

PLANNING COMMITTEE

TUESDAY, 21 NOVEMBER 2017

Present:

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

Apologies:

Councillor Price

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Frances Robinson, Solicitor
Trish Corns, Democratic Services Officer
Helen Murdoch, Senior Planning Officer
Kelly Grunnill, Senior Planning Officer
Fergus Pate, Principal Delivery Officer
Rob Kelley, Senior Planning Officer
Hannah Milford, Legal Assistant

214. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING.

It was proposed and seconded that the minutes of the meeting held on 24 October be approved as a correct record and signed by the Chairman. This was carried by 18 votes for and 1 abstention.

215. MATTERS OF URGENCY/REPORT ESPECIALLY BROUGHT FORWARD FORWARD WITH THE PERMISSION OF THE CHAIRMAN.

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.

216. DECLARATIONS OF INTEREST.

Councillor Pilkington declared a non-pecuniary Appendix A, paragraph 13 interest in application 17/02014/FUL by virtue of his trade being in the marine engine business. He participated in discussion but did not vote on the application.

217. 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 sheet previously circulated.

a) **SHALDON - 17/01385/VAR - Highfield, Torquay Road - Variation of condition 2 on planning permission 15/01503/VAR to amend access road**

The Senior Planning Officer reported: the receipt of an additional four representations of objection, but not raising any new issues; and a further representation from the Applicant confirming landscaping planting at the rear of 11 Woodleigh Park, a two metre hedge planting along the bank and its future maintenance.

Public speaker, objector - A retrospective application; the original conditions should be enforced; Shaldon Parish Council have objected to the application; the applicant continued to construct the section of the access road in the incorrect location despite the fact that he had not submitted an application at the time to address the issue; the development was allowed on appeal and the Applicant has contravened conditions.

Public speaker, supporter - The project has employed local people; the Section 73 application seeks to regularise the situation, bought about due to adjacent landowners incorrectly detailing their ownership; amendments were also made to the section of road concerned to comply with County Council adoptable highway standards; 730 plants have been planted for the boundary landscaping scheme; the bank is stable and no neighbouring boundary fences or other structures are being used to support the bank.

Comments made by Members included: the site inspection team viewed the site from rear gardens of properties in Woodleigh Road and it was considered that the section of road that had been re aligned with gradient changes was acceptable, with the implementation of the landscaping scheme; the gate pillars could be seen only from within the site and when passing the entrance; the landscaping scheme would screen the pillars from neighbours once grown to two metres in height; and the lack of boundary hedge to the rear of 11 Woodleigh Road would be addressed with landscaping.

The Business Manager advised that the granting of planning permission did not mean that nothing else is acceptable. There was no reason why the Council would not have approved changes to the section of road had an application been submitted before the work was undertaken. The law allows for Applicants to apply for planning permission after the work has been undertaken. Should the application be refused, costs could be awarded against the Council for refusing the application on unreasonable grounds.

Further comments from Members included: the landscaping scheme and management plan should be submitted within 1 month; and the design of the gate pillars is unacceptable. The Senior Planning Officer advised that two metre height pillars could be constructed without planning permission.

The existing ones are higher than two metres and therefore require planning permission. However, when assessing the design, their visibility needs to be considered and what harm, if any, do they have in the Undeveloped Coast, when they cannot be easily seen and from very restricted places. The only public vantage point being from outside the entrance, on the highway.

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

Resolved

Permission be granted subject to the following conditions:

1. Development to be in accordance with approved plans.
2. Implementation of landscaping scheme (to include additional landscaping at the turning head) and management plan. Both to be submitted for approval within one month.

(13 votes for, 3 against and 2 abstentions).

b) **NEWTON ABBOT - 3 Market Walk**

i) **17/02129/FUL - New air conditioning condensers and extract grilles**

It was proposed by Councillor Hook (was Brodie), seconded by Councillor Hayes and

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.

(19 votes for and 0 against)

ii) **17/02130/ADV - one new fascia sign, one new projecting sign and two internal posters**

It was proposed by Councillor Hook (was Brodie), seconded by Councillor Hayes and

Resolved

Advertisement consent be granted subject to the standard conditions governing the display of advertisements.

(19 votes for and 0 against)

c) **IPPLEPEN - 17/01883/FUL - Camping and Caravan Site, Dornafeld Farm - Grasscrete driveway, construction**

The comments of the County Archaeology Officer as set out on the circulated updates sheet with a further recommended condition was noted.

It was proposed by Councillor Prowse, seconded by Councillor Bullivant 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. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the Applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority. (18 votes for, 0 against and 1 not voted)

d) **DAWLISH - 17/01944/FUL - Adventure Golf, Tucks Plot - 12 hole safari-themed adventure golf course with accompanying golf/refreshment kiosk**

It was noted that an additional representation of objection had been received, but which did not raise any new issues. In relation to petition signatures, two petitions had been received: one with 198 signatures and a second with 54 signatures.

Public Speaker, Objector – objections on behalf of the Town Council's Civic Amenities Committee in relation to the footprint of the kiosk; Tucks Plot is within the Conservation Area, a gateway to the Town, and the listed Jubilee Bridge is located adjacent; it would be contrary to Policy DA12 of the Teignbridge Local Plan for enhancement of the area as a civic space; and the application should be deferred to enable wider consultation with the public as to the best use of the site.

Public speaker, supporter – The facility would boost the Dawlish economy by attracting visitors to the town, being the only mini golf facility, and attract visitors to use other business; 4.5 full time local employees; the kiosk is a replacement food outlet and therefore will not have a detrimental impact by adding to the number of catering outlets; and the perimeter fencing on the wall can be lowered to address concerns.

Comments raised by Members included the effect of the catering kiosk on other local food businesses when the previous catering kiosk was removed by Network Rail some time ago.

The Business Manager advised that the Council would have control over non planning issues as landowner through lease arrangements.

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

Resolved

Consideration of the application be deferred pending a Member site inspection to assess the size of the kiosk in relation to the overall site and area. (19 votes for and 0 against)

- e) **SHALDON - 17/02014/FUL - Shaldon Storage & Distribution Centre, Long Lane - Change of use of yard from storage (Use Class B8) to General Industrial (Use Class B2) and extend working hours of building to 8.30am to 1pm on Saturdays**

Councillor Pilkington declared an interest in application 17/02014/FUL by virtue of his trade being in the marine engine business. He participated in discussion but did not vote on the application.

The Senior Planning Officer reported the receipt of an additional representation of objection, raising no new issues other than to suggest Members may wish to inspect the site, and that condition 4 does not need to restrict storage.

Public speaker, objector – Excessive noise and disturbance emanates from the site and the proposals would exacerbate the situation; continuous noise from the servicing of boats, some engines are up to 300 horse power; the noise report has been submitted to the Council, the facility is open 7 days a week despite the restricted hours of operation at condition 4; the site location plan does not include neighbouring properties, one is just 30 metres away; it will set a precedent for other business becoming industrial sites; the Parish Council cannot support the proposal despite supporting local business where possible; a solution is required for the business which is not at the expense of neighbours.

Public speaker, supporter – There is a need for this facility in the village, and a secure site is required; planning permission for a workshop was granted November 2016; boats of various sizes are worked on; permission is required only to expand hours and not the yard; the business has invested heavily in lifting equipment in relation to a contract gained with the Council; there is local demand and the need for the expanded hours, otherwise business would move out of the area.

Comments made by Members included: the size of boats is restricted to the width of the highway; the conditions detailed on the report circulated with the agenda control the use of the site, the site has large boundary hedges to help reduce noise emanating from the site; equipment can be used to reduce noise when engines are being tested such as water tanks.

It was considered there was merit in deferring consideration for an inspection to assess the potential impact of noise from engines emanating from the site.

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

Resolved

Consideration of the application deferred pending a Member site inspection to assess the site in relation to neighbouring properties, particularly with regards to noise. (18 votes for, 0 against and 1 not voted).

f) **NEWTON ABBOT - 17/02338/VAR - Coombeshead Academy, Coombeshead Road - Variation of condition, 2 on planning permission 15/00467/FUL to allow new lighting scheme**

The receipt of a further two representations of objection and one of support was noted, but which raised no new planning issues.

Public speaker, objector – The lights cause overbearing glare to neighbours gardens and properties, and for road users; the nearest neighbour is 20 metres away; the lights are not hooded; the noise from the use of the pitch is also disturbing with shouting and swearing, resulting in children being moved from bedrooms to avoid the disturbance; the acoustic fence makes no difference; use of the pitch should be restricted until 1900hrs; and the site is too close to the main road and neighbouring properties.

Public speaker, supporter – The school and a light engineer have been working with the Environmental Health Officer to resolve the lighting glare for road users and residents; the pitch is a much used and welcomed community facility bringing a health and wellbeing benefit; Devon Football Association advises that there is a shortage of pitches in the area; additional acoustic bunds and fences have been erected and an acoustic report has been submitted to evidence the benefit of these works.

Comments raised by Members included: permission for the lights was approved on condition that both noise and light issues were addressed; 10 metre instead of 12 metre lighting columns were erected resulting in light glare to neighbouring properties and the road, and across to Wolborough Hill; bad language emanating from the pitch is also a problem for neighbours; the lights do not have front facing shields and should be taller; and the pitch should not be used beyond 1900hrs until the situation is addressed.

The Business Manager advised that complaints had been received about the lights and the noise, which were not entirely related because the floodlights were only required in the autumn/winter months. Environmental Health has monitored the noise and a statutory nuisance has not been demonstrated. However the glare from the lights is a problem. The proposal would address the situation and the school has voluntarily reduced the hours of use until the works to address the light glare has been undertaken.

In response to comments regarding possible enforcement action the

Business Manager advised that refusing the application or taking enforcement action would not be the best way to address the impact on neighbouring properties. He reiterated that the proposal would address the situation and the school has voluntarily reduced the hours of use until the works to address the light glare have been undertaken. There is a breach of the original conditions but the current application rectifies the situation.

It was proposed by Councillor Bullivant, seconded by Councillor Hook (was Brodie) and

Resolved

Permission be granted subject to the following conditions:

1. Development to proceed in accordance with the approved plans.
 2. Prior to the hereby approved lights first being brought into use after 19:00 hours the lights shall be fully inspected by a competent lighting engineer and a report provided to and approved in writing by the Local Planning Authority. The report shall confirm that the lighting Lux levels as set out in hereby approved drawing number HLS00565/REV15 have been met and provide detailing of the rear cowls that have been fitted to each lamp to restrict glare. The lights and associated fittings shall be retained in accordance with the approved details in perpetuity. Following approval the lights shall be used in accordance with the approved hours set out in Condition 4 of this planning decision notice.
 3. The lighting system shall be automatically controlled with an automatic timer which turns the lighting system off outside of the operational hours. This shall be fitted prior to the new lights being first brought into use.
 4. The lighting system shall only be used between the following hours: Monday-Friday 08:00-21:00, Saturday 09:00-18:00, Sundays 09.00-13.00 and not at all on Bank Holidays.
 5. The lights to be used only when the pitch is in use.
- (16 votes for, 0 against and 1 not voted)

218. VACANT BUILDING CREDIT - THE COUNCIL'S APPROACH IN CONSIDERING PLANNING APPLICATIONS

The Chairman referred to the report circulated with the agenda in relation to ensuring a consistent approach is applied to all planning applications where Applicants consider their proposals to be eligible to receive a Vacant Building Credit.(VBC)

The government's intention in introducing the VBC was to provide an incentive for brownfield development on sites containing vacant buildings. The VBC also introduces a change when calculating the affordable housing requirements for new residential development.

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

Resolved

The Advice Note appended to the report circulated with the agenda be approved as technical guidance to inform the Planning Committee's consideration of planning applications, and that the Advice Note be published on the Council's website to provide guidance to Applicants.

(18 votes for and 0 against)

219. NA1 NEWTON ABBOT HOUGHTON BARTON DEVELOPMENT FRAMEWORK PLAN

The Senior Planning Officer referred to the report circulated with the agenda. The site covers an area of approximately 160 hectares of land to the west of Newton Abbot. It stretches from Forches Cross on the A382 (Bovey Tracey Road) on the northern boundary of the town, westwards towards the Seale Hayne campus and then south across to the current development site at the former Hele Park Golf Course on the A383 (Ashburton Road). The site is divided into two development areas, separated by a large green corridor. The Hele Park estate has planning consent for 650 homes which forms the first phase of NA1. The DFP is concerned only with the remainder of the allocation.

The land is allocated to deliver a sustainable, high quality mixed-use development which shall include: a comprehensive landscape and design led masterplan; 18 hectares of land for employment development; 1,800 homes with a target of 20% affordable homes; 24 Gypsy and Traveller pitches; land and buildings for social and community infrastructure accessible to all; a vehicular route connecting the A382 with the A383; high quality designed landmark developments as the gateways to the town along the A382 and A383; a network of green infrastructure that contributes to the overall strategic network; areas for local food production; formal and informal recreation space within the development; protect and enhance biodiversity habitats for greater horseshoe bats sustenance zones and flyways; a Greater Horseshoe Bat mitigation plan; opportunities for either the generation of on-site renewable energy at a domestic scale or community scale renewable energy generation; protect the long-term use and setting of the listed buildings at Seale Hayne and enable the campus and uses on site to form part of the new community; and avoid sterilisation of ball clay resources or prevent future extraction and areas for tipping of spoil.

The Principal Delivery Officer referred to a letter dated 17 November 2017 from agents acting for Sibelco which owns significant mineral reserves in the area. The issues raised could be addressed, particularly at paragraph 4.22 of Appendix A attached to the report circulated with the agenda. The letter had been circulated to all Members of the Committee.

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

Resolved

1. That the NA1 Houghton Barton, Newton Abbot, Development Framework Plan Supplementary Planning Document (Appendix 1 to the report circulated with the agenda) is recommended to the Executive meeting on 5 December for adoption, subject to issues raised by Sibelco being addressed.

2. That the findings of the Strategic Environmental Screening Report (Appendix 2 to the report circulated with the agenda) which determines that no Strategic Environmental Assessment is required is noted.

3. That the findings of the Habitats Regulation Assessment Screening Report (Appendix 3 to the report circulated with the agenda) which determines that the Development Framework Plan will not have a likely significant effect on the South Hams Special Area of Conservation (SAC), subject to appropriate mitigation, is noted.

220. APPEAL DECISIONS

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