

PLANNING COMMITTEE

17 DECEMBER 2024

Present:

Councillors Bullivant, Buscombe, Cox (Vice-Chair), Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, J Taylor and P Parker (Substitute)

Members in Attendance:

Councillors Palethorpe, Clarence, Parrott and G Taylor

Apologies:

Councillors Atkins, Bradford, C Parker and Sanders

Officers in Attendance:

Ian Perry, Interim Head of Development Management

Dave Kenyon, Area Team Manager

Patrick James, Principal Planning Officer

Artur Gugula, Planning Officer

Taya Cotterill, Senior Planning Officer

Paul Woodhead, Monitoring Officer

Christopher Morgan, Trainee Democratic Services Officer

Matt Beddow, Devon County Council Development Management

74. MINUTES

It was proposed by Councillor Cox and seconded by Councillor Nutley 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 8 for, 0 against, and 3 abstentions.

Resolved

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

75. DECLARATIONS OF INTEREST.

None.

76. CHAIRS' ANNOUNCEMENTS

The Interim Business Manager – Development Management presented a report on changes to the National Planning Policy Framework.

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

a) 24/00694/MAJ -- Wolborough Area A2 POS and GI Phase 1. Newton Abbot

The Principal Planning Officer introduced the item to the Committee. He informed the committee that the council had received Pre-Action Protocol letter from the Wolborough Residents Association relating to their aim to judicially review decisions on other applications on site. The Officer also informed the Committee that there had been no objections from Natural England.

Public Speaker, Objector – Spoke on:

- Impact on Fen
- Opposition from Devon Wildlife Trust
- Hydrological concerns
- SUDS concerns including need for infiltration SUDS
- Need for hydrological survey work results
- Outsourcing of drainage

Public Speaker, Supporter

- Site and dwellings are attractive
- Consultees are satisfied
- Condition 20 does not constitute refusal
- Controls are in place to protect the fen

Comments from Councillors during debate included:

- The design code is being reviewed as part of the requested judicial review
- Playing area contradicts design code
- Concerns around surface water and impact on fen
- Concerns around use of SUDS on wetland and lack of information on SUDS
- Concerns around cycle route and pedestrian access
- Natural England's comments are inconsistent
- Poor access to green space
- Pocket play areas should be distributed throughout the site
- Lack of natural surveillance on play area
- Concerns about attenuation ponds
- Concerns around access to pumping station
- Concerns that the area will be accessed by neighbouring housing
- Part of Stray Park Meadow is included in this application and is a county wildlife and grassland area that would be impacted.

In response, Officers clarified the following:

- Members have had access to all relevant information

- The focus of discussion should be on the reserved matters
- The access to the pumping station would only be used twice per year
- The application provides green/open space
- The neighbouring allotment does not fall into the red line boundary

It was proposed by Councillor Hook and seconded by Councillor Macgregor that permission be refused for the following reasons:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures.
2. Pedestrian access points are insufficient and so non-compliant with Local Plan Policy S2 as there is limits on movement.
3. Play area lacks sufficient surveillance and safeguarding and would be located better elsewhere.

A vote was taken – the results were unanimously in favour and are listed below

For: Cllrs Buscombe, Goodman-Bradbury, Hall, Hook, Macgregor, Nutley, Nuttall, P Parker, J Taylor, and Cox.

Resolved

That permission be refused for the following reasons:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures
2. Pedestrian access points to the green area are insufficient and so non-compliant with Local Plan Policy S2 as there is limits on movement.
3. Play area lacks sufficient surveillance and safeguarding and would be located better elsewhere

Note

The Committee's decision to refuse this application was against officer recommendation. Councillors considered that the impact on the fen and the lack of access to the green area outweighed the benefits of the site.

b) **24/00220/MAJ - Baker Estates Wolborough, Newton Abbot**

Councillor Nutley left during consideration of this item.

The Principal Planning Officer introduced the item to the Committee.

Public Speaker, Supporter

- This application is separate to the previous
- Need for provision of housing
- Secretary of state provided outline permission
- Mix of different sized dwellings

- Economic benefits
- Site not opposed by statutory consultees

Comments from Councillors during debate included:

- Poor access to site
- Lack of archaeological work carried out or conditioned
- Concerns around clustering of social housing on site
- Concerns around catchment area of SUDS
- The fen may be impacted by development
- Lack of transport options other than use of cars
- There is a chance to improve the scheme through deferral
- There is a presumption in favour of development

In response, Officers clarified the following:

- Archaeology is not a reserved matter and there is a condition relating to it
- Deferral would allow a chance to amend the application
- There is need to reach housing targets

It was proposed by Councillor Goodman-Bradbury and seconded by Councillor Nuttall that the decision be deferred to allow time to consider ways to link up the path and cycle ways to improve access.

A vote was taken – 4 were in favour, and 5 against, and so this motion was lost.

It was proposed by Councillor Hook and seconded by Councillor J Taylor that permission be refused for the reasons listed below:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures.
2. Poor access to the site due to lack of interconnected pedestrian pathways and cycle routes, despite local plan policies requiring developments to support these modes of transport.
3. Lack of interlocking pocket play areas do not comply with Teignbridge's design code.

A vote was taken – the results are listed below:

For: Councillors Hall, Hook, Macgregor, P Parker, J Taylor, Cox (6)

Against: Councillor Goodman-Bradbury (1)

Abstention: Councillors Buscombe and Nuttall (2)

Resolved

That permission be refused for the following reasons:

1. Failure to comply with condition 6J of the design code as hydrogeological surveys have not taken place, resulting in lack of information for the SUDS. SUDS should not be included in the Green Infrastructure figures.

2. Poor access to the site due to lack of interconnected pedestrian pathways and cycle routes, despite local plan policies requiring developments to support these modes of transport.
3. Lack of interlocking pocket play areas do not comply with Teignbridge's design code.

Note

The Committee's decision to refuse the application is contrary to Officer's recommendation. Councillors considered that the noncompliance with condition 6J, the poor access links to the site, and the lack of interlocking play areas outweigh any benefits, and that the first reason for refusal could not be resolved through deferral.

c) **24/00301/MAJ - Land at Whitehill Road, Newton Abbot**

Councillor Bullivant joined the meeting and Councillor Nuttall left before the start of the consideration of this item.

The Senior Planning Officer introduced the item to the Committee.

Public Speaker, Objector – Spoke on:

- Impact on biodiversity including tarmac preventing water reaching grass
- Green corridor is a bat flyway

Public Speaker, Objector – Spoke on:

- Environmental concerns
- Impact on South Hams SAC
- Increased volume of traffic

Comments from Councillors during debate included:

- Concerns around impact on bat flyway
- Historic England states their comments are not regarding the merits of the application
- Increased Traffic
- Narrow access to site
- There should be passing places to ensure vehicles can pass

It was proposed by Councillor Bullivant and seconded by Councillor Hall that permission be refused due to their impact on the All-Saints Church, the St Mary the Virgin Church, and St Michaels Church, which are heritage assets protected by the Development Framework Plan.

A vote was taken – the result was 7 in favour, 2 against, and 1 abstention.

Resolved

That permission be refused for the following reason:

1. Development Framework Plan 7.7 to 7.14 states that development proposals should not harm the hilltop green and rural settings of the hilltop church of Highweek, St Mary the Virgin at Wolborough and St

Michaels of Kingsteignton.

Note:

The Committee's decision to refuse this application was contrary to Officer recommendation. The Committee considered that the harm to the heritage assets and thus noncompliance with the Development Framework Plan outweighed any benefits.

d) **24/00814/FUL - Pulse Smart Hubs, Newton Abbot**

Councillor Bullivant left the meeting before consideration of this item.

The Planning Officer introduced the item to the Committee.

The Chair read out objections provided by the Objector who had to leave the meeting before the item. It raised concerns about the medical impact of the smart hubs.

Public Speaker, Supporter – Spoke on:

- Company is recognised for its environmental work
- Hubs are funded by advertising and so free for people to use
- Provision of life-saving equipment
- Audio is only recorded when the emergency button is pressed
- Partnership with town council
- Improves public safety

Comments from Councillors during debate included:

- Enhances Newton Abbot
- Minimal impact on heritage
- Replaces existing information boards
- Makes town safer and more accessible
- Concerns around highway safety and impact on drivers
- Concerns around carbon dioxide production from concrete
- Not all locations may be suitable
- What will the adverts look like?
- Who has access to any CCTV footage that comes from the hubs?

In response, Officers clarified the following:

- The main concerns of the highway authority is whether the adverts or hubs could be mistaken for something else
- The adverts will change every 10 seconds
- Adverts will produce no noise
- Condition to ensure removal if the company suffers bankruptcy
- Benefits to the public outweighs the less than substantial harm.

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

A vote was taken – the result was unanimously in favour.

Resolved

That 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:

Date Received	Drawing/reference number	Description
21 May 2024	NEWABB-O12-KR/2024/01	Site Location Plan
21 May 2024	NEWABB-O12-KR/2024/02	Existing Site Plan
21 May 2024	NEWABB-O12-KR/2024/03	Proposed Site Plan
21 May 2024	NEWABB-O12-KR/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-O11-CR/2024/01	Site Location Plan
21 May 2024	NEWABB-O11-CR/2024/02	Existing Site Plan
21 May 2024	NEWABB-O11-CR/2024/03	Proposed Site Plan
21 May 2024	NEWABB-O11-CR/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-009-WS/2024/01	Site Location Plan
21 May 2024	NEWABB-009-WS/2024/02	Existing Site Plan
21 May 2024	NEWABB-009-WS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-009-WS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-008-HS/2024/01	Site Location Plan
21 May 2024	NEWABB-008-HS/2024/02	Existing Site Plan
21 May 2024	NEWABB-008-HS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-008-HS/2024/04	Proposed

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		Elevations/Technical Specification
21 May 2024	NEWABB-007-ES/2024/01	Site Location Plan
21 May 2024	NEWABB-007-ES/2024/02	Existing Site Plan
21 May 2024	NEWABB-007-ES/2024/03	Proposed Site Plan
21 May 2024	NEWABB-007-ES/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-006-CS/2024/01	Site Location Plan
21 May 2024	NEWABB-006-CS/2024/02	Existing Site Plan
21 May 2024	NEWABB-006-CS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-006-CS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-005-BS/2024/01	Site Location Plan
21 May 2024	NEWABB-005-BS/2024/02	Existing Site Plan
21 May 2024	NEWABB-005-BS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-005-BS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-003-NW/2024/01	Site Location Plan
21 May 2024	NEWABB-003-NW/2024/02	Existing Site Plan
21 May 2024	NEWABB-003-NW/2024/03	Proposed Site Plan
21 May 2024	NEWABB-003-NW/2024/04	Proposed Elevations/Technical Specification
28 Nov 2024	NEWABB-00-MLP-2024-01_REVB	Master Site Location Plan

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

3. Prior to commencement of any work to locations numbered 005, 006, 007, 008, and 009 as identified on the Master Site Location Plan

reference NEWABB-00- MLP-2024-01_REVB hereby approved, a scheme for the removal of the existing information boards at these locations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following: (a) timetable for removal of the information of the boards; (b) details of the manner in which the boards will be removed, and; (c) details of the manner in which the ground will be made good (including surfacing materials). The development shall then be carried out in accordance with the approved details. REASON: In the interest of ensuring that the street furniture clutter is not increased as a result of the development within a setting of listed buildings and in Conservation Areas.

4. Prior to any of the hubs hereby approved becoming operational, a scheme for the management, maintenance, repair, and removal if hubs cease to operate for each of the hubs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained and retained in accordance with the approved details. REASON: In the interest of ensuring that the hubs remain in good working order for the benefit of the public and to ensure that their appearance is maintained.
5. The screens located on elevations 'A' and 'D' of each of the hubs as identified on all Proposed Elevation/Technical Specification drawings hereby approved shall be fully turned off and shall not be operational between the hours of 12:00am and 06:00am Monday to Sunday. REASON: In the interest of mitigating against disturbance to the residential amenity of the surrounding properties resultant from illumination of the digital screens.
6. The screens located on elevations 'A' and 'D' on each of the hubs as identified on all Proposed Elevation/Technical Specification drawings hereby approved shall be operated and maintained in strict accordance with the approved 'Lighting level' section of the Design, Management & Operational Statement (page 39). REASON: In the interest of mitigating against disturbance to the residential amenity of the surrounding properties resultant from illumination of the digital screens.

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

The Committee noted the appeals decisions of the Planning Inspectorate.

79. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary Sheet.

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The meeting started at 10.00 am and finished at 3.05 pm.

Chair
Cllr David Cox