

PLANNING COMMITTEE

13 APRIL 2021

Present:

Councillors Haines (Chair), Goodman-Bradbury (Vice-Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley and Patch

Members in Attendance:

Councillors Connett

Apologies:

Councillors Eden

Officers in Attendance:

Trish Corns, Democratic Services Officer
Suzanne Walford, Planning Solicitor
Kelly Grunnill, Senior Planning Officer
Steven Hobbs, Senior Planning Enforcement Officer
Christopher Morgan, Trainee Democratic Services Officer
Ian Perry, Principal Planning Officer
Richard Rainbow, Drainage and Coastal Manager

38. MINUTES

The Committee took a moment of reflection following the passing of Prince Phillip.

The minutes of the previous meeting were then agreed as a correct record by the chair and would be signed as a correct record at the earliest convenience.

a) **20/02219/HOU Trade Winds, Teignmouth**

The Principal Planning Officer gave a presentation on the application to the Committee. Attention was drawn to an omission on the drawings of existing windows in the north and south elevation gables of the property. It was advised that the approved plans condition would make clear that the approval does not give permission to remove those windows.

It was proposed by Councillor Bullivant and seconded by Councillor MacGregor that permission be set out as in the report.

A vote was taken and was unanimous.

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Resolved

Permission be granted subject to the following conditions:

1. Development to commence within 3 years.
2. Development to be carried out in accordance with the approved drawings.
3. Undertake precautions and recommendations of the ecology report.

b) **18/01656/MAJ - Brickyard Lane, Starcross (Pages 7 - 8)**

The Senior Planning Officer gave a presentation on the application to the Committee.

Updates - The Senior Officer reported that under paragraph 2.1, A Item 7 –that drawing SK05 Rev A was not proposed and should be deleted. This related to other off-site works required for the former 32 unit development.

Public Speaker, Supporter – Spoke on

- 100% affordable housing
- 35 replacement trees for the removed oak
- Biodiversity gain
- Increased play area size
- Play area not at risk of flooding
- No objections from several statutory consultees including Natural England and the Local Lead Flood Authority

Comments from Councillors include:

- Need for affordable housing
- The report alleviates some anxieties
- New crossing and new trees will be planted
- What design is the new crossing?
- Concerns over quality and safety of play area
- Loss of play area for 18 months
- The site location is good
- Well thought out analysis of the factors
- Concerns about carbon
- Concerns about removing the 300 year old oak tree
- Concerns about future developments in the neighbouring field
- Concerns about local wildlife and light pollution
- Bad strip of land
- What are the economics of the development?
- Consideration of alternative means of access to the site
- RSPB objection

In response to questions from Councillors, the Senior Planning Officer informed the Committee that

- Fencing of the play area and provisional minimum levels of equipment

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has been provisionally agreed and would be a detailed required by condition

- The crossing under drawing SK04 consists of a widened pavement and a dropped curb
- She had worked with the Climate Change Officer on conditions
- The tree could not be avoided. other means of access had been investigated
- Replacement trees will compensate for the loss of the Oak and provide soft screening and appropriate mitigation
- Natural England, the government body in this area has raised no objections and agreed to the Appropriate Assessment.

It was proposed by Councillor Haines and seconded by Councillor Bullivant that permission be granted as set out in the report.

A vote was taken – see attached to minutes.

Resolved

Permission be granted subject to the following conditions:

A) The applicant enter a section 106 agreement to secure

1. Standard Affordable Housing Provisions
2. Provision of a Landscape and Ecology Management Plan (LEMP) to secure the mitigation measures described in the Appropriate Assessment, including and monitoring costs
3. Provision and maintenance of the informal play areas and LEAP* (LEAP to be included in the unlikely event it is not bought back by the LPA under the Option Agreement.
4. Flood Evacuation Plan - Safeguarding of an emergency pedestrian route to Staplake Lane and a review of this requirement in 25 years. Provision of the route thereafter, if required.
5. Provision and maintenance of surface water attenuation
6. Safeguarding of easement to the ditch
7. Provision of off-site highway works shown on drawings SK04 Rev A and SK05 Rev A (unknown cost)
8. TRO contribution £5,000
9. HRA contributions £18,060 (£903 per dwelling)
10. Secondary School Transport Contribution of £6063 (index linked)
11. S106 monitoring costs (TBC)

B) Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place under delegated Authority:

1. Development shall commence within 3 years of permission
2. Development shall be carried out in accordance with the approved plans and documents
3. Pre-commencement submission of Construction Management Plan (CMP)
4. Pre-commencement submission of CEMP
5. Phasing Plan – Showing construction and timing to detail how phased

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works will avoid coinciding with the peak period of SPA bird use (November to February inclusive), including mechanism for additional mitigation if monitoring demonstrates this is necessary to prevent adverse effects on protected sites.

6. All clearance, precautions, avoidance, mitigation, compensation and enhancement measures described in the Ecological Appraisal Report shall be undertaken
7. Bat and bird boxes, bee bricks and hedgehog holes at a rate of 1 per dwelling
8. External materials and architectural details;
9. Boundary treatments including details of location, design, height and materials to ensure important hedgerows are outside garden areas;
10. All soft and hard landscaping to be undertaken in accordance with the agreed details (unless amended by the LVIA);
11. Full details of carbon reduction measures including consideration of renewable energy technologies and the inclusion of dwellings to be “electric ready” for EV charger provision.
12. Compliance with bin storage / collection details;
13. Full details of details of the informal play area/LEAP including proposed play equipment (number, type, specification), seating and cycle storage, landscaping, the levels of the equipment and the timing of installation.
14. Tree protection during construction;
15. Arboricultural method statement including for the installation of the play equipment and the use of no dig construction for surfaces within the play area;
16. Pre-commencement surface water drainage conditions;
17. Finished floor levels shall be set no lower than 4.92 metres Above Ordnance Datum (mAOD) 2.
18. Re-profiling of ordinary watercourse channel adjacent to the LEAP/Public Open Space
19. Unsuspected contamination
20. Highway estate road details
21. Removal of permitted development rights for extensions, roof lights or dormer windows and upward extensions
22. Removal of permitted development rights for wind turbines.
23. Waste Audit Statement / Plan.

c) **19/00425/ENF -Land at Rebecca Springs, Nadderwater (Pages 9 - 10)**

The Enforcement Officer gave a presentation on the enforcement case to the Committee.

Comments from Councillors include

- Safeguard land use through enforcement
- Concerns about making the occupants homeless
- Linked to building appeal

The enforcement officer clarified to the Committee that

- There is a 12 month period during the enforcement notice that can allow the occupants to find new dwellings or deal with the appeal

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It was proposed by Councillor Haines and seconded by Councillor Bullivant that the enforcement notice be issued as in the report.

A vote was taken – see attached to minutes.

Resolved that

- i) An ENFORCEMENT NOTICE be issued; and
- ii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution.

39. 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 11.25 am.

Chair
Cllr Mike Haines