

## **PLANNING COMMITTEE**

### **19 FEBRUARY 2019**

#### Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Dennis, J Hook, Keeling, Mayne, Kerswell, Nutley, Parker, Prowse, Rollason, Winsor, Dewhirst (Reserve) and Hocking (Reserve)

#### Members in Attendance:

Councillors Eden and Evans

#### Apologies:

Councillors Fusco, Hayes, Jones, Orme and Pilkington

#### Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Nick Hill, Solicitor  
Angharad Williams, Senior Planning Officer  
Trish Corns, Democratic Services Officer  
Anna Holloway, Senior Planning Officer  
Gary Crawford, Planning Officer

## **10. MINUTES**

The Minutes of the meetings held on 22 January and 12 February 2019 were confirmed as a correct record and signed by the Chairman.

## **11. 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.

## **12. DECLARATIONS OF INTEREST.**

Councillor Smith declared an Appendix B, paragraph 12 interest in application 18/01690/MAJ, by virtue of his position as Vice Chairman and Director of Devon County Football Association, and left the meeting at the time this application was dealt with.

## **13. 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) **CHUDLEIGH - 18/02405/FUL - St Martin And St Marys Church, Fore Street - Demolish 14 metres long section of south-facing wall and rebuild**

The Committee noted Historic England had advised that it was satisfied there was no alternative solution to minimise the impact on the wall.

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

Resolved

Permission be granted subject to the following condition:

1. Works retained in accordance with approved plans.  
(17 votes for and 0 against)

b) **BOVEY TRACEY - 18/02574/FUL - 2 Fairfield Close - Single storey rear extension and loft conversion and remove existing garage**

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

Resolved

Permission be granted subject to the following conditions:

1. Standard time limit.
2. Works in accordance with approved plans.
3. First floor en-suite window to be obscurely glazed.
4. Unsuspected contamination.  
(17 votes for and 0 against)

c) **TEIGNMOUTH - 16/02976/FUL - Cypress , Thornley Drive - Dwelling in garden**

Public speaker, objector – Objected on behalf of neighbours on the following grounds: the design is out of keeping and unsympathetic with the surrounding area; overbearing; overlooking to neighbouring properties; potential land instability with the amount of excavation on steeply sloping site; loss of green space in the landscape; contrary to Policy EN2A; inadequate landscaping; disturbance during construction; and detrimental to amenities of neighbouring dwellings.

The Committee was referred to the updates report and advised that the site is not in designated Undeveloped Coast as incorrectly stated in the report under the Landscape Officer's comments. Therefore policy EN2A 'Landscape Protection and Enhancement' is not relevant.

Comments made by Councillors included: too close to neighbouring properties; loss of privacy and overlooking; inadequate landscape screening; road unsuitable for construction vehicles; inappropriate design and materials out of

keeping; detrimental to landscape; out of keeping with neighbouring dwellings; overbearing and dominant; detrimental to the amenities of neighbouring dwellings; effect on listed Yannon Towers; impact on wildlife; stability and steepness of land; surface water run off; design acceptable because there are a mix of house designs in the area; it will sit well into the hillside and will not break the skyline; large plot; additional landscaping can be requested by condition.

The Chairman reported on the views of the ward member who was unable to attend the meeting. These views have been incorporated in Councillors comments above.

It was proposed by Councillor Dewhirst, seconded by Councillor J Hook and

Resolved

That permission be refused for the following reasons:

1. Overdevelopment.
  2. Landscaping impact.
- (12 votes for and 5 against)

*Note: The refusal of the application is contrary to the advice of the Business Manager. The committee considered the application unacceptable for reasons outlined above.*

d) **CHUDLEIGH - 18/01497/FUL - 1 Kits Close - Single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights**

The Committee noted clarification in the increase in the ridge height which would be 0.5 metres.

Public speaker, objector – spoke on behalf of the Town Council - the area is predominantly single storey dwellings; bungalows are in high demand and there are insufficient provision in the town; residents feedback for the emerging Neighbourhood Development Plan is for additional bungalows not more houses; overdevelopment of the site; contrary to NPPF guidance; extension too close to boundary with neighbour; loss of light; detrimental to amenities of neighbours; the neighbouring properties which have dormer windows did not involve the raising of the roof.

Public speaker, supporter – the majority of the works already has planning permission; the 0.5metre roof increase is required to comply with building regulations; the precedent has already been set with neighbouring properties having roof spaces converted to living accommodation with dormer windows; no impact on the listed building; and the proposal is in accordance with policy.

Comments from Councillors included: the roof would be raised by a small amount of 0.5 metres and other properties have converted the loft space; the NDP has not been adopted; the dwelling would still be a bungalow because it

would have bedrooms on the ground floor; overbearing; raising of the roof would set a precedent; the older population is increasing; and only one bungalow included in recent new development for the town.

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

Resolved

That permission be refused for the following reasons:

1. Loss of light.
2. Overbearing due to scale and height.
3. Out of keeping with the street scene.

(12 votes for and 5 against)

*Note: The refusal of the application is contrary to the advice of the Business Manager. The committee considered the application unacceptable for reasons outlined above.*

- e) **TEIGNMOUTH - 18/01406/MAJ - Neilston Retirement Hotel, 47 Woodway Road - Demolition of existing vacant care facility and construction of 10 new two and three bed apartments**

The Committee was referred to the viability appraisal recommending £37,500 contribution towards off site affordable housing. The Council's Enabling Officer had confirmed that this was appropriate amount in this instance. The Town Council had commented on the design, and one further representation of objection had been received.

Public speaker, supporter – the development would be unviable and would be undeliverable if required to contribute more than the amount submitted in the viability appraisal.

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

An amendment was proposed by Councillor J Hook that £50,000 be requested for affordable housing. This was seconded by Councillor Keeling.

The Business Manager advised that the application and amount of affordable housing contribution is in accordance with NPPF and Planning Policy Guidance. The viability assessment has been undertaken by a professional expert and the recommendation is clear.

The Council's Solicitor reiterated that the application is policy compliant and the conclusion of the independent viability assessment is clear.

A vote on the amendment as set out above was taken and lost by 3 votes for and 14 against. A vote on the proposal was taken and carried.

Resolved

Subject to: the completion of a Section 106 agreement for an Affordable Housing contribution of £37,500 and a Habitat Regulations contribution of £8,000,

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Construction Management Plan to be agreed prior to development commencing;
4. Results of percolation test in accordance with BRE Digest 365 Soakaway Design to be agreed prior to development commencing;
5. Detailed design of surface water drainage management system to be agreed prior to development commencing;
6. Details of exceedance pathways and overland flow routes for rainfall in excess of the design standard of the proposed surface water drainage management system to be agreed prior to development commencing;
7. The works, including demolition and site clearance, shall proceed in strict accordance with the precautions and measures described in the preliminary ecological appraisal report and mitigation and enhancement measures shall be provided as described in this report;
8. Details of location and design of 10 bird boxes and 2 bat boxes to be agreed prior to development above damp proof course;
9. Prior to first use, samples or details of the materials to be used on the external surfaces of the buildings to be submitted and approved;
10. Parking facilities to be provided prior to initial occupation and thereafter be permanently retained;
11. Detailed design of cycle storage to be approved and to be provided prior to initial occupation and thereafter maintained and retained;
12. Detailed design for refuse and recycling storage to be approved and for such storage only within approved bin storage areas and to be provided prior to initial occupation and thereafter retained;
13. Prior to first occupation full details of hard and soft landscaping works and an implementation and management plan to be submitted and approved and implemented in accordance with approved details. Details to include soft landscaping along the southern and western boundaries of the site;
14. Boundary treatment to be installed prior to initial occupation and thereafter permanently maintained and retained;
15. The installation of the obscurely glazed, top-hung windows within the west elevation to a minimum of level 3 obscured glazing prior to first occupation;
16. The installation of the obscurely glazed privacy screens to the balconies, as shown within the proposed west elevation, to a minimum of level 3 obscured glazing prior to first occupation.

(14 votes for and 3 against)

f) **TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration)**

Public speaker, objector – Objected on the grounds of highway safety; detrimental to the amenities of neighbouring dwellings; the plot was never intended for a building but for open space; the site is subject to a Deed of Dedication to Devon County Council as highway Authority; the close is narrow and cannot sustain another dwelling; and the plot is not large enough for a dwelling.

The Business Manager advised that the plans show that a dwelling, 2 parking spaces and adequate amenity space can be accommodated on the site without the turning head being compromised.

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

Resolved

Consideration deferred pending a Member site inspection.  
(16 votes for and 1 against)

g) **SHALDON - 18/02230/FUL - Land At Brook Lane - Two dwellings (instead of approved single dwelling)**

Public speaker, supporter – two smaller dwellings can be accommodated on site in place of the one larger dwelling, and are similar to the dwellings in the award winning development Shoreside; the design is in keeping with the surrounding area; and neighbours have supported the application and therefore there is no issue of overlooking.

Comments from Councillors included: the design and amenity is acceptable for two small dwellings; a wall borders the property rather than a Devon bank; the reasons for refusal can be addressed; problem with access onto a narrow lane, and number of vehicles for a tight plot; and PDR should be removed.

The Business Manager confirmed that there would be limited amenity space and it is being utilised for on-site car parking. One property is acceptable. PDR can be removed and other conditions applied through delegated powers.

Further comments from Councillors were that there would be adequate amenity space, and overlooking had been addressed.

It was proposed by Councillor Prowse and seconded by Councillor Mayne that Permitted Development Rights (PDR) be removed because there is insufficient space on site to accommodate extensions of the dwellings. This was carried by 12 votes for and 5 against.

It was proposed by Councillor Clarence and seconded by Councillor Dewhirst

that permission be approved subject to the removal of PDR and any other conditions the Business Manager considers necessary.

Resolved

Permission be granted subject to the following condition, and delegated authority being granted to the Business Manager Strategic Place - Development Management, in consultation with the Chairman of the Committee to impose any necessary further conditions:

1. Removal of Permitted Development Rights.

(16 votes for and 1 against)

*Note: The approval of the application is contrary to the advice of the Business Manager. The committee considered the application acceptable for reasons outlined above.*

- h) **KINGSKERSWELL - 18/02300/OUT - 6 Newton Road - Outline - demolition of existing fire damaged bungalow and the erection of two dwellings (all matters reserved for future consideration)**

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

Resolved

Permission be granted subject to the following conditions:

1. Approval of reserved matters prior to commencement of development;
2. Standard 3 year time limit for reserved matters application;
3. Standard 2 year time limit for commencement, following reserved matters approval;
4. Development to be carried out in accordance with the approved plans;
5. Tree protective fencing to be erected;
6. Standard condition "if contamination found";
7. Permitted Development Rights removed;
8. Surface water drainage management scheme to be agreed;
9. Access, parking and circulation details to be agreed;
10. Landscape scheme to be agreed;
11. External materials to be agreed;
12. Means of enclosure to be agreed.

(15 votes for and 0 against)

- i) **NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage**

Public speaker, objector - the proposal would be detrimental to the amenities of neighbouring properties; noise and car exhaust pollution; overbearing and dominant, loss of privacy and overlooking; loss of light; and the proposal would be too close to neighbouring properties.

Public speaker, supporter – the proposal is single storey and eaves height has been reduced; the plot is large and there would be ample amenity space; there would be no overbearing impact; and construction materials would be traditional.

The Business Manager confirmed the site boundary; and that the proposal is for single storey with no accommodation in the roof space. The two previously refused applications were two storey with accommodation above the garage area.

Comments from Councillors included the proposal still being overbearing, and loss of amenity space.

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

Resolved

Consideration deferred pending a Member site inspection.  
(14 votes for and 2 against)

j) **NEWTON ABBOT - 18/01690/MAJ - Devon County Football Association ,  
Coach Road - Construction of an external 3G Artificial Turf Pitch (ATP)  
with associated lighting, fencing, hard standing, storage and car parking  
area**

Councillor Smith declared an Appendix B, paragraph 12 interest in application 18/01690/MAJ, by virtue of his position as Vice Chairman and Director of Devon County Football Association, and left the meeting.

The Vice Chairman, Councillor Clarence chaired the meeting.

The receipt of one further representation was noted, but which did not raise any new issues.

Public speaker, objector – Residents already suffer noise and bad language from this site which is audible with windows closed, and the proposal would exacerbate the situation; the 5 metre acoustic barrier only covers half the ground; the glare from the flood lights is intrusive and illuminates bedrooms; intrusive white pollution until 9.30pm is detrimental to any resident trying to sleep especially children; and detrimental effect on the bat population.

Public speaker, objector – loss of amenity for the residents of Wolborough; significant change to the area and level of activity; the World Health Organisation stipulates a minimum healthy environment; the site operating for 84 hours per week is equivalent to 12 hours, 7 days a week; there is speculation that the material for all weather pitches could potentially be toxic; unacceptable additional traffic along the narrow Coach Road, and which will add to pollution levels; current noise is intrusive and the proposal is an imbalance to the detriment of residents.

Public speaker, supporter – DCFA is a non-profit making organisation consisting of 40,000 players and 9,000 volunteers with 100,000 supporters, with 18 full time posts, and running on grants from the Football Association and Sport England; the club reinvests to improve facilities for the players; it is a well-run, successful and respected club, and hosts County cup finals; its facilities are open to the community including the Wolborough Residents Association; all complaints are investigated and addressed; and the club meets with neighbours to discuss issues; the all-weather pitch is crucial for the future of the club; bad weather last year resulted in no football for 13 weeks; the community support would increase with the all-weather pitch such as disability, school, walking and American football sessions, youth and adult teams; the club caters for all ages with its oldest player being 78 years; the pitch is identified in the Council's five year playing pitch strategy; the club will focus on participation and sports education, and run courses in training, coaching and administration; the effect on residents will be minimised, for example an acoustic barrier to minimise noise; landscape plans; LED floodlights and times will decrease to 9pm; two full time positions would be created; and the new facilities would be promoted and open to the community.

Comments from Councillors included: the Play Pitch Strategy identifies the need for an all-weather pitch; light pollution would be minimised with the use of LED; noise would be minimised with an acoustic barrier, landscaping, raising a bank and installation of a fence; the hours of use to 9pm would limit use and address residents' concerns; measures could be introduced to mitigate bad language from players; the existing hours use including three evenings a week continue; surface water drainage; there should be more flexibility with the hours of use; open space will be utilised for additional car parking; and concern regarding the speculative alleged health issues associated with the surface material.

The Business Manager confirmed the proposed hours of operation as set out in the report circulated with the agenda; the area for the car park is open space and not currently used as a pitch; the proposed pitch surface details are set out in the report; surface water drainage is addressed with conditions;

It was noted that the financial background to the application was not a planning consideration.

It was proposed by Councillor J Hook and seconded by Councillor Colclough that permission be approved with the hours to include only 3 nights Monday to Friday until 9.45pm as existing. The result of a vote was 6 for and 6 against. The Chairman used his casting vote and the result was 7 for and 6 against.

Resolved

Permission be granted subject to conditions substantially as follows:

1. Standard 3 year time condition;
2. Development in accordance with approved plans;
3. Programme of percolation tests to be carried out;
4. No commencement until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and

approved in writing by, the Local Planning Authority;

5. No commencement until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority;

6. Prior to commencement of the development barriers and ground protection shall be installed for all existing trees and hedgerow within the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site;

7. Prior to the commencement of any construction works relating to the installation of the 3G pitch artificial pitch surface, the type of infill materials to be installed into the 3G artificial pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork/vegetable) shall be submitted to and be approved in writing by the Local Planning Authority;

8. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority;

9. The spectator fencing hereby approved shall be powered coated green prior to the 3G artificial turf pitch first coming into use and thereafter retained in this form;

10. Development to be undertaken in accordance with the Preliminary Ecological Appraisal (PEA);

11. Notwithstanding the submitted details, prior to the erection of the acoustic fence hereby approved, a landscape scheme to enhance existing hedgerow at Coach Road and provide additional landscaping within the site (between the acoustic fence and existing hedgerow to Coach Road) including an implementation, maintenance and management plan shall be submitted to and approved in writing by the Local Planning Authority;

12. Notwithstanding the submitted details, prior to the construction of the new car parking area hereby approved, a hard and soft landscape scheme, lighting details (which should be minimized) and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority;

13. Prior to the 3G pitch or amended hours first being brought into use, the new car parking provision shall have been completed in accordance with the approved plans and details agreed by condition as part of this permission;

14. There shall be no excavation or re-profiling of the bank to the western boundary;

15. Prior to its installation, details of the construction/finish of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority;

16. Prior to the 3G Artificial Turf Pitch hereby approved being first brought into use, details of a management plan and management agreement for the operation of the development and code of conduct for the users of the facility shall be submitted to and approved in writing by the Local Planning Authority;

17. The flood lighting approved shall not operate outside the existing hours of use, (as approved under application number: 17/01503/VAR):

- A maximum of three nights out of Monday to Friday - 9 a.m. to 9:45 p.m.
- Saturday and Sunday - 9 a.m. to 7 p.m.

- Bank Holidays - Closed

18. The use of any amplification system installed on the site shall be restricted to announcements only and shall not be used for music;

19. Prior to the 3G Artificial Turf Pitch being first brought into use, details of the mitigation of impact sound to include the use of catch netting/padding to prevent direct contact with surfaces surrounding the pitch, shall be submitted to and approved in writing by the Local Planning Authority;

20. All signs, fencing and structures which surround the perimeter of the 3G pitch shall be securely clamped with anti-vibration mountings and secured;

21. Prior to the 3G Artificial Turf Pitch or extended hours being first brought into use, a sound impact survey shall be completed by a competent engineer/ acoustician demonstrating the acoustic fence accords with the design criteria for the acoustic barrier and the predicted sound reduction levels as set out in the submitted documents and Noise Assessment;

22. The lights and associated fittings including a timer shall be installed and retained in accordance with the approved details, including achievement of Environmental Zone 1, at the nearest neighbouring residential frontages.

(7 votes for a 6 against)

*Note: the amendment to the hours proposed was contrary to the advice of the Business Manager. The Committee considered the hours originally proposed were unacceptable on the grounds of a detrimental effect on the amenities of neighbours.*

- k) **NEWTON ABBOT - 18/00012/MAJ - Land At NGR 284376 71456, Ogwell Mill Road - Hybrid application. Construction of 99 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build**

The Senior Planning Officer updated the Committee on the history of the site, and updates as detailed in the report, since the site inspection. The access would be from Emblett Drive and only pedestrian access from Ogwell Mill Road.

Public speaker, objector – the site is prominent in the landscape, visible from a number of public vantage points, and the development would ruin the skyline; detrimental effect on the landscape; the site should only accommodate a modest development to protect the landscape; the current proposal is unacceptable.

Public speaker, supporter – the site of 3.5 hectares is allocated in the Local Plan; the applicant has worked with officers in relation to the development, particularly with key buildings; materials, topography of ground and layout, public open space, SSSI and mitigation measures; affordable housing provision, mix and size; and the application is in accordance with policy.

Comments from Councillors included: the size of houses is significantly less than the floor-space for the affordable housing; the mix of affordable housing is inadequate; access concerns have been addressed the original access opposite the school has been altered in favour of access of Emblett Drive; house designs not suitable; fewer houses should be developed to secure green space; the

number of houses should be restricted to 70 to allow for other facilities on site; the contribution towards NHS facilities should be greater.

The Solicitor advised that the Council had an enforcement mechanism to ensure delivery of the community benefits of the development. This was not a planning issue to be taken into account.

The Business Manager advised that contributions that were compliant with CIL regulation 122 would be sought, and that pre-existing issues cannot be mitigated. The land was allocated in the Local Plan and formed part of the Council's five year land supply.

Further comments from Councillors included: the dwellings do not meet space standards; landscaping is compromised; too many houses; design unsuitable for such a prominent site; the community space should be larger; and insufficient parking and mix of affordable housing.

The Senior Planning Officer advised that the Housing Enabling Officer is satisfied with the proposals for affordable housing; and parking and landscaping proposals are acceptable.

It was proposed by Councillor J Hook, seconded by Councillor Hocking and

Resolved,

Consideration deferred for further information from the applicant regarding design details; parking provision; (affordable) housing layout and mix as well as community impact mitigation.  
(11 votes for and 1 against)

**14. BREACH OF PLANNING CONTROL, LAND AT BAKERS YARD,  
FORDENS LANE, BISHOPSTEIGNTON**

The Committee were advised that the bird nesting season was at a start, therefore works could not be undertaken until 1 October 2019 due to the wildlife and habitats on site.

The Solicitor advised that an Untidy Land Notice can be appealed to the Magistrates Court.

It was proposed by Councillor Rollason, seconded by Councillor Dewhurst and

Resolved

An Untidy Land Notice be served with a 12 month period for compliance.  
(11 votes for and 0 against)

CLLR DENNIS SMITH  
Chairman

