

PLANNING COMMITTEE

19 MARCH 2024

Present:

Councillors Bradford (Vice-Chair), Bullivant, Goodman-Bradbury, Hall, Hook, MacGregor, Nuttall, Palethorpe, C Parker (Chair), Parrott, Purser, Sanders, J Taylor, Williams and Clarence (Substitute)

Members in Attendance:

Councillors P Parker, Ryan and G Taylor

Apologies:

Councillors Atkins and Nutley

Officers in Attendance:

Trish Corns, Democratic Services Officer
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council
Sim Manley, Interim Head of Development Management
Artur Gugula, Planning Officer
Jennifer Joule, Senior Planning Officer
Steven Hobbs, Senior Planning Enforcement Officer
Ian Perry, Principal Planning Officer
Patrick James, Principal Planning Officer
Darren Roberts, Interim Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Raine Tudor-Williams, Democratic Services Administration Assistant

8. MINUTES

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

A vote was taken.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the chair.

9. DECLARATIONS OF INTEREST.

Planning Committee (19.3.2024)

Cllr Bradford declared an interest in item 6c as she had previously been a member of the group Newton Says No. She considered herself only predisposed and so would speak and vote on the item.

Cllr Bullivant declared an interest in item 6c as a company he was involved in had an involvement with Homes England. He was no longer linked to that company and so would speak and vote on the item.

Cllr Hook declared an interest in items 6a and 6b as she had a colleague in Newton Abbot CIC who was one of the directors of the Community Benefit Society, who were the applicant for the items. She considered that she could speak and vote on the item.

a) **22/01597/FUL - Alexandra Cinema, Newton Abbot**

It was proposed by Cllr C Parker and seconded by Cllr Palethorpe that decision be deferred to give Officers time to consider late information given by the applicant.

A vote was taken. The result was 9 in favour, 2 against, and 1 abstention.

Resolved

That decision be deferred.

10. **22/01598/LBC - ALEXANDRA CINEMA, NEWTON ABBOT**

This item was taken alongside item 6a.

It was proposed by Cllr C Parker and seconded by Cllr Palethorpe that decision be deferred to give Officers time to consider late information given by the applicant.

A vote was taken. The result was 9 in favour, 2 against, and 1 abstention.

Resolved

That decision be deferred.

a) **22/02069/MAJ - Wolborough Barton, Newton Abbot (Pages 9 - 10)**

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Access already approved
- Works with outline permission
- Comprehensive framework for development
- Protection of SSSI

Planning Committee (19.3.2024)

- Number and spacing of trees around site
- Support from biodiversity officer
- Need for infrastructure to support new homes

Comments from Councillors included:

- Potential future changes to application
- Poor visibility and lighting
- Impact on nearby church
- Flooding risk
- Outstanding TPO
- Drainage could use improvements
- Removal of trees and hedges on private land
- Trees on design code not part of plans
- Could a condition help preserve trees at site entrance
- Is lighting part of the reserved matters

In response, Officers clarified the following:

- There are 5 areas that fall under reserved matters that can be considered
- Lighting is covered by a condition
- The site is considered flood zone/risk 1
- Devon County Council are the flood authority
- The impact on the church was extensively considered as part of the original application
- Planning applications override TPOs
- The site falls within the boundaries outlined in red in the agenda

It was proposed by Cllr J Taylor and seconded by Cllr Hall that decision be deferred pending further information regarding the impact on the nearby church including the planting of trees to provide cover.

A vote was taken and lost. The results were 4 in favour, 8 against, and 2 abstentions.

It was proposed by Cllr C Parker and seconded by Cllr Palethorpe that permission be granted as set out in the report.

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

Resolved

That permission be granted subject to the following conditions:

THAT RESERVED MATTERS APPROVAL BE GRANTED subject to conditions covering the following matters. The precise number and formation of which to be delegated to the Interim Head of Development Management, to include:

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1. Accordance with the approved plans, as below.

Date Received	Drawing/reference number	Description
30 Jan 2024	959-05A	Area 2 Infrastructure Phase 1 Application Areas
30 Jan 2024	959-04A	Area 2 Infrastructure Phase 1 Sections
26 Feb 2024	959-03F	Area 2 Infrastructure Phase 1 Landscape Proposal (inc. Line of Section)
30 Jan 2024	959-02C	Area 2 Infrastructure Phase 1 Site Boundary
30 Jan 2024	19545-PHL-01-05 REV F	Link Road Appearance
30 Jan 2024	19545-PHL-01-04 REV G	Extent of Adoption
30 Jan 2024	19545-PHL-01-03 REV G	Swept Path Analysis
30 Jan 2024	19545-PHL-01-02 REV E	Highway Profiles
30 Jan 2024	19545-PHL-01-01 REV I	Highway Layout
30 Jan 2024	19545-PHL-01-01 REV I	Preliminary Drainage Layout

b) **23/01439/FUL - Longlands Barns, Kingskerswell**

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Business has been run locally for years
- Staggered opening hours
- Recovery from impact of covid
- Recent burglaries in area
- Encouraged car sharing

Comments from Councillors included:

- Opposition from Town Council
- Better options elsewhere
- Outside building line
- Application provides jobs
- Application can be allowed outside building line

In response, Officers clarified the following:

- Original barn conversion allowed on appeal

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

A vote was taken. The result was 12 in favour, 0 against, and 2 abstentions

Resolved

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun 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:
 - Location Plan AL0 01 REV A
 - Block Plan AL0 01 REV A
 - Proposed Plans AL 0 04 REV DREASON: In order to ensure compliance with the approved drawings.
3. Notwithstanding the provisions of the Town Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modification) the unit shall only be occupied by businesses operating within Classes E(g)(i) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
REASON: To be in keeping with the existing use and to protect the amenity of the area.
4. Materials and finishes shall match those existing that are adjacent to the area of works unless otherwise specified on the approved drawings.
REASON: In the interests of minimising harm to the building to preserve the character of the area
5. The extension hereby permitted shall not be occupied until the parking, cycle parking, turning and circulation areas, as shown on the approved drawings, have been completed. They shall thereafter be so retained and maintained.
REASON: In the interests of sustainable development and in order to provide safe access and parking.

11. 22/00127ENF - HAWTHORN HOUSE, NEWTON ABBOT

The Planning Enforcement Officer presented the application to the Committee.

Comments from Councillors included:

- UPVC windows aid climate emergency
- Cost of replacing windows
- No appeal against planning application rejection

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- Only one complaint
- Other properties have similar windows
- Level of harm

In response, Officers clarified the following:

- No appeal against the planning application rejection
- The Committee must make a decision on the specific case as set out in the report

It was proposed by Cllr Clarence and seconded by Cllr J Taylor that decision be deferred pending a members' site visit.

A vote was taken and lost. The result was 4 in favour and 10 against.

It was proposed by Cllr Hall and seconded by Cllr Bradford that decision be deferred pending the O&S review into the use of UVPC windows.

A vote was taken and lost. The result was 4 in favour and 10 against.

It was proposed by Cllr Goodman-Bradbury and seconded by Cllr Palethorpe that enforcement action be taken as set out in the report.

A vote was taken. The result was 9 in favour and 5 against.

Resolved

That

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

12. 17/00006/ENF - LOWER COLLEYBROOK FARM, IDEFORD

The Planning Enforcement Officer presented the application to the Committee.

Comments from Councillors included:

- Status of the occupant
- Lawfulness of the caravan
- Longer period would help in moving out

In response, Officers clarified the following:

- The caravan could be moved inside the curtilage

It was proposed by Cllr Bradford and seconded by Cllr J Taylor that the enforcement notice be given but amended to allow 9 months before enforcement be taken.

A vote was taken. The result was 8 in favour, 3 against, and 1 abstention.

Resolved

That

1. An ENFORCEMENT NOTICE be issued allowing 9 months compliance
2. In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution.

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

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

14. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary sheet.

The meeting started at 10.02 am and finished at 12.57 pm.

Chair
Cllr Colin Parker

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Planning Recorded Vote Roll Call Minute Item 10a

COUNCILLORS	FOR	AGAINST	ABSTAIN
CLLR PHIL BULLIVANT			X
CLLR CHRIS CLARANCE	X		
CLLR L GOODMAN-BRADBURY	X		
CLLR ALEX HALL		X	
CLLR JACKIE HOOK			X
CLLR CHARLES NUTTALL			X
CLLR DAVID PALETHORPE	X		
CLLR JOHN PARROTT	X		
CLLR STEPHEN PURSER			X
CLLR SUZANNE SANDERS	X		
CLLR JANE TAYLOR		X	
CLLR PETER WILLIAMS	X		
CLLR JANET BRADFORD		X	
CLLR COLIN PARKER			X
TOTAL	6	3	5

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