

PLANNING COMMITTEE

TUESDAY, 24 OCTOBER 2017

Present:

Councillors Smith (Chairman), Kerswell (Deputy Chair), Austen, Brodie, Bullivant, Clarence, Dennis, Fusco, Jones, Keeling, Mayne, Nutley, Orme, Pilkington, Prowse, Rollason, Winsor, Dewhirst (Reserve) (for Hayes) and Haines (Reserve) (for Colclough)

Members In Attendance:

Councillors Hellier-Laing and Ford

Apologies:

Councillors Colclough, Hayes, Parker and Price

Officers in Attendance:

Nick Davies, Business Manager - Development Control
Rosalyn Eastman, Principal Planning Officer
Frances Robinson, Solicitor
Kelly Grunnill, Senior Planning Officer
Trish Corns, Democratic Services Officer
Hannah Milford, Legal Assistant

174. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING.

It was proposed by Councillor Fusco and seconded by Councillor Dennis that the minutes of the meeting held on 26 September 2017 be approved as a correct record. This was carried by 16 votes for, 0 against and 3 abstentions. The Chairman signed the minutes.

175. MATTERS OF URGENCY/REPORT ESPECIALLY BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN.

The Chairman reminded Members that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application. The Chairman also welcomed public speakers to the meeting.

176. DECLARATIONS OF INTEREST.

Members declared interests as detailed below.

177. PLANNING APPLICATIONS FOR CONSIDERATION

The Committee considered the reports of the Business Manager – Strategic Place together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates sheet previously circulated.

a) **EXMINSTER - 15/01331/MAJ - Land off Chudleigh Road, Alphington**

The Committee recalled that the site was inspected previously. An additional representation has been received from the Applicant in relation to an issue raised by Bovis Developments, regarding the SW Exeter development area as a whole. A representation has also been submitted by a resident of Shillingford Abbot raising concern about the proposed access at Waybrook Lane.

Public Speaker: Supporter – Negotiations on the application had been continuing for the past 5 years. 222 dwellings would be developed, the Hay Barns retained and converted to dwellings, Waybrook Cottages retained, and affordable housing and gypsy and traveller pitches provided. Section 106 and CIL contributions amounted to some £20,000 per dwelling. It would be a quality designed site, sensitive to the surrounding environment. Increased costs and site specific issues have taken time to agree.

In response to Members concerns relating to the delivery of community infrastructure for the entire SW Exeter area, the Principal Planning Officer advised on the area granted planning permission in January 2017 to Bovis which would provide primary and secondary education, health provision, in- door sports and community space, community centre. This was in accordance with the Framework Plan for the SW Exeter area approved in 2014.

Other comments raised by Members of the Committee included: affordable housing percentage of 16% and lack of District Heating with no Carbon Reduction Plan is disappointing; sustainable travel modes such as construction of the bridge for the greater SW Exeter area, cycle and pedestrian links and bus transport should be in place before occupation of dwellings; progression of funds to develop the Marsh Barton railway station; broadband provision; loss of trees; and capability and capacity of foul and surface water drainage systems to cope with the new development.

In response the Committee was advised that: carbon reduction plans are largely under the auspices of Building Regulations and developers either have to have measures in place or be linked to a district heating scheme; a temporary “safe crossing” across the A379 will be constructed until the permanent bridge crossing is completed; some trees would be lost at the access point, however trees in the middle of

the site would be retained; broadband facilities are part of the remit for the SW Exeter Infrastructure Delivery Officer but less a planning matter; public transport services were already within a reasonable walking distance from the site; this Council and Devon County Council have funds committed to Marsh Barton Railway station; and foul and surface water drainage requirements would be agreed with SW Water.

It was proposed by Councillor Smith, seconded by Councillor Haines and

Resolved

Permission be granted subject to:

A) The completion of a Section 106 agreement within 9 months of the date of this Committee to provide:

1. Affordable Housing in line with the recommendations of the viability report split 6 Affordable Rent: 30 Shared Ownership (16%) (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and received prior to commencement of development excluding the detailed phase).
2. A minimum of 6 Custom Build Dwelling plots.
3. A scheme for provision of 1 Gypsy and Traveller Pitch.
4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to work with the Council to secure such funding).
5. Provision of financial contribution to highway works at a maximum of around £4,740 per dwelling (precise amount to be agreed with Devon County Council).
6. Financial contribution for Community Building at total cost of £2,000 per dwelling.
7. Financial contribution for Health provision at total cost of £400 per dwelling.
8. Travel planning and packs including £300 voucher per dwelling.
9. Exe Estuary SPA mitigation contributions at £96 per dwelling.
10. Resident Information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit-forming in relation to the Exe Estuary.
11. Play provision and management.
12. Green space provision and management.

If, as a result of further information, new viability or changes to government policy these provisions need to be amended, the Business Manager – Strategic Place will consult with Ward Members the Chairman of Planning Committee and Exminster Parish Council before exercising delegated powers.

B) The completion of Agreement(s) in relation to SANGS provision.

C) Planning conditions to address the following matters and issues – the precise number and form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

Time Limits

- a. Development shall commence on the full planning permission phase within 2 years of the date of this permission
- b. Prior to commencement of any other phase, reserved matters approval for that phase shall be sought.
- c. Reserved Matters approval shall be sought within 2 years of the date of this permission for all phases except any self/custom build dwelling.
- d. Reserved Matters approval for each custom build dwelling shall be sought within 5 years.
- e. Development shall commence within one year of receiving Reserved Matters approval.

Whole Site

- a. The development shall be a phased planning permission.
- b. Approved plans and documents for whole site including outline phases.
- c. Tree constraints and protection plans and details for each phase.
- d. Landscape and Ecology Management Plan (LEMP) including mitigation included in Environmental Statement.
- e. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), including noise, air quality and traffic. Phased.
- f. Construction access strategy and phasing including for occupants.
- g. Noise/air quality protection including for occupants, phased.
- h. Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity, phased and cumulative.
- i. Biodiversity protection mitigation and enhancement.
- j. Foul sewerage survey and provision.
- k. Public art.
- l. Lighting strategy - phased.
- m. Watercourse pollution prevention during both construction and operation - phased.
- n. Contaminated land investigation - Soil sampling - phased.
- o. Access strategy including dedication of land to highways, detailed highway design, safe access to bus stops, implementation of highway works,

including footways and cycle ways, in accordance with an agreed phasing scheme, the site access and visibility splays shall be constructed, laid out and maintained for that purpose.

p. No development shall take place until a waste audit statement has been provided, and approved, phased.

Full planning permission

1. Development to proceed in accordance with approved plans.
 2. Replacement bat roost details prior to commencement.
 3. Sparrow nest box details prior to commencement.
 4. Samples of materials prior to use.
 5. Architectural details prior to construction.
 6. Parking provision prior to occupation.
 7. Boundary treatment details prior to installation.
 8. Treatment of retaining structures prior to relevant works.
 9. Landscape details and delivery and management.
 10. Removal of Permitted Development (from barns).
- (17 votes for and 2 against)

b) **SHALDON - 17/01385/VAR - Highfield, Torquay Road**

Public speaker, Objector – The access road has been developed in the wrong location and is 4 metres closer to the boundary with dwellings in Woodleigh Park. The approved plans should be enforced.

Public speaker, Supporter – A small section of the road has been moved 2.7 metres easterly in order to regularise the matter that land ownership had not been accurately identified, and the adoptable gradient imposed by Devon County had to be met. The impact on neighbours' amenity is minimal because the properties are some 150 feet from the boundary due to the length of the rear gardens; the road is at a lower level and screened, and therefore cannot now be seen by some neighbours; and it has been developed in accordance with highway regulations.

Concerns raised by Members included: the application is retrospective; it is within the Undeveloped Coast; the road is closer to the neighbours' boundaries who are also discontent with the development of the 5 houses;

In response the Business Manager advised that the houses had been developed in accordance with approved plans, and are not the subject of the current application. The road is acceptable and the situation needs to be regularised.

It was proposed by Councillor Clarence, seconded by Councillor Dewhirst and

Resolved

Consideration deferred pending a Member site inspection.
(16 votes for, 2 against and 1 not voted).

c) **DAWLISH - 17/02011/FUL - Branscombe Farm, Branscombe Lane**

Public speaker, Objector – The site has a long planning history with refused planning permissions and enforcement issues; it is unsustainable; has pollution/contamination problems; detrimental to neighbours amenities in terms of overlooking and loss of privacy; noise and disturbance; poor access and additional traffic on narrow lanes; and increased flooding risk.

The Chairman reported a note from Ward Member Councillor Price who was unable to attend the meeting, considered the General Permitted Development Order provisions (Under Class Q), which facilitated the proposed lawful conversion of half of the barn to a dwelling, supersede the desire for enforcement.

In response to Members' comments and concerns in relation to unlawful; use of the site, the Business Manager advised that half of the barn has been used for unauthorised residential purposes. Approval was sought to convert the remainder of the barn to residential. Mindful of the Class Q permission, for a single dwelling, approval of the application would regularise the situation for the whole barn, still delivering 1 dwelling, and there would be no unauthorised use.

Additional comments from Members included that the site was well screened and there was no reason why approval would result in additional traffic.

It was proposed by Councillor Brodie, seconded by Councillor Dewhurst and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with approved plans.
3. Unsuspected contamination condition.
4. Permitted Development Rights removed, Classes A, B, C, D, E and G of Part 1 and Classes A, B and C of Part 2.

(11 votes for, 3 against and 5 abstentions)

d) **WOODLAND - 17/01064 - Chardonnay**

Councillor Smith declared a predetermined interest and spoke but did not vote on the application. The Vice Chairman chaired the meeting for this application.

Public Speaker Objector – Teignbridge has sufficient pitches allocated for the next five years; additional pitches would be contrary to the Local Plan; the proposed increase applied for would result in some 20 people on site which would be disproportionate in relation to the number of residents at Woodland; poor access and lanes are unsuitable for additional traffic, with 3 accidents in the last 6 months and 1 death in the last 3 years; unsustainable site with no public transport and concern for the safety of children walking the 2 miles to the primary school; contrary to Policies S1 and WE6; safety of residents being directly underneath 400kv National Grid Power lines, which has been linked to childhood leukaemia, and for example when a resident is repairing a caravan roof; National Grid have not objected to the application but the guidance is that there should be no permanent dwelling directly underneath power lines.

Comments raised by Members included: a person fixing a roof would be within the exclusion zone of the power lines; the target for Gypsy and Traveller pitches for the next 5 years has been met; an unsustainable site with no public transport; highway safety, narrow lanes with blind bends; noise disturbance from power lines; and pitches can prove difficult to deliver. The gypsy and traveller community chooses to live at the site, therefore the application should be approved.

It was proposed by Councillor Dewhurst, seconded by Councillor Keeling and

Resolved

Permission be refused for the following reason:

1. Proximity to 400kv National Grid Power lines.

(11 votes for, 4 against and 2 abstentions)

e) **KINGSKERSWELL - 17/01330/FUL - Garth Gardens, Pound Lane**

The Ward Member, Councillor Haines referred to the report circulated with the agenda which detailed his concerns. His concern about flood risk has been addressed with the dwellings now proposed significantly higher; condition 13 addressed his concern about refuse area; condition 9 addressed another concern and he proposed that a construction management plan be included with this condition.

It was proposed by Councillor Haines, seconded by Councillor Prowse and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.

2. Development to be carried out in accordance with the approved

plans/documents.

3. Surface water drainage scheme to be submitted for approval.
 4. Notwithstanding the submitted details, samples of external materials for the dwellings shall be submitted to and approved by the Local Planning Authority.
 5. Removal of Permitted Development Rights – Part 1, Schedule 2 (Classes A, B, C, D, E and G – alterations and extensions to dwellings, outbuildings, roof alterations, porches, chimneys and flues).
 6. Unsuspected land contamination.
 7. Recommendations as set out in ecology report to be followed.
 8. No external lighting shall be installed on or in association with the new dwellings, except low intensity, warm spectrum PIR security lighting on a short timer (2 minutes maximum) mounted on the eastern elevation, for the benefit of legally protected species.
 9. Construction Management Plan including: phasing of demolition/construction work, and on-site parking; deliveries and collection of materials shall only take place during the following hours 8am to 6pm Monday to Friday and 8am to 1pm Saturdays; and works shall not take place on Sundays or Bank Holidays.
 10. Disposal of waste shall not be undertaken by burning.
 11. Visibility splays as shown on drawing 6117/2 Rev B shall be provided prior to first occupation of either dwelling and thereafter shall be kept free of obstruction over 600mm.
 12. The development shall not be carried out otherwise than in strict accordance with the submitted Flood Risk Assessment.
 13. The development shall not be occupied until refuse/bin storage facilities have been provided in accordance with details, to include proposals for maintenance and management of the storage area, which shall have first been submitted to and approved in writing by the Local Planning Authority. Once provided the facilities shall be retained in perpetuity.
 14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
 15. Foul drainage from the development and no other drainage shall be connected to the public foul or combined sewer.
 16. Landscaping Plan to be submitted prior to the development progressing beyond dpc level and shall include all surfacing materials, boundary treatments, planting and landscape works and shall be agreed in writing by Local Planning Authority and implemented in the first available planting season prior to first occupation of either dwelling.
- (18 votes for and 0 against)

178. BREACH OF PLANNING CONTROL - MISTLEIGH FARM BARNES, DODDISCOMBSLEIGH

The Business Manager advised that it was expedient to serve an enforcement notice to cease the unauthorised use of the land for residential purposes.

The Ward Member Councillor Ford reiterated the evidence of residential use. Activities on the site associated with residential use, detrimental to the amenities of neighbours included dogs barking, noise from generators; and light pollution from lighting towers.

It was proposed by Councillor Prowse, seconded by Councillor Keeling and

Resolved

An Enforcement Notice be served to cease the unauthorised use of the land and building for residential purposes with a compliance period of one month. In the event of the Notice not being complied with, the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990. (18 votes for and 0 against)

179. WILDLIFE AND DEVELOPMENT GUIDANCE NOTE: CIRL BUNTINGS

Consideration was given to a guidance note for developments impacting on cirl buntings, to ensure a consistent and up to date approach is applied.

The cirl bunting is a nationally rare and threatened 'priority species', which receives legal protection as a Wildlife and Countryside Act 'Schedule 1 bird'. Once a widespread farmland bird, Britain's cirl bunting population is now confined to South Devon, with Teignbridge supporting about 30% of the country's birds. Over the last 10 years Teignbridge has worked with keholders to best consider the cirl bunting through planning. Compensation measures include taking a financial contribution from developers for the Council to then deliver the necessary conservation measures offsite, in partnership with others where appropriate. Under this system around £165,000 has already been received and spent on cirl bunting conservation projects across the District, including 3ha winter foraging habitat. More than £650,000 more is secured through S106 Agreements with further conservation schemes under development.

Resolved

- a) The technical guidance note, which provides a consistent approach for dealing with developments that negatively impact cirl buntings be approved.
- b) The Business Manager-Strategic Place, in consultation with the Chairman of the Committee, be authorised to amend the guidance note as necessary to maintain the most up to date advice. (15 votes for and 1 against)

180. APPEAL DECISIONS

The Committee noted a report circulated with the agenda on decisions made by the Planning Inspectorate on appeals against refusal of planning permission.

DENNIS SMITH
Chairman