

PLANNING COMMITTEE

23 JULY 2024

Present:

Councillors C Parker (Chair), D Cox (Vice-Chair), Bradford, Bullivant, Buscombe, Goodman-Bradbury, Hall, MacGregor, Nuttall, Paethorpe, Parrott, Sanders and J Taylor

Members in Attendance:

Councillors P Parker, Purser, Swain and G Taylor

Apologies:

Councillors Atkins, Hook and Nutley

Officers in Attendance:

Kay Fice, Scrutiny Officer

Paul Woodhead, Head of Legal Services & Monitoring Officer

Vanessa Coon, Democratic Services Admin Assistant

Gary Crawford, Senior Planning Officer

Artur Gugula, Planning Officer

Christopher Morgan, Trainee Democratic Services Officer

Ian Perry, Interim Head of Development Management

Matt Kolaszewski, DM Team Manager

Simon Croft, South West Water

Simon Dart, Environment Agency

Joshua Lewis, Devon County Council

Alison Tregale, South West Water

33. MINUTES

It was proposed by Councillor D Cox and seconded by Councillor Sanders that the minutes of the previous meeting were agreed as a correct record and signed by the Chair.

A vote was taken – the results were 9 for, 0 against, and 3 abstentions

Resolved

That the minutes of the previous meeting were agreed as a correct record and signed by the Chair.

34. DECLARATIONS OF INTEREST.

Cllr Palethorpe declared an interest in item 6b as he __. He spoke as the ward member then left the meeting for the remainder of the item and did not vote.

35. CHAIRS' ANNOUNCEMENTS

a) 24/00265/FUL - Red Lion Inn, Tedburn St Mary

The Chair raised an issue that had occurred during the site inspection wherein a member of public has erroneously attended the visit. This member of public was not invited to the visit and did not make their position known. The Site Inspection team were asked to disregard any comments this person might have made.

Following these comments, Cllr J Taylor claimed to the Committee that the Chair had tried to direct Officers to disregard the member of public's attendance following discovery of their identity. In response the Chair claimed that this had not occurred and that no attempt had been made to hide this information.

It was proposed by Cllr J Taylor and seconded by Cllr Macgregor that a vote of no confidence in the Chair be held. The result was 2 in favour, 9 against, and 2 abstentions and so the vote of no confidence was lost.

The Senior Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- Need for choice in pubs
- Historic use of building
- Community benefit scheme
- Two offers to purchase the building

Public Speaker, Supporter – Spoke on

- Pub not profitable
- High energy bills
- Low return business
- Support for application from highways officer
- Low footfall

Comments from Councillors during debate included:

- Lack of parking on site
- Concerns for pedestrian safety
- Use of the car park as a turning point in the road
- Road is used by agricultural vehicles
- The proposed footpath should be available for public use
- Loss of local facilities
- Need for well designed public and private spaces
- Policy P-12 community benefit
- 1947 Planning Law
- Neighbouring pub isn't highly used
- No sufficient offer from the community

Planning Committee (23.7.2024)

- Are parking issues a reason for refusal?

In response to Councillors' comments, the Officers clarified the following:

- Parking is considered acceptable by the Highways Officer
- The 1990 Town and Planning Act is the current legislation
- The ACV doesn't require the applicant to sell
- Teignbridge doesn't have control over parking standards
- There is no agreement with the applicant to allow public use of the proposed footpath
- The number of parking spots would be a reason for refusal

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

A vote was taken – the result was 13 for and 1 against

Resolved

Permission be granted subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Head of Development Management:

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date	Drawing/Reference No.	Description
13 Feb 2024	00764526 3041CE	Site Location Plan
13 Feb 2024	SWE 853 VERSION 1	Ecology Report by South West Ecology, dated 30 May 2023
13 Feb 2024	01/BLOCK/24	Block Plan
13 Feb 2024	3219-ADV-RP-HTN-1000 (B)	Highways Technical Note by Advance Consulting Engineers Ltd, dated February 2024
13 Feb 2024	05/P/23	First Floor Plan & Roadside Elevation as Proposed
13 May 2024	04/P/23 REV. A	Ground Floor Plans as Proposed
13 May 2024	06/P/23 REV. A	Elevations as Proposed

REASON: In order to ensure compliance with the approved drawings.

Planning Committee (23.7.2024)

3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with paragraph 211 of the National Planning Policy Framework (2023) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development.

4. Prior to commencement of any part of the site, the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - a) the timetable of the works;
 - b) daily hours of construction;
 - c) any road closure;
 - d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18:00 Mondays to Fridays inc.; 09:00 to 13:00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - h) hours during which no construction traffic will be present at the site;
 - i) the means of enclosure of the site during construction works; and
 - j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - k) details of wheel washing facilities and obligations
 - l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - m) Details of the amount and location of construction worker parking.
 - n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved

Planning Committee (23.7.2024)

details.

REASON: In the interests of local amenity. Construction management details need to be agreed prior to works commencing as matters require oversight from that time.

5. Prior to the commencement of the development, details of a package of carbon reduction measures designed to reduce carbon emissions from the development beyond building regulations requirements shall be submitted to and approved in writing 13 by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to first use.

REASON: In order to ensure that the development delivers a reduction in carbon dioxide emissions in accordance with Policies EN3 and S7 of the Teignbridge Local Plan taking into account the Climate Emergency declared by Teignbridge District Council.

6. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with drawing C23219-TP001 Rev B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 600mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

7. The works hereby approved shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report (by South West Ecology, dated 30 May 2023).

REASON: For the benefit of legally protected species and to provide biodiversity enhancements.

8. The dwellings hereby approved being Unit 1, Unit 2, Unit 3 and Unit 4, shown on the approved Block Plan dated 13.02.2024 and marked 01/BLOCK/24, shall not be brought into any use until the parking area detailed on the same approved Block Plan has been completed and this parking area shall thereafter be retained in perpetuity and used ancillary to the residential use of Unit 1, Unit 2, Unit 3 and Unit 4 only.

REASON: To ensure adequate parking facilities are provided to serve the development.

9. Prior to its first use on the building, a sample of the slate to be used on the new pitched roof element of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved material.

REASON: In the interest of visual amenity of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes A, AA, B, C, D, E and G of Part 1 of Schedule 2, Class A of Part 2 of Schedule 2 and Classes H and I of Part 14 of Schedule 2 shall be constructed (other than those expressly authorised by this permission)

REASON: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity

36. 23/00703/FUL - LAND NORTH OF TREMLETT GROVE, IPPLEPEN

The Senior Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- Unauthorised hedge works
- Issues with flooding properties
- Retrospective consent
- Clay sub soil
- Lack of consultation with local residents
- Lack of provided evidence

Public Speaker, Supporter – Spoke on

- Properties are constructed
- Previous consultant had advised them incorrectly
- Ecology concerns had been addressed
- Failure of the land drainage system caused the flooding

Comments from Councillors during debate included:

- Retrospective application
- Applicant had ignored officers advice in past
- Impact on biodiversity and ecology
- Contractors not involved with planning application
- Not a small developer
- Concerns about planning breach
- There should be sanctions against serious breaches
- Soil can be moved again using farming vehicles
- Clay pipe cannot drain whole field
- Did Teignbridge witness the pipe replacement
- Opposed by Parish Council
- Drainage concerns including following rainfall
- Lack of trees to absorb water
- Lack of biodiversity net gain
- Clay subsoil should be covered with topsoil

Planning Committee (23.7.2024)

In response to Councillors' comments, the Officers made the following points:

- Run off from heavy machinery
- Mitigation using seeded topsoil
- Biodiversity officer was satisfied that ecology survey not needed
- No illegal action taken but can report to environmental agency
- Removing dirt would cause harm
- No visual impact
- The drainage pipe is similar to use of ditch

The Committee asked that it be minuted specifically that they disapproved of the applicant moving the soil to the site unauthorised and that they did not consider approval of this application as their support for this practice.

It was proposed by Cllr C Parker and seconded by Cllr Bullivant that permission be granted as set out in the report and the amended condition in the update sheet.

A vote was taken – the result was 3 for 3 against and 7 abstentions. The Chair then used his casting vote in favour of the application.

RESOLVED

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/Reference No.	Description
20 Apr 2023		Application Form
20 Apr 2023		Location plan
03 Oct 2023	TLG-BPC-XX-XX-DR-C-08-51, REV. P07	Earthworks

REASON: In order to ensure compliance with the approved drawings.

2. Within one month from the date of this decision, the details of the grass and wildflower seed mix which shall be sown on the area of the site that has been raised shall be submitted to and agreed in writing by the Local Planning Authority. The grass and wildflower seed mix shall then be sown in the first sowing season following the approval of the sowing mix.

REASON: In the interests of biodiversity protection and enhancement, and in the interests of flood control

3. All works on the site shall only be undertaken in daylight, to avoid impacts of artificial lighting on wildlife.

REASON: In the interests of biodiversity protection

a) **24/00545/OUT - Pumps Acre, Denbury**

Planning Committee (23.7.2024)

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter – Spoke on

- Similar methodology to other sites
- Acceptable in new Local Plan
- Ecology and heritage considered
- No objections from statutory officers
- Applicant is a resident of Denbury

Comments from Councillors during debate included:

- Not enough detail provided
- Large dwellings
- S-22 policy failure
- Contrary to TPA
- Lack of parking
- Concerns about public transport availability
- Conservation area
- Concerns about visibility of turning area
- Concerns about bats
- Architect is supportive
- Impact on conservation area
- Narrow access road
- What is the weight of the local plan
- Outside settlement limit
- Lane used by horse rider
- Site of application can be congested

In response to Councillors' comments, the Officers commented on the following:

- NPPF allows weight to be given to emerging local plan
- Hedges are under different owner
- South Hams SAC
- Condition in place to deal with lighting impact
- Retention of hedge in conditions
- Highways happy with access, reserved matters for parking
- Non-significant weight given to emerging LP
- No objections to extension to settlement limit
- No harm (substantial/less than substantial)
- Any appeal concerns are not relevant to the discussion on this application

It was proposed by Councillor Macgregor and seconded by Councillor J Taylor that decision be deferred to a Members' site inspection to ascertain the impact on the conservation area and the effect on traffic of the turning area

A vote was taken – the result was 7 for 2 against and 2 abstentions

Resolved

That decision be deferred pending a Members' site inspection.

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

The Committee noted the appeals decision made by the Planning Inspectorate – on this occasion there had been none.

38. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary Sheet.

39. DISCUSSION WITH SWW ON DEVELOPMENT RELATED MATTERS

The Representative from South West Water gave a presentation to the Planning Committee. It covered the following points

- Support to development growth
- Capacity of pumping stations
- Environmental protections
- Future plans and developments
- Strategic priorities
- Water resources
- Contributions to planning applications consideration
- Standard requirements

Comments from Councillors included:

- What are SWW's exact betterment/improvement proposals?
- Are higher rainfalls factored in?
- Concerns around sewage and surface run off – what is the plan to address water runoff?
- EA statement that all sites will be at capacity by 2035
- How many homes are hooked into systems?
- Lack of investment and concrete plan
- Impact of climate change
- Major uphill application in Teignmouth
- How do you ensure sewage systems are ready to deal with new developments?
- Blockage of natural flow of water
- Could SWW be more proactive in speaking to organisations and developers to avoid design flaws
- What can TDC do to assist in water consumption cutback and avoiding flooding?
- Are we continuing to consider future applications impact

In response to Members' comments the Representatives from SWW and the EA raised the following:

Planning Committee (23.7.2024)

- The Councillors' questions from the Overview and Scrutiny meeting would receive follow up by email
- Buckland site still has capacity – 122,000 total with currently 96,000 hooked up to it
- The EA representative was from the flood risk side not water treatment
- Model of existing developments – assess network and look at applications plus local plan
- Push to reduce water consumption
- SWW is not land drainage authority
- EA role in sustainable construction including writing to government advising on building regulations
- Council can support water efficiency measures, and rainwater harvesting.
- September workshop with Richard Rainbow regarding CSOs
- Climate change standards and allowances in old applications cant be changed
- Consideration of volume for large applications
- Critical drainage considers rainfall and volume

The Chair of Planning Committee left the meeting during this item. The Vice-Chair took over in his place.

The meeting started at 10.02 am and finished at 2.00 pm.

Chair
Cllr C Parker