

PLANNING COMMITTEE

18 FEBRUARY 2020

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Keeling, Jenks, Kerswell, MacGregor, Nutley, Patch, Parker, J Petherick, Phipps and Wrigley

Members in Attendance:

Councillors Daws, Morgan and Mullone

Apologies:

Councillors Bullivant and Nuttall

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Ian Perry, Principal Planning Officer
Trish Corns, Democratic Services Officer
Claire Boobier, Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Peter Thomas, Planning Officer

76. MINUTES

The Minutes of the meeting held on 21 January 2020 were confirmed as a correct record and signed by the Chairman, subject to the following amendments:

- Page 8 - insert before the first public speaker objector paragraph

In accordance with procedure, the objectors below were offered and accepted the opportunity to address the meeting following the withdrawal, the day of the meeting, of the objectors who were listed to speak.

- Page 9, paragraph 2

Delete “*the biodiversity assessment had been approved by the South Hams SAC.*”

Insert “*the Appropriate Assessment concluded the proposal with mitigation had no effect on the integrity of the SAC.*”

- Page 9, paragraph 4

Add after first sentence, *and it would not be unlawful to grant planning permission.*

77. DECLARATIONS OF INTEREST.

Councillors Wrigley and J Hook both declared a non-pecuniary interest for applications 19/02437/FUL and 19/02438/FUL due to being the current and previous Portfolio Holders for housing respectively.

78. PUBLIC PARTICIPATION

79. 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 Development Management 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 - 19/02437/FUL - Car Park At 69-71 East Street, East Street - Five affordable apartments together with provision for electric car charging points**

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

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

RESOLVED

That permission be granted subject to the following conditions:

1. Time limit for commencement (3 years)
 2. To be built in accordance with approved plans
 3. Prior to commencement – submission of a Construction Management Plan
 4. Prior to Installation – Submission of natural slate sample to be used for the roofs
 5. Prior to part removal of the wall on the eastern boundary – Submission of details of the finishing to the edge/pier of the wall
 6. Prior to installation, details of air source heat pump location, enclosure and noise rating to be submitted and approved
 7. Unsuspected land contamination
 8. Works in accordance with an Archaeological Written Scheme of Investigation
 9. Electric Car Charging Points to be provided prior to first occupation
- (19 for and 0 against)

b) **NEWTON ABBOT - 19/02438/FUL - Garages Off Drake Road, Newton Abbot
- Two semi-detached houses with associated and residents parking**

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

Public Speaker- Objector: Several residents who use the garages are elderly with mobility problems, reduced space for bins because the area is used for storage of bins, land is available elsewhere for affordable housing.

The Planning Officer responded by saying that there was plenty of bins space and demonstrated this by showing the bin collection points. The bin space was part of the Construction Management Plan.

Comments from Councillors included: Are the paths wide enough for mobility access, loss of existing garages would result in more on street parking where there is already insufficient parking availability causing highway safety issues.

The Business Manager responded by saying that the path is in excess of a metre according to the Online Plan System and so is suitable for mobility access, and also there is a specialist bin service for those who need it in order to put their bins out.

Comments from councillors also included: Are cars parked in the garages already, low carbon emissions, these houses will free up space in council flats, the application is similar to others in the scheme, town and parish had not supported the application, the need for more accommodation, and removing garages would cut down the traffic in the area which would make the road safer.

In response it was noted that the maximum number of cars parked in the garages is 4 and 2 garages are vacant,

It was proposed by Councillor J Hook and seconded by Councillor Wrigley and

RESOLVED

That permission be granted subject to the following conditions:

1. 3 Year time limit
2. Compliance with the approved drawings
3. No development until temporary refuse details have been agreed
4. Construction Management Plan condition
5. Parking spaces to be made available and retained at all times and provided prior to occupation of the approved dwellings
6. Prior to installation, details of air source heat pump location, enclosure and noise rating to be submitted and approved
7. Electric Car Charging Points to be provided prior to first occupation
8. Unsuspected contamination condition

9. Obscure glazing to rear windows
 10. Drainage condition
 11. Construction in accordance with the supplied level details
 12. Retention of refuse details shown on plan
 13. Removal of permitted development rights for windows and roof windows on the rear
 14. Development carried out in accordance with the recommendations within the ecological report
- (16 for, 2 against, and 1 abstention)

c) **ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling**

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

Public Speaker- Supporter: Spoke on the need to demolish the existing structure as it was dilapidated and unsafe, the new dwelling has been inspected by a Building Control Officer, environmentally friendly application with sustainable lifestyle for applicant, dwelling will be self-built, and class Qs have grey areas open for interpretation.

Comments from Councillors included: This application constitutes development in the countryside which is contrary to policy, not affordable housing and no temporary occupational need for it, contrary to: Abbotskerswell Neighbourhood Plan, policy EN-1, and erosion of Abbotskerswell and Kingskerswell settlement boundaries, opposed by Parish Council, environmental benefits, application fits with class Q description, other councils have considered similar applications, and Planning Inspectorate had allowed a similar application elsewhere.

The Site Inspection Team presented their views and comments. These included: the upcoming local plan review, positive benefits for Teignbridge, the short time span between the applicant acquiring the land and the demolition of the previous dwelling despite no evidence that it was needed and without officer approval, positive biodiversity gains, low impact dwelling, danger of setting precedent for building in the countryside, previous class Q applications on site had not been permitted, and the local plan review would have little impact on the application.

In response, the Business Manager explained that Class Q's were converted buildings and not rebuilt buildings and so because the structure had been demolished, there was no class Q as the previous building had been demolished.

Other comments made by Councillors included: Good sustainability of new dwelling, lack of flood risk for new dwelling, the site is on brownfield land, the application should be taken on its own merit, and the land was purchased by the applicant with class Q consent in mind.

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The Business Manager highlighted that the land was not Brownfield within any relevant planning definition.

It was proposed by Councillor Colclough and seconded by Councillor Keeling that permission be refused as set out in the agenda report. This was lost by 8 for and 11 against.

The Solicitor advised that if the vote went against officer recommendation then members needed to be clear on why they had departed from the local plan and also that if approval was forthcoming then conditions would be required.

Conditions for approval were suggested by the Planning Officer.

It was proposed by Councillor Patch and seconded by Councillor Bradford that the application be approved subject to conditions as outlined by the Planning Officer.

It was considered that if the application was to be approved that the application remains a small holding and the energy supply be off grid. It was agreed that these be included with the conditions.

RESOLVED

That permission be granted subject to the following conditions:

- 1) 3 year time limit
 - 2) Compliance with the approved drawings
 - 3) Curtilage of dwellinghouse be limited to land within the redline;
 - 4) Permitted development rights removed for extensions including roof enlargements to dwelling and for outbuildings in curtilage
 - 5) The link between the dwelling and the land/small holding shall remain.
 - 6) Off grid energy supply to dwelling;
 - 7) Removal of static caravan on site once dwelling approved able to be occupied.
- (10 for and 9 against)

Note: The refusal of this application was contrary to advice detailed in the agenda report. The Committee considered that the application was unacceptable for the reasons listed above and below.

Statement of reasons:

The decision to approve the application was against officer recommendation. The Committee considered the application acceptable for the following reasons; the perceived benefits of a sustainable dwelling with a positive biodiversity impact, and approval of other class Q dwellings nearby, subject to the link between the dwelling and the land/small holding, and the dwelling being fully sustainable with off grid energy.

d) **TEIGNMOUTH - 19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth - Two dwellings**

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

Public Speaker, Objector: Spoke on the possibility of loss of amenity for residents, loss of privacy and light due to overlooking particularly for residents of Parsons Street and Westcliffe, overbearing due to proposed height, lack of available parking on Mulberry Street, no proposals to incorporate parking spaces, there are currently 5 vehicles on a single lane street, and bad emergency vehicle access.

The Chairman reported on objections from the Devon County Councillor for Teignmouth who could not attend the meeting. They opposed the application due to the fragility of the retaining wall along the lane leading to the steps, the lack of parking, congestion, retaining access to the garages and also retaining access to the steps. They asked that a site inspection be arranged.

Comments from councillors included: The street is narrow, need to ensure access to other dwellings on the street, the dwellings are overbearing, loss of amenities, it is likely that those who live in dwellings will have cars that need parking, the number of storeys in the dwelling, most people in towns rely on cars, the land is overdeveloped, and specifically affected 43-46 Parsons Street, 1-4, 11, and 16 Mulberry Street.

In response to comments, the Business Manager explained that the dwellings would be two storeys with a room in the roof so would not be overbearing as compared to a three story development.

It was proposed by Councillor MacGregor and seconded by Councillor Clarence that the application be refused on the grounds that it would be detrimental to the amenities of neighbours.

An amendment was proposed by Councillor J Petherick and seconded by Councillor Keeling that a Site Inspection be held to assess which properties would be affected. The amendment was carried.

RESOLVED

That decision be deferred pending a member's Site Inspection.
(18 for and 1 against)

e) **BOVEY TRACEY - 19/01342/FUL - Sabre Power, Station Park - Construction and operation of an urban reserve 2.5MW gas fired power**

plant and associated equipment

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

The Business Manager reported a further representation since the update sheet that had raised no new issues.

Public Speaker – Objector: Spoke on Teignbridge's declaration of a climate emergency, the aim for Teignbridge to become carbon neutral by 2025, the lack of need for the plant, the plant is described as peaking but in the application it is suggested it will be active 50% of the time, the plant will produce 5 kilotons of emissions which is contrary to Policy EN-3, and concerns about air pollution caused by the plant.

Public Speaker – Supporter: Spoke on the need for backup power if other forms of energy are not sufficient to meet demand, the need for local electricity, no outstanding concerns from the Environmental Health Officer, the impact on climate will be minimal, and most types of renewable energy aren't sufficiently developed to be utilised continuously.

Comments from Councillors included: Negative environmental implications for Teignbridge and the wider environment, South Hams District Council had rejected a similar application a year ago, no plans to mitigate carbon dioxide, 4000 potential operational hours a year at 11 hours a day, potential for the site to operate for 24 hours a day, not enough information provided, new energy storage schemes need to be discussed, the site is less than 200 meters away from a SSSI, the site is close to a bridge used by cyclists who will suffer as a result, the site is too far from air quality monitoring equipment, contrary to policies EN-3 and S7, goes against Teignbridge declaration of a climate emergency, large amount of letters of objection, Bovey Tracey Town Council had rejected the application, the application doesn't provide adequate opportunity to transition to renewable energy, NOX causes respiration problems, air pollution results in fatalities, the air quality in the area is already poor due to the A38, the plant is in close proximity to a school, surprise that officers had not raised objections, the site will require the removal of several trees which is problematic for the environment, ClientEarth had raised objections, goes against the national planning policy framework, the UK needs to adhere to the Paris Agreement, possibly contrary to Policy S6, the plant will also be damaging to neighbouring wards, there is support from the central government for green energy, the report doesn't contain enough detail and is incorrect in several places such as including nuclear energy in the renewable energy category, lack of insurance that conditions would be adhered to, if the plant operates outside of peaking times then it will prevent renewables from accessing the grid, the plant will operate for 20 years which is too long, the applicants' website suggests that the plant will be in operation for longer than just peaking times, Teignbridge should seek out the lowest carbon option, several of the documents supplied are outdated for example one from 2011 claims that electricity cannot be stored but

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it can, Committee should approve applications that are needed and this one isn't, possibly contrary to policy EN-11, Teignbridge should use turbines and harness water power especially in the winter when it snows, and there are plenty of alternatives to this type of plant.

It was proposed by Councillor Haines and seconded by Councillor Kerswell and

RESOLVED

That permission be refused for the following reasons:

- 1) The development proposes electricity production from natural gas. The proposal as described in the application will not contribute to the goal embedded in policy S7 of seeking to achieve reductions in carbon emissions across the district.
- 2) No information has been provided to demonstrate that the proposal has been designed to minimise its carbon policy footprint in accordance with Policy EN3.
(19 for and 0 against)

Note: The refusal of this application was contrary to advice detailed in the agenda report. The Committee considered that the application was unacceptable for the reasons listed above and below.

Statement of reasons:

The reasons for refusal were that the power plant would not comply with Policies EN-3 and S7, as well as a lack of local need for the plant.

- f) **IPPLEPEN - 19/01877/FUL - Moorwood, Moor Road - The temporary stationing of a log cabin for 3 years to serve as a key worker supervisory dwelling in connection with equestrian use**

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

Public Speaker – Objector: Spoke on lack of necessity or local need for the application, the application is for private use only, the application is to build on green field land which goes against policies, the lack of existing business means that it may not be economically viable, previous applications on the site have been refused and there is no need for accommodation on site.

Public Speaker – Supporter: Spoke on the existing property on site, the application had met all conditions, compliant with all policies, need and justification is evidenced, creation of employment, economic benefits, the accommodation is only temporary, and the decisions about the business should

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be made by the Council in 3 years.

The Chairman reported on the Ward member's objections: It is common for stables in Ipplepen to have living areas, plans are light on detail, lack of statistics in plan, possibly contrary to Policy EC-5C, concerns about building in the Countryside, the land is unsuitable for horses, there should be 2 hectares per horse, concerns about the economic viability, and concerns about the grass available to the horses.

The Business Manager responded by saying that the horses would receive supplementary feed, Policy S9 allows the dwelling in the countryside, the business plan has commercial confidentiality but was considered acceptable by the Agricultural Consultant, and the Committee should judge the Business following the temporary 3 years permission when the current need and justification will be increased.

Additional comments from Councillors included: The Business Plan is acceptable and justifies approval, the site is in the mineral consultancy area, no objection from Devon County Council, temporary conditions to allow business to prove itself, the temporary dwelling should be a caravan rather than a built structure, there is no description of the dwelling included, the business should have started by now, Policy EN-9 states that the business needs to have started in order to build on the land and it is being interpreted too loosely in order to allow the application, and the application doesn't satisfy Policy WE-9.

In response the Business Manager had stated that the mineral consultancy zone already has houses in it so it is unlikely that the minerals will be mined as long as the houses exist, Policy EN-9 means that Rural workers can build temporary accommodation to establish their business, an appeal for a similar case was recently lost because members went against officer recommendation and so there is a risk of losing another appeal, there had been sufficient information from the agricultural assessor to support this temporary planning permission, criteria D of Policy EN-9 allows temporary accommodation, and livestock businesses often require the accommodation in order to build up their business.

It was proposed by Councillor Wrigley and seconded by Councillor MacGregor and

RESOLVED

That planning permission be refused for the following reasons:

The structure proposed to serve as temporary residential accommodation is considered inappropriate for this proposal as there is insufficient information submitted with the application to identify how it would meet the objectives of policies S7 and EN3 of the Teignbridge Local Plan in relation to how it would be insulated or would otherwise seek to minimise its carbon emissions as well as in relation to proposals for its re-use following the expiration of the proposed temporary period.

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The proposal is considered to be contrary to Policy WE9 of the Teignbridge Local Plan as the identified commercial equine use of the site has not yet commenced.

(12 for, 4 against and 2 abstentions)

Note: The refusal of this application was contrary to advice detailed in the agenda report. The Committee considered that the application was unacceptable for the reasons listed above and below.

Statement of reasons:

The decision to go against officer recommendation was made due to Members' views that the proposed form of the temporary accommodation was inappropriate and Members' view that the proposal conflicted with Policy WE9.

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

The Committee noted the appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 12.44 pm.

Chairman