of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)**

Councillor Connett requested that the Parish Council be consulted as a key partner in the process, in addition to District Ward Members and the Chairman of the Committee, if the provisions of the agreements need to be changed as a result of further information, new viability or changes to government policy.

It was proposed by Councillor Smith and seconded by Councillor Haines that the application be approved as set out in the report circulated with the agenda, with the addition of Councillor Connett's request above.

Resolved

Subject to:

- A) The completion of a Section 106 Agreement by 23 January 2018 to provide:
1. A minimum of 10% Affordable Housing in the first phase in line with therecommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase).
 2. A minimum of 30 Custom Build Dwelling plots.
 3. A scheme for provision of 4 Gypsy and Traveller Pitches.
 4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding).
 5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling (precise amount to be agreed with Devon County Council).
 6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge.
 7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling
 8. Land and financial contribution for Health Provision at total cost of £500 perdwelling.
 9. Travel planning and packs including £300 voucher per dwelling.
 10. Exe Estuary SPA mitigation contributions at £96 per dwelling.
 11. Resident Information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary.
 12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat.
 13. Hedge removal covenants.
 14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use.
 15. Indoor sports provision and management.
 16. Play provision and management.
 17. Green space provision and management.
 18. Allotment provision and management.
 19. Two x Traffic Regulation Orders at £5,000 each.

If, as a result of further information, new viability or changes to government policy these provisions need to be amended, the Business Manager – Strategic Place will consult with Ward Members, the Chairman of Planning Committee, and Exminster Parish Council before exercising delegated powers.

- B) The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:
- i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer.
 - ii) Land for Community and Health provision.

C) The completion of Agreement(s) in relation to SANGS provision.

Permission be granted subject to:

D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

1. Requirement for Reserved Matters submissions.
2. Timing of submission of Reserved Matters of phases.
3. Time limit for commencement of phases
4. Development to proceed in accordance with approved plans/documents.
5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.
6. Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 300 dwellings.
7. On-going development compliance plans to demonstrate how the overall masterplan vision will be achieved.
8. Primary control – uses and quantum permitted by the permission.
9. Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses).
10. Local Centre provision.
11. Tree constraints and protection.
12. Landscape strategy.
13. Landscape and Ecology Management Plan (LEMP).
14. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and Provision.
15. Construction access strategy and phasing including for occupants.
16. Noise/air quality protection including for occupants.
17. Sustainable Urban Drainage System (SUDs), provision, management, etc. including during construction and design for biodiversity.
18. Archaeological investigations.
19. Scheduled Monument management and interpretation.
20. Biodiversity protection.
21. Foul sewerage survey and provision.
22. Construction management including noise, air quality and traffic.
23. Public art.
24. Lighting strategy.
25. Watercourse pollution prevention during both construction and operation.
26. Contaminated land investigation.
27. Bus stop provision.
28. Dedication of land to highways to site boundaries.
29. Detailed highway design.
30. Safe access to bus stops.
31. Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme.
32. Pedestrian and cycle bridge timing.
33. The site access and visibility splays shall be constructed, laid out and maintained for that purpose.
34. No development shall take place until a waste audit statement has been provided, and approved.
35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
36. Bat and bird boxes.
37. Identification of opportunities for apprentices.

(16 votes for, 1 against and 1 not voted)

- **EXMINSTER/SHILLINGFORD ST GEORGE - 16/03251/MAJ - West Exe Park, Alphington – Outline application for employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, an internal road layout, car parking, landscaping, services and all other associated development (approval sought for access)**

Councillor Clarence declared a Paragraph 14 interest by virtue of the Applicant being a close associate. He withdrew from the meeting while the application was discussed and determined.

A clearer and more detailed site map was circulated at the meeting. An economic development report was circulated which addressed a number of points raised by Members at the meeting of the Committee on 1 August, 2017 relating to the delivery of employment land. Indicative travel maps were also circulated.

The Business Manager referred to the updates sheet, which recommended an addition to the Section 106 agreement terms and condition 12 as a result of the receipt of further information. The Business Manager reminded Members that this application was only deferred by Committee for further consideration of the impact of traffic on Kennford and Exminster and reiterated that the expert advice from DCC Highways was that the application was acceptable in the form previously presented. He advised Members that the Applicants had met with officers from Teignbridge District Council and DCC and with the two Parish Councils concerned and had proposed an additional package of measures to alleviate any potential traffic impacts in the nearby villages.

The Business Manager accepted that there was significant local objection to the proposal and that should be taken into account before making a decision. The Applicants have sought to address the objections. He advised that any remaining concerns should be balanced against the significant local and district-wide economic and sustainability benefits that will be delivered. In view of the lack of any policy or technical objections, and in view of the additional work carried out by the Applicants he advised Members that the Officer's view was that the economic benefits of this scheme outweighed any residual impacts and for that reason the recommendation was approval of the application.

Public Speaker: Objector – Objected on behalf of the Parish Councils on the grounds of: the site does not relate well to Exeter and is unsustainable; contrary to the Development Framework; the traffic survey underestimated traffic flow because it was undertaken at a time when Days Pottles Lane was closed and diversions in place; the pedestrian and cycle routes are not adequate; the 7.5 tonne weight restriction through Kennford should be in place prior to construction works; Kenn and Exminster Parish Council's employed a highway consultant who agreed with the 2013 view of Devon County Council Highways that the increase in traffic would have an unacceptable impact on the south west Exeter highway infrastructure.

Public Speaker: Objector – as highway consultant for the Parish Councils he raised objections as follows: £250,000 is being requested for the delivery of a

cycle route. This has not undergone a road safety audit; the footway overbridge is proposed to be widened to 3 metres, but it stops on the wrong side of the road. There are no facilities for cyclists to continue on the other side; two new bus stops are proposed at the site entrance but Stagecoach has not been contacted to confirm these stops, and have not been subject to a full Safety Audit; the 7.5 weight restriction has not been fully considered and tested; and the effect on Days Pottles Lane has not been fully considered.

Public Speaker: Supporter – The Applicant met with representatives of the Parish Councils, and officers from Teignbridge and Devon County. There would be additional traffic calming measures including weight restrictions; additional bus stops at the site entrance, which Stagecoach has confirmed it will use; a safe cycle route will be provided; a Flood Risk Assessment has been submitted; underground storage tanks to alleviate flooding; concerns have been listened to and additional measures will be put in place.

Comments raised by Members of the Committee included: Councillor Goodey advised the proposal would have a profound negative impact on the area; the pedestrian/cycle overbridge is not a complete route and therefore does not provide a safe route for cyclists; it is not a sustainable site; unacceptable increase in traffic; all employment requirements will be at one site, damaging the amenities of local residents in the villages of Kenn, Exminster, Alphington and surrounding settlements; the detrimental environment and amenity impacts far outweigh the economic benefits.

Councillor Lake submitted the proposal was an opportunist site; the increase in traffic would detrimentally effect the quality of life for residents particularly those at Little Silver in relation to carbon emissions and pollution; and the infrastructure is adequate.

The Council's Economy Manager referred to his comments in the report, along with a circulated economic development report which sought to address a number of points raised by Members at the meeting of the Committee on 1 August, 2017. The information related to the significant under delivery of employment land against the Local Plan targets. The plan identifies a need for 12,000sqm of new floor space per year, and only 4,000sqm net new employment space is being delivered per year on average. Of the sites identified in the Local Plan for employment land only 17 hectares has been approved, with none delivered. The Economy Manager set out the benefits of bringing this site forward, including job creation, delivery of much needed employment land, and the potential of a new northbound road onto the A38. The Economy Manager advised members that his team had been working with the applicants since they had obtained permission for the 5ha site, to try to help overcome obstacles to delivery including the expensive opening up costs and timescale for the delivery of new infrastructure for the upgrade of the power supply.

Councillor Connett emphasised that the site is in an Area of Great Landscape Value (AGLV); the hours of work of 0700 to 1900hrs would be detrimental to residents' amenities and prevent them from having peaceful enjoyment of their own homes; the additional work of the Applicant with the Parish Council's and residents in particularly with Little Silver has unsatisfactory outcomes. Councillor

Connett referred to the indicative travel maps circulated at the meeting, of the A379 around Exminster and the Devon Hotel, and a Mamhead route. He advised that shorter routes would be taken which would incorporate Days Pottles Lane, which is unsuitable for additional traffic, and result in detrimental highway issues for residents. It is understood there are problems with the electricity supply to the site. There is no evidence that the proposal is viable and is deliverable. The site, in such close proximity to residential settlements, is in the wrong location for employment use.

The Planning Officer advised that the Applicants were addressing issues to alleviate concerns. There is no evidence to suggest the proposal would result in highway issues for the surrounding villages, and the proposal would result in the much needed employment creation.

Councillor Pilkington referred to development in the AGLV, contrary to Local Plan Policies S22 and EN2A to protect landscape and heritage.

The Business Manager advised that Local Plan Policy S22 does not prohibit employment development in the countryside; and the Landscape Officer has advised that the proposal is acceptable in terms of Policy EN2A.

Councillor Haines raised concern that the cycle route was such that cyclists had to cross the road. Devon County Council's highway representative advised that the cycle path/footpath would be on the same side of the road as the development. Traffic calming measures would also be developed along the road, to reduce traffic speed.

The Economy Manager, in response to Cllr Connett's comments, explained that the viability of employment sites is different to residential, that there were no speculative developers and that prospective future tenants would require security of their investment before committing to a site. The high opening up costs are not unique to this site. All new employment sites would need to be connected to the national grid and if there needs to be an upgrade to the network then the costs are the same, as are the time delays. The Local Plan and the Council Strategy set out an economic aim to provide one job for every working age resident. It is presently 0.74 jobs for every working age resident, with no other new employment sites in the pipeline. The Economy Manager advised that refusal of the application would also put the delivery of the approved 5ha site at risk, as it was not viable as a stand-alone proposal.

It was proposed by Councillor Smith and seconded by Councillor Bullivant that the application be approved as set out in the report circulated with the agenda. This proposal was lost by 2 votes for and 14 against.

It was proposed by Councillor Pilkington and seconded by Councillor Fusco that the application be refused on the grounds of: development in the countryside and AGLV contrary to Policies S22 and EN2A of the Teignbridge Local Plan; and highway impacts in the villages of Exminster and Kennford.

The Business Manager advised that the Landscape Officer and County Highway Engineer did not raise an objection to the application, and that the proposed

reasons for refusal were not supported by the Council's expert consultees. The application could be deferred for further negotiations as an alternative to refusal.

There was no amendment proposed and a vote on the proposal for refusal was taken and carried.

Resolved

Permission refused for the following reasons:

1. Development in the countryside and AGLV contrary to Policies S22 and EN2A of the Teignbridge Local Plan.
2. Highway impacts in the villages of Exminster and Kennford.

(10 votes for and 6 against)

- **KINGSKERSWELL - 16/01961/MAJ - Land to rear of Mount Pleasant Road - Outline – residential development of up to 34 dwellings (all matters reserved for future consideration)**

Councillor Haines declared a Paragraph 10 interest by virtue of his residence being within close proximity of the application site. He withdrew from the meeting while the application was discussed and determined.

Public Speaker: Supporter – The site is allocated for residential development in the Local Plan as KK2; there is no objection from statutory consultees; all issues other than the principle of residential development would be subject to reserved matters; density is acceptable at 28 per hectare; distances between existing and proposed dwellings is acceptable; 7 affordable houses would be provided and £200k CIL payment.

Comments raised by Members of the Committee included: overdevelopment of the site; overlooking and loss of privacy for neighbours along Mount Pleasant Road, at a lower level; lack of village amenities; flooding risk; increase in traffic; and impact on Cirl Buntings.

The Senior Planning Officer advised that construction work and traffic would be controlled by a construction management plan; there would be a permanent drainage scheme; mitigation measures and financial contributions for Cirl Buntings; and layout and house design would be determined at reserved matters stage with neighbouring amenity being a material planning consideration.

It was proposed by Councillor Dennis and seconded by Councillor Winsor that the application be approved as set out in the report, circulated with the agenda.

Resolved

Subject to the applicant entering into a Section 106 Agreement to secure:

1. Delivery of 21% affordable housing (based on the number of dwellings progressed through reserved matters) to meet local needs at a tenure split of 70% Rented and 30% Intermediate.
2. One dwelling to be provided as a 'more accessible' dwelling (in accordance with Part M4(2) of the Building Regulations).

3. 5% of total number of dwellings to be Custom Build.
4. £74,193 financial contribution towards curtilage mitigation (off-site territory contributions).
5. A 'per pupil' financial contribution towards school transport which would be calculated based on the number of dwellings progressed through reserved matters (£21,603 financial contribution would be applicable to a development of 34 dwellings).

Permission be granted subject to the following conditions:

1. Submission of reserved matters (access, scale, appearance, landscaping and layout) required prior to commencement.
 2. Reserved matters to be submitted within 3 years (5 years for custom-build plots).
 3. Development shall commence before the expiry of 2 years from the date of final reserved matters.
 4. Site Characterisation/Phase 2 Contamination Assessment to be submitted to and approved by the Local Planning Authority.
 5. Contamination Remediation Scheme Assessment to be submitted to and approved by the Local Planning Authority.
 6. In addition to conditions 4 and 5, an implementation of approved Remediation Scheme shall be carried out.
 7. Detailed drainage design for the full period of the construction of the development shall be submitted to and approved by the Local Planning Authority.
 8. Detailed permanent drainage design to be submitted to and approved by the Local Planning Authority prior to commencement.
 9. Reserved Matters application for landscaping shall include formal play.
 10. Details of the proposed estate road, cycleways, footpaths, verges, junctions, street lighting, sewers, drains, etc., shall be submitted to and approved by the Local Planning Authority.
 11. Details of the off-site highways works to be submitted to and approved by the Local Planning Authority.
 12. Access, parking facilities, commercial vehicle loading/unloading area, turning area and access drainage shall be submitted to and approved by the Local Planning Authority.
 13. Submission of a Construction Management Plan (CMP) for approval of the Local Planning Authority.
 14. Development to take place in strict accordance with the recommendations of the Ecological Impact Assessment and submission of a detailed LEMP to the Local Planning Authority for approval.
 15. Provision of bird/bat boxes at a rate of 1 per dwelling.
- (15 votes for and 0 against)**

• **DAWLISH - 16/02074/FUL - 1 Priory Park Road - Decking and parking bay at front of property**

It was noted that the proposal would not result in any additional impact on the street scene or neighbours than at current.

It was proposed by Councillor Russell and seconded by Councillor Fusco that the application be approved as set out in the report circulated with the agenda.

Resolved

Permission be granted subject to the following conditions:

1. Standard three year time limit for commencement.
2. Development to proceed in accordance with the approved plans.
3. Details of the soft landscaping as illustrated on Plan 1503-01 100 Rev D to be submitted and approved in writing by the Local Planning Authority prior to the provision of the decking area.

(13 votes for and 0 against)

150. DAWLISH, 13 WEECH ROAD, BUILDINGS AT RISK

The Committee noted the advice from Historic England that an Urgent Works Notice should be issued. The Conservation Officer advised she had had exhaustive conversations with the owner, and the Council has a statutory duty to preserve the Grade II Listed Building.

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

Resolved

Urgent Works Notices be served under Section 54 of the Planning (Listed Buildings and Conservation Areas Act 1990, in respect of 13 Weech Road and the Gig House at 13 Weech Road, Dawlish, to enable works to be undertaken to secure the preservation of the buildings.

(11 votes for, 0 against, and 1 not voted)

151. BREACH OF PLANNING CONTROL - THE BUNTINGS, HIGHER WOODWAY ROAD, TEIGNMOUTH

Councillor Orme declared a Paragraph 14 interest and did not vote on the matter.

The Senior Enforcement Officer referred Members to the updates sheet. It was also noted that the occupier of the site had circulated a letter to members of the Committee. The unauthorised siting of residential caravans on the land is contrary to development plan policy and the untidy condition of the land is detrimental to the character of the Undeveloped Coast. The development is so considered contrary to the advice contained in the National Planning Policy Framework. It is now considered appropriate to secure the cessation of the use of the land.

Concern was raised at the extensive and continuing misuse of the land for the siting of residential caravans and it was considered that the appearance of the site should be improved.

Resolved

1. That an Enforcement Notice be served to cease the unauthorised use of the land for the siting of residential caravans with a compliance period of six months.

2. That a notice under section 215 Town and Country Planning Act 1990 be served for:

a) The removal of all the bags of logs, timber, rubble, building materials, etc. currently located near the southern boundary of the site and in the open elsewhere within the site.

b) Removal of all building materials and machinery and all other items currently stored in the open fields other than materials or machinery that are reasonably required for regular agricultural purposes within the unit.

c) Removal of any items stored in the yard area that are not reasonably necessary for agricultural purposes taking place on the site.

3. That an Enforcement Notice be served to cease the unauthorised use of the barn for residential purposes. The Business Manager is granted delegated owners to determine the period for compliance.

(11 votes for, 1 against and 1 not voted)

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

The Committee noted a report circulated with the agenda on decisions made by the Planning Inspectorate on appeals against refusal of planning permission.

DENNIS SMITH
Chairman