

PLANNING COMMITTEE

22 OCTOBER 2024

Present:

Councillors Atkins, Bradford, Goodman-Bradbury, Cox (Vice-Chair), Hall, Hook, Nuttall, Palethorpe, Parrott, Sanders, J Taylor and P Parker (Substitute)

Apologies:

Councillors Bullivant, Buscombe, MacGregor, Nutley and C Parker

Officers in Attendance:

Paul Woodhead, Head of Legal & Democratic Services (Monitoring Officer)

Cheryl Stanbury, Area Team Manager (East)

Dave Kenyon, Area Team Manager (West)

Artur Gugula, Planning Officer

Patrick James, Planning Officer

Natalia Anderson, Legal

Christopher Morgan, Trainee Democratic Services Officer

61. MINUTES

It was proposed by Councillor Bradford and seconded by Councillor J Taylor that the minutes be approved with the amendment that it be minuted that the Natural England approval of the Wolborough items was done with concerns.

A vote was taken. The results were 4 in favour, 5 against, and 2 abstentions, and so the vote was lost.

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

A vote was taken. The result was 6 for, 4 against, and 2 abstentions.

Resolved

that the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

62. DECLARATIONS OF INTEREST.

Councillor Bradford declared an interest in agenda items 6a and 6b. She considered herself predisposed but not predetermined as she had been part of the Newton Says No protest group. She spoke and voted on this item.

Councillor P Parker also declared an interest in agenda items 6a and 6b. He considered himself predisposed but not predetermined due to comments made. He spoke and voted on this item.

Councillor Goodman-Bradbury declared an interest in agenda item 6c. She considered herself predisposed but not predetermined as she had spoken on a similar application and been involved in the appeal. She spoke and voted on this item.

63. PUBLIC PARTICIPATION

64. CHAIRS' ANNOUNCEMENTS

65. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.

a) 23/00597/MAJ - Wolborough Barton Road, Newton Abbot

The Planning Officer presented the application to the Committee. He emphasised to the Committee that Natural England had not objected to these applications in relation to impacts on the SSSI, and mentioned that committee members had received a document from the applicants. The South Hams SAC would not be adversely affected which was agreed with by Natural England. The applicant had clarified that the investigations into the fen had started. Condition 20 of the outline permission applies in the meantime, with the surface water catchment and agreed conditional boundary.

Public Speaker, Objector – Spoke on:

- SUDS should define the Wolborough fen area and seasonal fluctuations
- Studies of the fen should be completed before a decision is made
- The details required in condition 10 have not been submitted
- TDC is responsible for looking after the Wolborough Fen
- Lack of hydrological data

Public Speaker, Objector – Spoke on:

- Impact on fen
- Drainage system?
- Lack of data on groundwater
- Investigation of fen is still ongoing
- No changes in data since the deferral at the last meeting

Public Speaker, Supporter – Spoke on:

- Access is already approved
- Alleviate traffic and air quality issues
- Construction set to begin in January 2025
- Further details on lighting, drainage, and ecology will be submitted at a later date
- No objection from Natural England, the Parish Council, or the Biodiversity

Planning Committee (22.10.2024)

Officer

- The application provides affordable housing
- The application contributes to the housing target
- The site is allocated to housing in the local plan

Comments from Councillors during the debate included:

- The Committee must ensure that the application is the highest quality it can be
- The proposed school has not yet been approved by Devon County Council
- Improvements to be made to coach road but there is no scheme yet.
- Objections from Historic England
- Conditions have not been met
- New roads won't fix issues with traffic
- Endangered species must be protected, with 2 at risk of going extinct
- Only the hybrid planning permission has been granted so far
- The Committee must consider where the hydrology of the fen is from
- Concerns around the worsening of air quality
- Natural England expects the Council to protect the fen
- Has condition 6J been kept to?
- There is a need for housing, and affordable housing
- The Secretary of State granted the outline approval
- 3 changes to the application as a result of deferral
- The Committee can only make tweaks to the development but this can improve its quality
- Significant variation from the master plan
- Appeal decision used conclusion that the groundwater and hydrological areas were the same
- The blue line on plans are an estimation and require more data
- Other groups could have investigated the hydrology
- Large trees can be used for screening
- Groundwater modelling should've taken place several years ago
- Concerns around potential imbalance in the water supply
- Concerns around removal of hedges
- No Highways Officer is present
-

In response to these comments Officers clarified the following:

- The application was deferred on highway grounds
- DCC are the highways authority
- Historic England had concerns but did not object
- The approved design code outlines what is needed to approve the SUDS drainage system.
- Condition 10 covers surface water
- The drainage strategy has been approved for area 2a

Planning Committee (22.10.2024)

- Details are already confirmed for the area of green infrastructure
- As Local Planning Authority, condition 20 gives the Council power to protect the fen.
- The reserved matters are the only consideration, not the list of conditions include at outline approval
- Trees proposed accord with British standard
- Avoid discussing other planning applications in other authorities
- The list of reasons for deferral at the last meeting was so that clarification could allow decisions to be made

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that decision be deferred until completion of the hydrological survey of the Wolborough fen.

A roll call vote was taken. The results are below.

For: Cllrs Atkins, Bradford, Hall, P Parker and J Taylor (5)

Against: Cllrs Goodman-Bradbury, Hook, Nuttall, Palethorpe, Parrott, and Sanders (6)

Abstained: Cllr D Cox (1)

The vote was lost.

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

A roll call vote was taken. The results are below.

For: Cllrs Goodman Bradbury, Hook, Nuttall, Palethorpe, Parrott, and Sanders (6)

Against: Cllrs Atkins, Bradford, Hall, J Taylor, and P Parker (5)

Abstained: D Cox (1)

Resolved

Reserved matters approval 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 number	Description
22 May 2024	19545-PHL-02-13 REV I	Highway Profiles Sheet 1 of 3
22 May 2024	19545-PHL-02-14 REV	Highway Profiles Sheet

Planning Committee (22.10.2024)

	J	2 of 3
22 May 2024	19545-PHL-02-15 REV J	Highway Profiles Sheet 3 of 3
22 May 2024	19545-PHL-02-31 REV B	Cross Sections
22 May 2024	959-07	Phase 2 Infrastructure RMA Tree Pit Detail in verge
20 May 2024	959-01F	Phase 2 Infrastructure RM Application Boundary
20 May 2024	19545-PHL-02-27 REV A	Footway Gradients
20 May 2024	19545-PHL-02-23 REV K	Road Appearance Sheet 1 of 3
20 May 2024	19545-PHL-02-22 REV D	Site Clearance Plan Sheet 3 of 3
20 May 2024	19545-PHL-02-21	Site Clearance Plan Sheet 2 of 3
20 May 2024	19545-PHL-02-20 REV D	Site Clearance Plan Sheet 1 of 3
20 May 2024	19545-PHL-02-16 REV O	Forward & Junction Visibility Sheet 1 of 3
20 May 2024	19545-PHL-02-09 REV O	Extent of Adoption Sheet 1 of 3
05 Jul 2024	19545-PHL-02-25 REV I	Road Appearance Sheet 3 of 3
05 Jul 2024	19545-PHL-02-18 REV L	Forward & Junction Visibility Sheet 3 of 3
05 Jul 2024	19545-PHL-02-11 REV L	Extent of Adoption Sheet 3 of 3
05 Jul 2024	959-DB10A	Phase 2 Infrastructure RMA Landscape Section Details
11 Jul 2024	19545-PHL-02-01 REV O	Highway Layout Sheet 1 of 3
11 Jul 2024	19545-PHL-02-03 REV O	Highway Layout Sheet 3 of 3
12 Jul 2024	19545-PHL-02-02 REV R	Highway Layout Sheet 2 of 3
12 Jul 2024	19545-PHL-02-05 REV	T Swept Path Analysis-Bus
12 Jul 2024	19545-PHL-02-06 REV P	Swept Path Analysis Sheet 1 of
12 Jul 2024	19545-PHL-02-10 REV O	Extent of Adoption Sheet 2 of 3
12 Jul 2024	19545-PHL-02-17 REV N	Forward & Junction Visibility Sheet 2 of 3
12 Jul 2024	19545-PHL-02-24 REV	Road Appearance

Planning Committee (22.10.2024)

	K	Sheet 2 of 3
15 Jul 2024	959-DB013	Infrastructure RMA Tree Pit Detail Primary Road
15 Jul 2024	959-DB02 REV J	Phase 2 Infrastructure RMA Landscape Proposals
15 Jul 2024	959-DB03J REV J	Phase 2 Infrastructure RMA Landscape Proposals 12
15 Jul 2024	959-DB04	REV J Phase 2 Infrastructure RMA Landscape Proposals
15 Jul 2024	959-DB09 REV A	RM2 Infrastructure Render
15 Jul 2024	959-DB10 REV B	Phase 2 Infrastructure RMA Landscape Section Details
09 Aug 2024	19545 PHL-01-06 Rev B	Hard Landscaping Details

REASON: In order to ensure compliance with the approved drawings. NB: The conditions attached to the outline permission, and the obligations secured under the s106 legal agreement remain in force.

b) **23.01310.MAJ - Wolborough Grange, Newton Abbot**

The Planning Officer presented the application to the Committee. He repeated that the applicant had distributed a document to all committee members covering reasons for deferral. The retaining walls were amended to be made of natural stone.

Public Speaker, Objector – Spoke on:

- Dr Low did not speak at the appeal
- No data on groundwater catchment
- No hydrological survey data
- Rare plants on site at risk

Public Speaker, Supporter – Spoke on:

- Details of lighting, drainage, hedge row and tree protection, ecological mitigation, landscape and ecology implementation, and management of construction to be provided at a later date
- Scheme to provide affordable housing
- Controls to ensure affordable homes are delivered in step with the other dwellings
- Focus on provision of 2 or 3 bed homes which is confirmed by evidence
- No objections from Biodiversity Officer, Specialist Ecology Consultant, Natural England, or Devon County Council.
- Application accords with parameters in outline permission

Planning Committee (22.10.2024)

Public Speaker, Supporter – Spoke on:

- Additional information has been provided and changes have been made since the Committee deferral
- The fen will be protected and condition 20 will be discharged only when appropriate
- The application is in consultation with Natural England
- The application will help first-time buyers to purchase a home
- The dwellings will help meet local needs
- The masterplan and design code are both approved
- Reduced carbon emission from homes
- The application boosts investment and jobs

Comments from Councillors during the debate included:

- Drainage details haven't been provided
- Natural England have concerns
- Council is responsible for protecting the fen
- The hydrology should be certain
- Vistry have provided revisions to the scheme following deferral
- Vistry would be happy to condition the carbon reduction plan
- Vistry offered to include appropriate renewable technology to conform with Future Home Standards 2025
- Outline planning permission has been granted
- Natural England have not objected to the application
- The evidence used and tested at the appeal defines the hydrological area as the same as the surface water catchment area and so cannot be used as a reason against the application
- Neighbouring authorities have similar applications
- Will the panels be stone?
- The houses with improved visual quality are limited to 7

In response to these comments Officers clarified the following:

- Enforcement Officers are considering conditions that may have been broken and attending the site with Ward Members, especially for major sites.
- Conditions will remain in place to be discharged in the future once details are provided
- Only the reserved matters are to be considered – these are appearance, landscaping, layout, and scale.
- The Committee should not refuse on outline matters
- The panels are natural stone
- Officers will be checking the site and inviting ward members if approval is granted

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that permission be refused due to the number of appealing landmark dwellings being insufficient at 7 of 93 dwellings.

A roll call vote was taken. The result was as below.

For: Cllrs Atkins, Bradford, Hall, J Taylor (4)

Against: Cllrs Goodman-Bradbury, Hook, Nuttall, Palethorpe, Parrott, Sanders (6)

Abstained: Cllrs Cox and P Parker (2)

The vote was lost.

It was proposed by Councillor and seconded by Councillor that permission be granted as set out in the report and update sheet plus a condition for the submission of Vistry Homes' plans to conform with Future Home Standards 2025 as per their offer in the carbon reduction document.

A roll call vote was taken. The result was as below.

For: Cllrs Goodman-Bradbury, Hook, Nuttall, Palethorpe, Parrott, Sanders (6)

Against: Cllrs Bradford, Hall, P Parker, J Taylor (4)

Abstained: Cllrs Atkins and Cox (2)

Resolved

Reserved matters approval 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 number	Description
13 Jul 2023	21017.G1.200	Single Garages Plans & Elevations
13 Jul 2023	21017.154 REV A	Enclosures Details
24 May 2024	21017.2.3.SP.702 REV B	Spruce - Var. 2 - Plans & Elevations
24 May 2024	21017.2.3.SP.701 REV B	Spruce - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.SP.501 REV B	Spruce - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.HZ.702 REV B	Hazel - Var. 2 - Plans & Elevations
24 May 2024	21017.2.3.HZ.701 REV B	Hazel - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.CY.701 REV B	Cypress - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.CY.501 REV B	Cypress - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.BE.501 REV B	BEECH - VAR. 1 - PLANS &

Planning Committee (22.10.2024)

		ELEVATIONS
24 May 2024	21017.2.3.B8.501 REV B	B8 - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B5.501 REV B	B5 - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B5.502 REV B	B5 - VAR. 2 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.107 REV D	Refuse Strategy Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.106 REV D	Adoptions Plan Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.104 REV E	External Works Parcel 2.3 (Bovis).3 (Bovis)
24 May 2024	21017.2.3.103 REV C	Storey Heights Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.102 REV D	Materials Plan Parcel 2.3 (Bovis)
24 May 2024	21017.2.2.PP.902 REV B	Poppy - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.PP.901 REV B	Poppy - Var. 1 - Plans & Elevations
24 May 2024	21017.2.2.FX.902 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.PP.901 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.FX.302 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.FX.301 REV B	Foxglove - Var. 1 - Plans & Elevations
24 May 2024	21017.2.2.SU.901 REV B	Sunflower - Var. 1 - Plans & Elevations
24 May 2024	21017.152 REV C	Street Hierarchy Plan - Parcels 2.2 and 2.3
24 May 2024	21017.151 REV C	Character Areas Plan Parcels 2.2 and 2.3
24 May 2024	21017.100 REV B	Location Plan
24 May 2024	19627 PHL-06 REV D	Highway and Drainage Profiles
24 May 2024	19627-PHL-05 REV E	Swept Path Analysis
24 May 2024	19627-PHL-04 REV E	Extent of Adoption
24 May 2024	19627-PHL-03 REV E	Preliminary Highway Layout
24 May 2024	19627-E-02 REV F	External Levels Phase 2-3
05 Jun 2024	19627-PDL-01 REV G	Drainage Layout - Phase 2.2
05 Jun 2024	19627-PDL-02 REV E	Drainage Layout - Phase 2.3
03 Jul 2024	967/07	Phase 2.2 Pocket Play

Planning Committee (22.10.2024)

		Detailed Design
03 Jul 2024	967/06	Phase 2.3 Details and Notes
03 Jul 2024	967/05	Phase 2.3 Planting Plan
03 Jul 2024	967/01 REV D	Phase 2.3 Landscape Strategy
03 Jul 2024	21017.2.3.108 REV D	Affordable Housing (Parcel 2.3)
03 Jul 2024	21017.2.3.101 REV G	Site Layout (Parcel 2.3)
03 Jul 2024	21017.2.2.109 REV B	rical Vehicle Charging Strategy (Parcel 2.2)
03 Jul 2024	21017.2.2.108 REV D	Affordable Housing (Parcel 2.2)
03 Jul 2024	21017.2.2.107 REV D	Refuse Strategy (Parcel 2.2)
03 Jul 2024	21017.2.2.106 REV E	Adoptions and Management (Parcel 2.2)
03 Jul 2024	21017.2.2.104 REV F	External Works Plan (Parcel 2.2)
03 Jul 2024	21017.2.2.103 REV D	Storey Heights (Parcel 2.2)
03 Jul 2024	21017.2.2.102 REV F	Materials Plan (Phase 2.2)
03 Jul 2024	21017.2.2.101 REV F	Site Layout (Parcel 2.2)
03 Jul 2024	19627-PHL-02 REV H	Phase 2.2 Swept Path Analysis
03 Jul 2024	19627-PDL-01 REV H	Phase 2.2 Drainage Layout
03 Jul 2024	19627-E-01 REV G	Phase 2.2 External Levels
03 Jul 2024	21017.2.2.TU.901	Tulip/Variation 1/ Plans & Elevations
03 Jul 2024	21017.2.2.SU.301 REV C	Sunflower / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.PP.301 REV C	Poppy / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.L4.301	L4 / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.AP3.301 REV A	Elevations
03 Jul 2024	21017.2.2.AP3.300 REV A	Plans
03 Jul 2024	21017.153 REV B	Site Sections
16 Jul 2024	21017.2.3.201 REV C	Street Scene A-A Parcel 2.3 (Bovis)
16 Jul 2024	21017.2.3.202 REV C	Street Scene B-B Parcel 2.3 (Bovis)

Planning Committee (22.10.2024)

16 Jul 2024	21017.2.3.203	Street Scene C-C D-D E-E Parcel 2.3 (Bovis)
15 Jul 2024	21017.2.2.201.1 REV D	Street Scenes A-A and B-B - Parcel 2.2 (Linden)
16 Jul 2024	21017.2.2.201.2	Street Scenes C-C and D-D Parcel 2.2 (Linden)
10 Jul 2024	21017.BC.200 REV C	Bin & Cycle Stores Plan & Elevations
09 Jul 2024	21017.2.2.AP3.300 REV A	Apartment Block 3 Plans – Linden Phase 2.2
09 Jul 2024	21017.2.2.AP3.301 REV A	Apartment Block 3 Elevations - Linden Phase 2.2
26 Jul 2024		Affordable Housing Schedule
30 Jul 2024	967_02 REV F	Phase 2.2 Landscape Strategy
30 Jul 2024	967_03 REV F	Phase 2.2 Planting Plan
30 Jul 2024	967_04 REV F	Phase 2.2 Details and Notes
30 Jul 2024	967_08 REV G	Phase 2.2 Management Area Plan
30 Jul 2024	967_09 REV D	Phase 2.3 Management Area Plan
05 Aug 2024	967_10_PHASE 2.2 REV A	Phase 2.2 Tree Pit Schedule
05 Aug 2024	967_11_PHASE 2.3 REV A	Phase 2.3 Tree Pit Schedule
05 Aug 2024	967_02 PHASE 2.2 _REV G	Phase 2.2 Landscape Strategy
05 Aug 2024	967_01 PHASE 2.3 _REV E	Phase 2.3 Landscape Strategy
07 Aug 2024	21017.2.3.HL.501	Holly End - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HL.502	Holly Mid - Var. 2 - Plans & Elevations
07 Aug 2024	21017.2.3.HL.701	Holly - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HZ.501	Hazel End - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HZ.502	Hazel Mid - Var. 2 - Plans & Elevations
07 Aug 2024	21017.2.3.SP.703	Spruce End - Var. 3 - Plans & Elevation
08 Aug 2024	21017.2.3.109 REV A	Electrical Vehicle

Planning Committee (22.10.2024)

		Charging Strategy (Bovis)
08 Aug 2024	21017.2.2.PP.302 REV A	Poppy - Var. 2 - Plans & Elevations
08 Aug 2024	21017.2.2.PP.903	Poppy - Var. 3 - Plans & Elevations
08 Aug 2024	21017.2.2.SN.901	Snowdrop - Var. 1 - Plans & Elevations
08 Aug 2024	21017.2.3.B5.701 Rev B	B5 - Var. 1 - Plans & Elevations
08 Aug 2024	959-DB07	Phase 2 Infrastructure RMA Tree Pit Detail in verge
11 Oct 2024	21017.2.3.SP.703 REV A	Spruce End - Var. 3 - Plans & Elevations
11 Oct 2024	21017.2.3.SP.702 REV C	Spruce - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.3.SP.701 REV C	Spruce - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.SP.501 REV C	Spruce - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.HZ.703	Hazel - Var. 3 - Plans & Elevations
11 Oct 2024	21017.2.3.HZ.702 REV C	Hazel - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.3.HZ.701 REV C	Hazel - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.HL.702	Holly - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.3.HL.701 REV A	Holly - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.CY.701 REV C	Cypress - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.B5.701 REV C	Plans & Elevations
11 Oct 2024	21017.2.3.203 REV A	Street Scene C-C D-D E-E
11 Oct 2024	21017.2.3.202 REV D	Street Scene B-B
11 Oct 2024	21017.2.3.201 REV D	Street Scene A-A
11 Oct 2024	21017.2.3.102 REV F	Materials Plan (Phase 2.3)
11 Oct 2024	21017.2.2.SU.301 REV D	Sunflower - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.2.PP.302 REV B	Poppy - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.2.FX.302 REV C	Foxglove - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.2.201.2 REV A	Street Scenes C-C and D-D

11 Oct 2024	21017.2.2.201.1 REV E	Street Scenes A-A and B-B
11 Oct 2024	21017 2.2 102 REV G	Materials Plan (Phase 2.2)

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

2. Prior to the commencement of the phase of the development for which reserved matters details are hereby approved details of the pocket park set at the south end of parcel 2.2 in this phase shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) sectional drawings showing finished ground levels;
 - b) details of retaining structures and means of enclosure;
 - c) the specification and type of surfacing to be provided for the pocket park;
 - d) the specification, type and method of fixing of the play equipment; and
 - e) the specification and type of planting to be incorporated into the pocket park.

Thereafter, prior to the occupation of any of the dwellings for which reserved matters approval is hereby granted, the pocket park shall have been constructed and landscaped in accordance with the approved details and thereafter the pocket park shall be retained and maintained for the lifetime of the development.

REASON: In the interest of ensuring the delivery of an appropriate and accessible area of play for the benefit of the future occupiers of the development. This is a pre-commencement condition so as to ensure that the provision of a play area to serve the future occupants of dwellings of this phase is made available without undue delay.

3. Prior to the commencement of work to any of the Devon red sandstone screen walls as specified on plan reference 21017.2.2.102 Rev F hereby approved, a sample panel of stonework shall have been constructed on site and made available for inspection, together with details and specification of materials used for its construction submitted to and approved in advance in writing by the Local Planning Authority. The sample panel shall be approximately 2 square metres in size. Once approved the panel shall remain on site until the completion of works and the stonework shall be constructed to match the approved sample panel and thereafter the Devon red sandstone screen walls shall be retained and maintained for the lifetime of the development.

REASON: To ensure that the development reflects the distinctive character of the local area using appropriate and high-quality materials.

NB: The conditions attached to the outline permission, and the obligations secured under the s106 legal agreements remain in force.

The Area Team Manager (East) presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Current permission only allowed touring camping pitches
- Use existing toilets and access
- Screening from trees and bushes
- Footpath lighting is low level
- Flood risk assessment included in application
- Improved surface water drainage

Comments from Councillors during the debate included:

- The application is retrospective
- Camping pods look attractive
- Dawlish Warren prone to flooding
- Claim of economic benefits but this may be misleading
- Balance between green areas of local residents and green areas used by tourists
- Water drainage into critical area
- Water pressure issues
- Could use conditions for biodiversity, water pressure, annual registers
- What is the difference between pods and static caravans?
- Has there been a report from the fire safety officer?
- Have the caravan got built in amenities such as toilets and sinks?
- Gas cannisters have to be 7.5 meters away
- Why is this retrospective and not enforced years ago?

In response to these comments Officers clarified the following:

- Caravans defined under legislation as specific size
- Not necessary to ask for report from fire safety officer as there are other health and safety regulations
- Toilets and shower blocks are separate from caravans which are just for sleeping in
- Planning enforcement may not have known until it was reported

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

A vote was taken. The result was 8 in favour, 1 against, and 2 abstained.

Resolved

Permission be granted subject to:

- a) the applicant entering into a S106 agreement to rescind the previous 2014 permission; and,
- b) the following conditions:

Planning Committee (22.10.2024)

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

Date Received	Drawing/reference number	Description
25 Aug 2023	15/016-03 REV 1	Tree Constraints Plan
25 Aug 2023	SHF.201.218.ENZ.XX.00.DR.L.45.001 REV PL01	Planting Plan
25 Aug 2023	01/500/GP-001 REV A	Sunflower Pod
16 Feb 2024	201.218.ENZ.XX.00.DR.L.00.001 REV PL02	Red Line Plan (site location plan)
16 Feb 2024	SHF.201.218.ENZ.XX.00.DR.L.00.002 REV PL	Site Cross-Sections
16 Feb 2024	000.000.ENZ.XX.00.DR.L.00.003 REV PL01	Existing Site Layout Plan
2 Oct 2024	SHF.201.218-ENZ-ZZ-CA-D-0001 C02	Info Drainage
2 Oct 2024	SHF.201.218-ENZ-XX-DR-D-0001 C02	Surface Water Drainage Strategy

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

2. Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or 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 additional exterior lighting shall be installed on the buildings or elsewhere on the site without the express prior approval in writing of the Local Planning Authority.

REASON: To safeguard foraging paths for legally protected bats, including Greater Horseshoe Bats from the South Hams Special Area of Conservation which are known to be particularly light sensitive.

3. The Planting Plan, as detailed within the approved document Ref - SHF.201.218.ENZ.XX.00.DR.L.45.001 REV PL01 shall be implemented so that planting is carried out no later than the first planting season following this decision. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

REASON: In the interests of biodiversity enhancement as required by policy EN8.

4. The timber camping pods shall be occupied for holiday purposes only, occupied only between between 1st March and 14th February the

following year (inclusive) and shall not be occupied as a main place of residence. The owner shall maintain an up-to-date register of the detail of all occupiers, including their names and main home addresses, of the holiday units on the site and shall make it available for inspection at all reasonable times by the local planning authority.

REASON: To ensure the holiday accommodation is not used for permanent residential accommodation and is restricted to the same months as the wider park.

5. Within 1 month from the date of this approval, an Operational Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Waste Management Plan shall specify details of:
 - A scheme for the recycling/disposal of onsite waste.
 - Waste collection schedule.
 - Waste storage and collection methods.
 - Waste storage capacity.

The approved Operational Waste Management Plan shall then be implemented as part of this scheme and remain operational for the lifetime of the development hereby approved.

REASON: To ensure that appropriate waste management arrangements are in place and to comply with Local Plan Policy EN8

6. Within 1 month of the permission being issued, a detailed design for the surface water drainage system (up to the 1 in 100 year +45% allowance for climate change rainfall event) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, drainage shall be installed in accordance and maintained thereafter.

REASON: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

7. Within 1 month of the date of this permission, a scheme for electric car charging shall be submitted to and agreed in writing by the Local Planning Authority, to include a timetable for implementation. Once installed, the charge points shall be maintained and retained thereafter.

REASON: To reduce reliance on fossil fuel based transport.

d) **23/01834/FUL - Golden Sands, Dawlish**

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Improved amenity by enclosing the outdoor pool

Planning Committee (22.10.2024)

- Traffic will be moderate as site is for customer access only
- Reduced heat loss
- EV charging roll out
- Improved surface water acquisition in the park

Comments from Councillors during the debate included:

- Concerns around combatting flooding as Dawlish Warren is in a flood area
- There are planters in place to soak up water
- No letters of objection

In response to these comments Officers clarified the following:

- Condition 5 was requested by Devon Country to combat flooding
- There is a large swimming pool on site

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

A vote was taken. The result was 10 in favour and 1 against.

Resolved

Permission be granted subject to the following conditions:

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 Received	Drawing/reference number	Description
06 Oct 2023		Location Plan
06 Oct 2023	3161.PP01.04.00	Proposed GF Plan
06 Oct 2023	3161.PP01.06.00	Proposed Activities Centre Plan
06 Oct 2023	3161.PP01.07.00	Proposed Activities Centre Roof Plan
06 Oct 2023	3161.PP01.09.00	Proposed Swimming Pool Elevations
06 Oct 2023	3161.PP01.10.00	Proposed Activity Centre Elevations
06 Oct 2023	3161.PP01.11.00	Proposed Sections
05 Mar 2024	3161.PP01.03.01	Proposed Site Plan
05 Mar 2024	3161.PP01.05.01	Proposed Swimming Pool Roof Plan

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

3. The works shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report (by Co-Ecology, dated November 2022, especially section 6).

REASON: For the benefit of legally protected and priority species and delivery of net gain.

4. Prior to the commencement of development, an Energy Statement and Embodied Carbon Reduction Strategy shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the Strategy shall demonstrate the steps taken to substitute carbon-intensive materials, such as concrete and steel, with low carbon alternatives and measures taken to reduce energy consumption by 48% 88 in line with Policy S7. A review of the module mounting details and shading separation spacing for the UV solar panels should be part of this scheme in light of the flat roof location. On approval of such matters, the approved details contained within the Energy Statement and Embodied Carbon Reduction Strategy be incorporated into the scheme and retained as such thereafter.

REASON: To ensure that the site remains sustainable and to comply with Local Plan Policies S6 S7 and emerging policy CC2.

5. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) If required, a detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e)

above.

REASON: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre1commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed

e) **24/00750/FUL - Cool Beans The Lawn, Dawlish**

The Planning Officer presented the application to the Committee.

Comments from Councillors during the debate included:

- Does the coffee shop also sell food?
- Outline permission for everything except flue
- Are the objectors from the nearby flats?
- How long has the flue been installed for?
- Does this meet the minimum height required for a flue?

In response to these comments Officers clarified the following:

- This coffee shop sells food which often happens.

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

A vote was taken. The result was 10 in favour, and 1 against.

Resolved

Permission be granted subject to the following conditions:

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

Date Received	Drawing Reference	Description
07 May 2024	TC.01.03	Location Plan
07 May 2024	TC.01.08	Proposed Floor Plan & Elevations
05 Sep 2024		Details of Extraction System

REASON: In order to ensure compliance with the approved drawings

f) **24/01126/FUL - Battery Box Land at Torquay Road, Kingskerswell**

The Planning Officer presented the application to the Committee.

Planning Committee (22.10.2024)

Public Speaker, Supporter – Spoke on:

- Storage of essential energy for future use
- Location is close to electrical substation
- Limited visual impact including for cars driving past

Comments from Councillors during the debate included:

- This is a good use of technology
- The application falls outside the red line of the plan boundary
- Applications falls within open countryside
- Battery box is too large
- Better locations are elsewhere
- Application may affect proposed cycling infrastructure
- Officers can be trusted to ensure application is safe for public

In response to these comments Officers clarified the following:

- The location of the battery box

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that decision be deferred to a members' site inspection to determine whether the location was appropriate.

A vote was taken. The result was 3 for, 6 against, and 1 abstention and so the vote was lost.

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that decision be deferred in order to ascertain whether the application would clash with Devon County Council's proposed cycling route.

A vote was taken. The result was 3 for, 5 against, and 1 abstention and so the vote was lost.

It was proposed by Councillor Goodman-Bradbury and seconded by Councillor Hook that permission be granted as set out in the report.

A vote was taken. The result was 6 in favour, 2 against, and 2 absentions.

Resolved

Permission be granted subject to the following conditions

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 Received	Drawing/Reference No	Description
05 Jul 2024	Plan 1	Site Location Plan

Planning Committee (22.10.2024)

05 Jul 2024	Plan 2	Site Layout Plan V2
05 Jul 2024	Plan 4	Smart String ESS Plan and Elevations
05 Jul 2024	Plan 5	Electrical Cabinet Plan and Elevations
05 Jul 2024	Plan 6	Palisade Fencing 2.4m High Elevation

REASON: In order to ensure compliance with the approved drawings

3. Prior to the erection of any fencing or the installation of any equipment on the site, detailed finishes and colours of both shall be submitted to and agreed in writing by the Local Planning Authority. Works shall accord with the agreed details and be retained as such thereafter.

REASON: In the interests of the visual amenity of the area

4. Prior to the first use of the approved installation, a detailed Fire Safety Management Plan and Risk Reduction Strategy shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the plan shall remain in operation for the lifetime of the development, unless amendments are first agreed in writing.

REASON: To ensure fire and pollution risk is minimised and adequately planned for.

NOTE: The above shall be prepared in accordance with the Devon and Somerset Fire and Rescue Service response dated 2nd August 2024.

5. Prior to the completion of the concrete plinth, a detailed landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This shall include 108 species, planting sizes and spacing, timing of planting and maintenance arrangements. Once agreed, planting shall take place in the first planting season following commencement of works. Any plants that die or become diseased or damaged within 5 years, shall be replaced.

REASON: To limit the visual impact of the proposal

g) **E2.01.164 - Land next to 30 Moorsend, Newton Abbot**

The Area Team Manager (West) introduced the item to the Committee.

It was proposed by Councillor Cox and seconded by Councillor Palethorpe that the Tree Preservation Order be confirmed unmodified.

A vote was taken. The result was unanimously in favour.

Resolved

That the Tree Preservation Order be confirmed unmodified.

66. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE

PLANNING INSPECTORATE.

The Committee noted the appeals decisions made by the Planning Inspectorate.

67. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary Sheet.

The meeting started at 10.00 am and finished at 3.47 pm.

Cllr D Cox
Chair