

PLANNING COMMITTEE

20 JULY 2021

Present:

Councillors Bradford, Clarence, Colclough, H Cox, Goodman-Bradbury, Haines, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley and Dewhirst (Substitute)

Members in Attendance:

Councillors Connett

Apologies:

Councillors Eden, Patch, Parker and Peart

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Christopher Morgan, Trainee Democratic Services Officer

Public Speakers:

Helen Bellamy
Phil Carrodus
Simon Merritt
Nicole Stacey

51. MINUTES

It was proposed by Councillor Colclough and seconded by Councillor H Cox that the minutes be approved as a correct record.

A vote was taken – see attached.

Resolved

That the minutes be approved as a correct record.

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

a) **21/00762/FUL - Land at Mamhead (Pages 9 - 10)**

The Business Manager gave a presentation on the application to the Committee.

Planning Committee (20.7.2021)

Public Speaker, Supporter – Spoke on:

- Waiting list for pitches
- Other sites in area have waiting lists
- Other family members have pitches
- No objections from parish

Comments from Councillors included

- The parish only meet annually
- Local plan sets out homes for travelling community within defined settlements
- 6 year land supply of 4 pitches is not being delivered
- Site affects the South Hams SAC
- Site should be closer to schools
- Visibility issues regarding hedge maintenance
- Conditions need to be enforceable which the hedge issue is not
- Contrary to policy WE6
- Should there be a distinction between gypsies and travellers in the local plan?
- Biodiversity officer supports the application
- How is the delivery of the 5 year land supply implemented?
- Application site could be considered a windfall site
- How will foul drainage be implemented?
- Can bat, bird, and bee boxes be included?
- Is the housing currently used by the applicants culturally appropriate?

The Business Manager spoke on

- No distinction is made between gypsies and travellers but there may be a focus on, for example, newer members of the community
- Biodiversity Officer supports the application in relation to the areas used by greater horseshoe bats
- Conditions to assure appropriate lighting
- Hedge removal as a result of discussions
- Policy of south west Exeter in relation to the delivery of land used for the gypsy and traveller community as well as land delivered in Kingsteignton and Teigngrace
- Foul drainage is not a planning matter
- Site can be used by the wider gypsy and traveller community
- Condition 8 could include bat and bird boxes

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

A roll call was taken – see attached.

Resolved

That permission be granted subject to the following conditions:

Planning Committee (20.7.2021)

1. Standard three year time limit
2. Standard plans condition
3. Restriction of occupancy to members of the G&T community
4. Details of the new hedgerow planting shall be submitted to and agreed by the LPA and the hedgerow then planted prior to the first bringing of the caravans on to the site.
5. Details of the day room materials shall be submitted and agreed by the LPA prior to first use on site.
6. Mobile Homes shall conform to definition of a caravan and external materials and appearance of the caravans shall be limited to either wood or a wood-effect.
7. No external lighting other than motion-activated, low-lumen, directed down lighting.
8. The development shall proceed only in accordance with the recommendations of the ecology report.
9. Drainage of the site shall be by soakaways unless otherwise agreed with the LPA.
10. Visibility splays shall be provided, laid out and maintained in accordance with submitted plans.

b) **20/00647/MAJ - Indio House (Pages 11 - 16)**

The Business Manager gave a presentation on the application to the Committee.

Public Speaker, Objector – Spoke on:

- Loss of MG5 Grassland
- Existing fields provide biodiversity
- Objector' QC opinion

Public Speaker, Objector – Spoke on:

- Applicant have not satisfied reasons for deferment
- Lack of recent grassland survey
- Objections from Town Council
- Application does not compliment landscape
- Tree officer opposed to application

Public Speaker, Supporter – Spoke on:

- Site allocated for development

Planning Committee (20.7.2021)

- Principle of development is established
- Outline permission already granted
- QC opinion regarding grassland
- Applicant will preserve as much grassland as possible
- High quality housing with area of natural play

Comments from Councillors included:

- Objections from Town Council
- Declaration of climate emergency
- Objectors QC provides reasons for refusal
- MG5 grassland not significantly addressed by planning inspector
- QC opinions should be given equal merit
- Objectors QC opinion were not disregarded but summarised in the late update sheet
- Landscape element of application
- Grassland would be at risk of becoming overgrown if not cut
- Grassland would need to become SSSI for protection
- Inspector dealt with all matters during planning inspection
- Ecology wasn't raised during outline planning permission at committee
- Consideration of the neighbourhood plan
- Concerns about bat population
- Change of use mitigations
- Drainage issues
- Bat, bird, and bee boxes are needed
- Parking issues
- Refuse storage needs to be enforced
- Solar panels should be used
- Parking cannot be enforced on private drive
- Bovey Tracey plan is a material condition
- Needs to comply with policy LE4
- Ecological concerns should've been raised earlier

The Business Manager spoke on:

- Report represents professional opinion from both planning and legal perspectives
- Reasons of refusal would be difficult to support
- Neighbourhood Plan and NPPF should be used for reasons for refusal
- The emerging Bovey Tracey plan was a material consideration but with limited weight attached
- Solar panels are not mandated
- Details of carbon reduction measures were included.

The Legal Officer spoke on:

- Members should consider both QC opinions on balance

It was proposed by Councillor Kerswell and seconded by Councillor MacGregor that permission be refused for the reasons set out by the Town Council.

A vote was taken – see attached. The vote was lost.

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

A vote was taken – see attached. The vote was lost.

It was proposed by Councillor Kerswell and seconded by Councillor MacGregor that permission be refused for the reasons set out by the Town Council as well as the landscaping.

A vote was taken – see attached.

Resolved

That permission be refused for the following reasons:

1. Loss of MG5 grassland
2. Lack of solar panels
3. Contrary to policy H3 - Provision of discrete cycle storage/ refuse and recycling storage that is both secure and aesthetically pleasing
4. Contrary to policy H4 - developments of above 10 units to be designed to maximise walking and cycling and to encourage health benefits which arise from access to green space
5. Loss of landscape

Note: The decision to refuse the application was against officer recommendation. The Committee considered this application unacceptable for the reasons below.

Statement of Reason

The Committee considered this application unacceptable due to the following reasons

1. Loss of MG5 grassland
2. Lack of solar panels
3. Contrary to policy H3 - Provision of discrete cycle storage/ refuse and recycling storage that is both secure and aesthetically pleasing
4. Contrary to policy H4 - developments of above 10 units to be designed to maximise walking and cycling and to encourage health benefits which arise from access to green space
5. Loss of landscape

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

The Committee noted the decisions made by the Planning Inspectorate

The meeting started at 10:00am and finished at 12:00pm.

Chair
Councillor Mike Haines

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Voters	12	For	8	Against	0	Abstain	4
ClIr Bradford-College							
ClIr Clarence-Shaldon & S-t-head							
ClIr Dewhirst-Ipplepen							
ClIr Goodman-Bradbury-DawlishCNE							
ClIr H Cox-Ashburton Buckfast							
ClIr Haines-Kerswell-w-Combe							
ClIr Hayes-NA Bushell							
ClIr J Hook-NA Bushell							
ClIr Kerswell-Bovey							
ClIr MacGregor-Bishopsteignton							
ClIr Nutley-Ashburton Buck'leigh							
ClIr Nuttall-Kenn Valley							

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Voters	14	For	9	Against	5	Abstain	0
Clr Bradford-College							
Clr Clarence-Shaldon & S-t-head							
Clr Colclough-Ambrook							
Clr Dewhirst-Ipplepen							
Clr Goodman-Bradbury-DawlishCNE							
Clr H Cox-Ashburton Buckfast							
Clr Haines-Kerswell-w-Combe							
Clr Hayes-NA Bushell							
Clr J Hook-NA Bushell							
Clr Jeffery-Moorland							
Clr Kerswell-Bovey							
Clr MacGregor-Bishopsteignton							
Clr Nutley-Ashburton Buck'leigh							
Clr Nuttall-Kenn Valley							

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Voters	14	For	7	Against	7	Abstain	0
Clr Bradford-College		7					
Clr Clarence-Shaldon & S-t-head				7			
Clr Colclough-Ambrook				7			
Clr Dewhirst-Ipplepen		7					
Clr Goodman-Bradbury-DawlishCNE				7			
Clr H Cox-Ashburton Buckfast				7			
Clr Haines-Kerswell-w-Combe				7			
Clr Hayes-NA Bushell				7			
Clr J Hook-NA Bushell		7					
Clr Jeffery-Moorland				7			
Clr Kerswell-Bovey		7					
Clr MacGregor-Bishopsteignton		7					
Clr Nutley-Ashburton Buck'leigh		7					
Clr Nuttall-Kenn Valley		7					

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ClIr Bradford-College							
ClIr Clarence-Shaldon & S-t-head							
ClIr Colclough-Ambrook							
ClIr Dewhirst-Ipplepen							
ClIr Goodman-Bradbury-DawlishCNE							
ClIr H Cox-Ashburton Buckfast							
ClIr Haines-Kerswell-w-Combe							
ClIr Hayes-NA Bushell							
ClIr J Hook-NA Bushell							
ClIr Jeffery-Moorland							
ClIr Kerswell-Bovey							
ClIr MacGregor-Bishopsteignton							
ClIr Nutley-Ashburton Buck'leigh							
ClIr Nuttall-Kenn Valley							

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