

PLANNING COMMITTEE

19 MARCH 2019

Present:

Councillors Smith (Chairman), Austen, Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook, Kerswell, Nutley, Orme, Parker, Prowse, Rollason, Dewhirst (Reserve) and Haines (Reserve)

Members in Attendance:

Councillors Clemens

Apologies:

Councillors Clarence, Jones, Keeling, Mayne, Pilkington and Winsor

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place

Nick Hill, Solicitor

Claire Boobier, Planning Officer

Gary Crawford, Planning Officer

Trish Corns, Democratic Services Officer

15. MINUTES

The Minutes of the meeting held on 19 February 2019 were confirmed as a correct record subject to the following amendments:

- Minute 13(j), page 9, second paragraph – words to be added *concern regarding the speculative health issues associated with the surface material.*
- Page 10, Condition 17, first line - the words *sport pitch and* be removed, and *with operations including lighting ceasing on the other two evenings at 7pm* also be removed.
- Minute 13(k), Page 12, fourth paragraph, third line - replace the word *hall* with *space*.

16. 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.

17. DECLARATIONS OF INTEREST.

Councillor Dewhirst declared an Appendix A interest in application 18/02312/FUL, by virtue of his ownership of a caravan storage facility, and took no part in the debate and voting.

18. 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 late representations updates document previously circulated.

a) **NEWTON ABBOT - 19/00283/DEM - Market Square, Market Walk - Demolition of kiosks 1, 2 and 4**

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

Resolved

Prior approval not required. The following conditions apply:

1. Development to be carried out in accordance with the submitted details
2. Development must be carried out within a period of 5 years from the date on which the Local Planning Authority received the application and supporting information. (16 votes for and 0 against)

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

Public Speaker, Objector – Objected on the ground of: the Town Council and Civic Society have objected to the application; loss of privacy and overlooking; overbearing; overdevelopment, light pollution from headlights; surface water drainage problems; water draining to the retaining wall of The Retreat; a survey should be undertaken of the wall and surface water prevented from draining to the wall; PDR should be removed and it be ancillary only to the main dwelling as a garage, and a fixed ridge height.

Public Speaker, Supporter – He had worked with officers to address objections resulting in a single storey garage; it will be ancillary to the main dwelling; a large plot and there will be plenty of amenity space around the garage; the Conservation officer has no objection; and it will be at a lower level than road level so will not be prominent in the street scene or overbearing for neighbours.

Comments from Councillors included: concern for the stability of the retaining wall, but acceptable with the further condition set out in the updates document; the plot is plenty large enough for the proposal with ample amenity space; ancillary use only; no planning reasons to refuse; and the view from the bedroom windows of the Spinney look directly into the garden of Foxley House.

The Business Manager advised that planning permission would be required to use the garage for anything other than a garage, which included roof raising and use as a separate dwelling.

It was proposed by Councillor Dewhirst, seconded by Councillor Dennis and

Resolved

Permission be granted subject to the following conditions:

1. Standard time condition
2. Works in accordance with approved plans
3. External materials sample
4. No additional openings
5. No development shall take place until an engineered design of the foundations and sub-structure of the garage hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved engineered design.

(10 votes for, 4 against and 2 abstentions).

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

Comments from Councillors included: out of keeping with the street scene; overbearing to neighbours; the land was former amenity space which has overgrown; there is no evidence that the land is community space, and it is enclosed by hedges and fences; it would be single storey only; and the Chairman reported on a representation from one of the Ward Members raising concerns.

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

Resolved

Permission be granted subject to the following conditions:

1. Approval of the details of access, layout, scale, landscaping and appearance of the building, (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced;
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
3. The development shall be begun before the expiry of two years from the date of the final approval of the reserved matters;
4. Development shall be carried out in accordance with approved plans;
5. Any reserved matters application shall be accompanied by a Drainage Strategy and Plan. The details shall demonstrate the results of infiltrating testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H);
6. Any reserved matters application shall be accompanied by a Construction Management Plan. The Construction Management Plan shall specify details of:
 - (i) the hours of construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
 - (ii) loading and unloading of plant and machinery;

- (iii) facilities for the storage of plant, machinery and materials used in the construction of the development;
- (iv) the erection and maintenance of security hoardings;
- (v) a scheme for the recycling/disposal of waste resulting from the demolition and construction works;

7. As part of any reserved matters application, a Method Statement and Management Plan shall be submitted to the Local Planning Authority for written approval, for the protection of boundary planting during construction. Works shall proceed in strict accordance with the approved Method Statement and Management Plan;

8. The dwelling submitted at reserved matters stage shall be a single storey dwelling with no accommodation within the roof space.

Informative: A note to the applicant be made on any decision issued that the area shown on the plan edged in red is dedicated highway, and this dedication would need to be removed prior to commencement of any permission.

(13 votes for and 3 against)

d) **STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension**

The Chairman reported on a representation from the Ward Member raising concerns and the merits of deferring consideration for a site inspection.

Public speaker, objector – The seven metre high extension would be close to and on the sunny south side of no. 52; a light assessment demonstrates that it would overshadow no.52 by an additional 65% and loss of sunlight throughout the year; contrary to policy S1(e); half of the garden would be in shadow in the spring and the summer; overlooking and loss of privacy with the extension being only 1.5 metres from no.52.

Public speaker, supporter – The extension would provide additional space at ground and first floor; in accordance with policy; design is sympathetic with the street scene, and the existing building; no loss of off street parking; the existing fence will remain; the conservatory at no.52 already affects the light to its rear garden;

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

Resolved

Consideration deferred pending a Member site inspection.

(14 votes for and 2 against)

e) **COFFINSWELL - 18/02312/FUL - Pathfield, Dacombe - Use of land for Class B8 storage (caravans, trailers and motor vehicles)**

Councillor Dewhirst declared an Appendix A interest in application 18/02312/FUL, by virtue of his ownership of a caravan storage facility, and took no part in the debate and voting.

Comments raised by Members included: contrary to Policy S22; the planning history indicates the site is agricultural land and not a brownfield site; unsustainable location; poor highway network; and located in an Area of Great Landscape Value.

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

Resolved

Permission be refused for the following reasons:

1. Development in the Countryside contrary to Policy S22.
2. Effect on the local highway network.
3. Location in an Area of Great Landscape Value.

(14 votes for and 1 against)

Note: Refusal of the application was contrary to the advice of the Business Manager. The Committee considered the application unacceptable for the reasons outlined above.

f) **COFFINSWELL - 18/01844/FUL - The Bungalow, Dacombe - Replacement dwelling, detached garage and garden room**

The planning officer referred to the recommended further three conditions as detailed in the updates document.

Public speaker, supporter – the plans were amended from a dormer window design to a two storey dwelling because the Parish Council favoured the latter. The Parish Council then asked for the building to be lowered into the ground level because it considered the dwelling to high. This will be achieved but to a greater expense.

Comments made by Councillors included: the confirmed excavation works to lower the level of the dwelling would reduce the impact on the visual amenity of the area; acceptable with the additional three conditions detailed in the updates document; and the recommended construction management plan would prevent road blockages during construction on the narrow highway network.

It was proposed by Councillor Haines, seconded by Councillor Dewhirst 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 approved plans;
 3. Parking to be provided and retained prior to first occupation of the dwelling;
 4. Removal of Permitted Development Rights for additional outbuildings, enlargements of the roof of the dwelling and extensions;
 5. Landscaping condition for boundary treatment details to be agreed and retained;
 6. Sample of stone to be used and roofing slate to be agreed prior to installation;
 7. Notwithstanding the submitted application details, the roofing material for the garden room, dwelling and garage shall be natural slate;
 8. Garden room shall be used ancillary to the dwelling and shall not be let, leased or disposed of separately from the dwelling;
 9. The recommendations and precautions in the ecological survey shall be followed and the ecological enhancement measures in the form of a small roof void in the detached garage shall be implemented;
 10. The protective barrier around trees to be retained on site as shown on the submitted tree plan shall be erected prior to commencement of any development on site including the demolition of the existing bungalow, site clearance and bringing materials and machinery onto site and shall be retained on site until the works have been completed and all materials associated with the works and machinery have been removed from site;
 11. Construction Management Plan.
 12. Surface water drainage shall be provided by means of soakaways
 13. Details of the Foul sewage package treatment plant to be installed prior to first installation and prior to occupation of the dwelling.
 14. Hard landscaping of either a permeable material or a soakaway drain.
- (15 votes for and 0 against)

g) **KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout)**

Public speaker objector – objected on the grounds of road safety; lack of pedestrian footpaths on a narrow road; use proposed pedestrian routes through Tweenaways is unpractical; the children from the proposed large family dwellings would be at risk; traffic congestion along Broadway Road would be exacerbated; and there should be no further development along Broadway Road until the road safety issues have been addressed, as recommended by the Town Council.

Public speaker supporter – Seven dwellings instead of the original five results in better utilisation of the land; the layout results in minimal impact on neighbouring dwellings in terms of overlooking; the highway works would result in improvements including that for the access, visibility splays, footpaths, traffic calming, and new pedestrian crossing; and contributions for off-site affordable housing.

The planning Officer advised that the affordable housing contribution would be £70,596 as set out in the report.

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Comments from Councillors included: road safety issues; the road is too narrow and unsuitable for additional traffic; the pedestrian routes will not work in practice as human nature takes people the most direct route; drainage concerns; no construction management plan; protection of site wildlife and protected species; and further information required.

It was proposed by Councillor Rollason and seconded by Councillor Austen that the application be refused on the grounds of lack of information.

The Business Manager advised that County Highways has raised no concerns, and sufficient information has been provided to determine the current outline application. The CIL process would deal with the infrastructure contributions. In relation to affordable housing, the Government advice is not to seek contributions for developments less than 10 dwellings, however, the Council has a local policy. The application is outline for means of access and layout only. All other issues are reserved matters and therefore full details have not yet been submitted.

The Solicitor reiterated that County Highways has no objection. Therefore, a highways reason for refusal would not be viewed favourably at appeal and the Council could potentially have costs awarded against it.

An amendment was proposed by Councillor Dennis and seconded by Councillor Prowse that consideration be deferred pending a Member site inspection.

Resolved

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

19. APPEAL DECISIONS

The Committee noted appeal decisions made by the Planning Inspectorate.

CLLR DENNIS SMITH
Chairman