

## **PLANNING COMMITTEE**

**21 JANUARY 2020**

**Present:**

Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Bullivant, Clarence, H Cox, Hayes, Keeling, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick, Wrigley, Jeffries (Substitute) and Austen (Substitute)

**Members in Attendance:**

Councillors Daws, Mullone and Taylor

**Apologies:**

Councillors Colclough, J Hook, Jeffery and Phipps

**Officers in Attendance:**

Rosalyn Eastman, Business Manager, Strategic Place  
Nick Hill, Solicitor  
Claire Boobier, Planning Officer  
Gary Crawford, Planning Officer  
Peter Thomas, Planning Officer  
James Clements, Principal Planning Officer  
Trish Corns, Democratic Services Officer  
Christopher Morgan, Trainee Democratic Services Officer

### **71. MINUTES**

The Minutes of the meeting held on 17 December 2019 were confirmed as a correct record and signed by the Chairman.

### **72. CHAIRMAN'S ANNOUNCEMENTS**

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

### **73. DECLARATIONS OF INTEREST.**

Councillor Bradford declared a pecuniary interest in application 19/00238/MAJ by virtue of her interest in nearby properties. She had been granted a dispensation to speak but not vote.

Councillors Mullone and Daws had also been granted dispensations to speak.

Councillor Nutley declared an interest by virtue of his association with an applicant but this did not qualify as an Appendix A interest.

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

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

a) **IPPLEPEN - 19/00672/FUL - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation**

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

Public Speaker, Objector- Spoke on the access via the private drive, questions regarding tourist interest in the site, the condition of the road and its accessibility to emergency vehicles, the history of the garden, lack of need for the holiday house due to a nearby property for sale that would fit the same purpose, no public access to the garden, the detrimental effects to the road due to the increase in usage, and the refusal of similar applications.

Public Speaker, Supporter- Spoke on the agreement that all revenue gained by the use of the accommodation that would go towards upkeep of the garden, they have permission to use both private roads, refusal would result in the loss of heritage lottery funds, the split between the garden and coach house increasing traffic, only 3 properties share the private road

Comments from Councillors included: The heritage lottery fund will help with restoring the garden, Devon County Council has confirmed there will be minimal impact on the road, concerns over the poor quality and narrowness of the road with only one passing bay, whether or not there had been a bat mitigation plan, inclusion of a Section 106 agreement, no planned public access to the garden, if funds could be secured to improve the surface of the road and the site should be more accessible.

In response to comments from Councillors, the Business Manager clarified that there would be a Section 106 agreement which would secure the funds to be invested in the garden, all 3 properties have right of access to the road which is a civil matter and cannot be controlled by a condition, and a construction management plan would be included in the conditions.

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

**Resolved**

Permission be granted subject to conditions:

1. Time limit for implementation (3 years);
2. To be built in accordance with approved plans;
3. The building hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. A register of occupants shall be maintained;
4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority;
5. Prior to commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority;
6. Prior to commencement including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority;
7. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
8. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
9. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
10. Prior to their installation on site, a sample of the stepping stones to be used in the private garden of the holiday accommodation and details of the material to be used for the hardstanding parking areas shall be submitted to and approved in writing by the Local Planning Authority;
11. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
  - Doors
  - Windows, including sills
  - Gates and threshold
  - Timber lintels
  - Loggia

The building details shall be installed in accordance with the approved drawings;

12. No external lighting shall be installed on, or in association with, the new building, unless otherwise agreed in writing by the planning authority.

(10 in favour, 7 against, 1 abstention)

b) **IPPLEPEN - 19/00976/LBC - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation**

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

Public Speaker, Objector- Spoke on the lack of need for the accommodation, narrow access road unsuitable for additional traffic, and the lack of safeguard against future development.

Public Speaker, Supporter- Spoke on the approval of the first application, the improvement to the garden and repairing any damage caused by construction vehicles.

Comments made by Councillors included- The poor state of the road, the financial contributions required to improve it, and the proposal would have minimal impact on the garden and would not be seen outside of the site.

It was proposed by Councillor Nutley and seconded by Councillor Keeling and

### **Resolved**

Listed Building Consent be granted subject to the following conditions:

1. Time limit for implementation (3 years);
2. To be built in accordance with approved plans;
3. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
4. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
5. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
6. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
  - Doors
  - Windows, including cills
  - Gates and threshold
  - Timber lintels
  - Loggia

The building details shall be installed in accordance with the approved drawings. (12 in favour, 6 against, and 1 abstention)

c) **NEWTON ABBOT - 19/01005/FUL - Pascoe And Gill Garage , 128 Ashburton Road - Construction of convenience store and associated parking areas**

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

In response to a question from the Committee the Business Manager advised that the CIL calculation in the report was correct but would be confirmed before

any liability notice was issued,

It was considered that the proposal would benefit the community because of the lack of facilities among the recently developed housing.

It was proposed by Councillor Bullivant and seconded by Councillor Parker and

### **Proposed**

Permission be granted subject to the following conditions:

1. 3 year time limit condition
2. Compliance with the approved plans/documents
3. Prior to commencement of development details of fuel tanks and decommissioning methodology to remediate the land be submitted to and approved in writing by the Local Planning Authority (Agreed 18<sup>th</sup> November 2019)
4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) will have been submitted to and approved in writing by the Local Planning Authority. (Agreed 1<sup>st</sup> November 2019)
5. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed 5db below the background noise level at the time of operation. Details of the scheme to demonstrate the above shall accord with the noise survey method British Standard: BS 4142:2014 and shall be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of development (agreed 1<sup>st</sup> November 2019)
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority (Agreed 20<sup>th</sup> December 2019)
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority (Agreed 20<sup>th</sup> December 2019)
8. The site as a whole shall be considered as a sui generis / mixed use site. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Orders revoking or re-enacting these Orders, the use of the new building, hereby permitted, shall be limited to use class A1 (shops) for the sale of convenience goods only and the sales area shall be limited to the floor space as shown on drawing number 19837/202c (204.2 sq m).
9. No development shall take place above damp proof course level until samples of the materials to be used in all external surfaces of the building have first been submitted to and approved in writing by the Local Planning Authority.
10. No development shall take place above damp proof course level until such time as a detailed external lighting scheme for the development (including lighting to the store and within the car park and servicing areas), together with a

timetable for its provision, has first been submitted to and approved in writing by the Local Planning Authority.

11. No deliveries shall be taken or dispatched from the site except between the hours of 8.00 am and 7.00 pm, other than those delivering newspapers.

12. The convenience store, hereby permitted, shall not be brought into use until such time as a delivery management plan (which shall include, but not be limited to, details of the means of ensuring vehicle engines are not left running at the time of deliveries and that vehicle reversing alarms are turned off).

13. The uses at the site shall only be open between the hours of:

a) Convenience store: 7.00 am and 11.00pm on any given day.

b) Car valeting: Monday to Friday: 9am and 5pm, Saturday 9am and 4pm, and Sunday and bank holidays 9am and 4pm.

c) Car servicing garage: Monday to Friday 8am and 5pm, Saturday 8am and 4pm and not at all on Sundays and Bank Holidays

14. The site access and parking arrangements shall be constructed, laid out and maintained thereafter in accordance with the details on drawing number 19837/203H

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

16. Prior to first use of the new building hereby approved the cycle stands shall be provided and available use and shall be retained thereafter.

(17 in favour, 0 against, and 1 abstention)

d) **KINGSTEIGNTON - 19/00698/FUL - 15 Mill End, Kingsteignton - Two storey extension and detached replacement garage**

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

It was proposed by Councillor Austen and seconded by Councillor Macgregor and

**Resolved**

Permission be granted subject to the following conditions:

1. Standard time limit

2. Works in accordance with approved plans

3. Works carried out in accordance with the tree protection details and measures

4. Garage to be ancillary to the main dwelling

(18 in favour and 0 against)

e) **ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling**

Public Speaker, Supporter- Spoke on plans for sustainable living in the accommodation, the development has the same footprint as the original barn, and asked the committee for additional time to continue construction on the application.

Comments raised by members included there was no justification for a dwelling in the countryside, approval could set a precedent, and the proposed dwelling was similar in design and size to the permitted Class Q.

The Business Manager and the Solicitor advised that Class Q regulations only apply to buildings that haven't been demolished. The previous structure had been demolished and so the Class Q regulations did not apply.

It was proposed by Councillor Bullivant and seconded by Councillor Patch that the application be accepted. The reasons for approval were; the new building would be similar in size and appearance to the previous building, the building is environmentally beneficial, the dwelling is in line with the council's declaration of a climate emergency, and it is a conversion of a previous agricultural building. A vote was taken and was lost at 8 votes for and 10 against.

It was proposed by Councillor Keeling and seconded by Councillor J Petherick and

**Resolved**

Decision be deferred pending a Member's Site Inspection.  
(16 in favour, 2 against, and 1 abstention)

f) **NEWTON ABBOT/ABBOTSKERSWELL - 19/00238/MAJ- Langford Bridge Farm - Hybrid planning application**

The Principal Planning Officer referred to the late reps document, previously circulated and advised that 34 representations had been received since but these did not include any additional material planning considerations. He also advised that: Members had directly received a number of additional representations from interested parties; the Council had also received additional representations from CPRE and in regards to land to the south of the site. The main issues raised cover the following:

Uncertainty of link road delivery; prematurity/ lack of adopted DPD; insufficient community engagement; risk to GHB and integrity of SAC; TDC has 5 year land supply; carbon emissions; £100 per dwelling for air quality emissions; geology/hydrology & fen; habitat regulation appropriate assessment should be consulted on, and climate change.

Most of these matters had been addressed in the committee report and late

sheet however some points required clarification:

- As regards to the Appropriate Assessment, there is no requirement or duty to consult the public on this type of document. As the decision maker, the Local Planning Authority had consulted with the government's statutory advisor (Natural England) who agree with the recommendation made by the Council.
- As regards to air quality, there was not a scheme for the £100 per dwelling but this would form part of the Section 106. The Kingskerswell Air Quality Management Area (AQMA) is about to be revoked therefore the £100 contribution may not be required. The EHO comments require a contribution if AQMA still present. A revised Air Quality Action Plan is currently being completed which will identify a number of measures and projects.
- As regards to queries regarding DCC's comments and the greenhouse gas assessment (GHGA), this has been dealt with under September ES addendum. The GHGA is related to the Environmental Survey (ES) and is separate to the submitted Carbon Reduction Plan, required by policy, which demonstrates that the scheme can meet the 48% reduction in carbon emissions.

The Principal Planning Officer added that since the publication of the late update sheet:

- Additional details and a plan have been submitted by the applicant which demonstrate that the site can accommodate the amount of Public Open Space as outlined within the report, including the correct catchments and buffer zones, and this is acceptable.
- With regards to surface water drainage the Lead Flood Authority (LFA) have removed their objection, subject to a pre-commencement condition related to the detailed part of the application and conditions related to the outline.

Public Speaker, Objector- Spoke on the environmental advice given by a senior expert ecologist, the proposal would be detrimental to the established wildflowers on the site, the detrimental effect on soil, there would be a 30 percent decrease in biodiversity, detrimental to the protected bats, the proposed 20 meter bat corridor was inadequate, Bat Mitigation proposal was insufficient, and the lighting resulting from the proposal would be detrimental to the protected bats.

Public Speaker, Objector- Spoke on the application being premature pending the local plan review, air pollution would be significant from the proposal, impact on climate change, and EU regulations.

Public Speaker, Supporter- Compliant with the adopted local plan and all policies, economic benefits for Teignbridge due to enhanced local spending, land safeguarded for a second bridge crossing, support from Natural England who have agreed the Appropriate Assessment, compliant with the Carbon Reduction Policy, the creation new jobs for residents, and the Section 106 agreement has been negotiated.

Comments from Councillor's include: Premature pending the DPD, increase in traffic would have a detrimental effect on air pollution, concerns about biodiversity, detrimental to the amenities of local residents, detrimental to the protect bat species, primary school should be included, no certainty of link road, increased traffic congestion, £100 per dwelling is insufficient for air quality mitigation, impact of Brexit on EU environmental regulations, possibility of legal challenge, the Council has already met the target of 620 new homes therefore there is no need, detrimental effect on biodiversity, concerns about drainage, it is detrimental to Wolborough Fen which is a Special Scientific Site of Interest (SSSI), there should be a net environmental gain, the Council for Protection of Rural England (CPRE) has concerns, and reference made to Lord Underhill's ruling.

In response to comments from members, the Business Manager, Strategic Place advised that the Section 106 agreement included mitigating action in relation to air quality and the protected bat species. The Biodiversity assessment had been approved by the South Hams SAC. The Carbon reduction plan allows for a 48 percent reduction, there is no prematurity reason to defer decision because the Inspector had advised that the DPD won't be finished until later on this year and that applications should not be held up for this reason, and that because the application is based in UK law rather than EU law, leaving the EU will not impact the application; there is no prematurity reason to refuse the application and a decision on the application would not be unlawful. The Bat Mitigation Proposal would result in no detrimental effect on the bats.

The Principal Planning Officer added that the hydrology and drainage proposals would result in no detrimental effect on the SSSI. The site is lower than the Fen and so water would not drain to it.

The Solicitor advised on Justice Underhill's ruling, saying that the application did not conflict with the decision of the case. Members should use the adopted Local Plan policies and supporting advice from Natural England to determine the application. The current review of the Local Plan isn't a valid reason for refusal. The proposal was in accordance with the Local Plan policies and there was no reason to defer the application. The Business Manager added that housing numbers had not been met.

It was proposed by Councillor Wrigley that the application be refused on the grounds of insufficient mitigation for drainage, biodiversity, protection of bats, and air quality. This was seconded by Councillor Patch.

In response to the proposed reasons for refusal, the Principal Planning Officer advised that: Adequate comprehensive drainage proposals had been submitted and accepted and this reason for refusal could not be defended at appeal, the mitigating proposal for air quality had been accepted, the proposals include adequate mitigation for the protection of biodiversity and bats. There is no evidence to support the proposed reasons for refusal. The Business Manager added that the mitigating proposals for drainage were adequate and there was no requirement for developers to remedy existing drainage issues but the development would not make the current situation worse as a result of the

proposal. Devon County Council had raised no objection in regards to highway safety. There would be an increase in traffic but not enough to have an effect on highway safety. The Chairman added that members should determine the application on planning policy and the proposals were in accordance with policy.

A vote on the proposal for refusal as set out above was taken and lost by 6 vote for and 11 against.

Councillor Patch asked that his vote for refusal be recorded and Councillor Haines asked that his vote against refusal be recorded.

It was proposed by Councillor Haines and seconded by Councillor Bullivant that the application be approved as set out in the report. This was carried.

### **Resolved**

Permission be granted subject to the following conditions:

- A) The Applicant entering into a prior Section 106 Agreement to secure:
- Affordable Housing 20%, split 70% affordable rent; 30% for sale); Affordable Housing transferred at 50% occupation of dwellings per development phase; 100% of Affordable Housing transferred at 75% occupation per development phase; 5% to be wheelchair accessible; 20% of the Affordable housing would be required to be delivered to step free (accessible/adaptable Part M4 L2) specification. Dwelling should be tenure blind and spread throughout the development; Affordable housing mix to meet housing need and agreed prior to the submission of each phase;
  - Provision of 5% custom build dwellings
  - Provision of GI/Provision of open space (children's play spaces, formal parks and gardens, playing pitches, natural green space) and its management; Allotments to be provided onsite or contribution taken should the western side of NA3 not be brought forward;
  - Playing pitch contribution of £291,474. Plus a future maintenance contribution over
  - 20 years along with a Sinking Fund;
  - Cirl Bunting contribution - £148,386.00
  - Safeguarded site for a 1FE primary school
  - Safeguarded land for two-way vehicular bridge to east of Langford Bridge
  - Safeguarded land for / marketing and delivery of a 279sqm community building for Use Classes A1, A2, A3, D1 and D2
  - Travel Plan as set out in the accompanying Residential Travel Plan - £100 per dwelling;
  - Bus Contribution - £219,510.00 (£73170 per year for three years);
  - Toucan Crossing along with a commuted sum;
  - Shared cycle and pedestrian route to the Town centre - £200,000;
  - Delivery of the link road to the boundary;
  - Air Quality Management Area (AQMA), a contribution towards mitigation - £100 per dwelling if a fully costed project is identified;
  - Delivery of the link road to the boundary with the landowner to the west.

Provisions for the transfer of land parcels at the north-west corner of the site to Teignbridge District Council to unlock delivery of the TDC land for provision of the link road and employment/education land;

- 200k contribution for a cycle route towards the town centre;
- Provision of cycle path extension along Decoy Industrial Estate;
- Employment site to cascade down to education if employment not viable.

PLANNING PERMISSION BE GRANTED subject to Conditions addressing, as a minimum, the following matters as well as any additional material matters arising from the receipt of further consultation responses, with the final drafting of conditions, their number, content and triggers to be delegated to the Business Manager – Strategic Place:

Full planning permission (link road and vehicular access points)

- Development shall commence within 3 years of the date of this permission;
- Development to proceed in accordance with the approved plans/documents;
- Surface water details;
- Link road gateway scheme to provide high quality design;
- Hard surfacing to include detailed design of the footways/cycle path as well as other hard surfaces;
- Soft landscaping details including tree lined avenue details within verges either side of highway;
- Full highway engineering details;
- Lighting strategy;
- Construction Environmental Management Plan (CEMP) – Biodiversity and
- Construction;
- Landscape & Ecology Management Plan (LEMP);
- Contaminated Land and Unsuspected Contamination;
- Programme of archaeological work in accordance with a written scheme of investigation.
- Outline planning permission / whole site as appropriate
- Submission of reserved matters (Access, scale, appearance, landscaping and layout);
- Reserved matters for first phase in no less than 3 years, all other reserved matters to be submitted within 10 years;
- Development of each phase shall be begun before the expiry of 2 years from the date of approval of the final reserved matters for that phase;
- All reserved matters shall be made within 10 years of the date of permission;
- Development to be carried out in accordance with the approved plans;
- Submission of phasing plan prior to reserved matters;
- Limit on employment use – 22,000sqm B&C; B2 or B8; B1a up to 8,100sqm;
- Removal of PD Rights for conversion to residential;
- Prior to any RM a design code to be submitted and approved for all

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phases;

- Existing and proposed ground levels plan;
- Scheme of security measures – secured by design;
- Site wide housing mix strategy;
- Travel Plan;
- Access, circulation and green space strategy;
- Carbon reduction plan;
- Electric vehicle charging facilities;
- Written scheme of archaeology;
- Retention of the cob barn at Langford Bridge Farm;
- Surface water drainage scheme for each phase to be submitted prior to commencement of that phase;
- Arboriculture Impact Assessment;
- Measure to avoid/mitigate/compensate impacts on biodiversity in accordance with
- Appendix Biodiversity Section 9.5 of the ES;
- Bespoke Greater Horseshoe Bat Mitigation Plan;
- Detail of bespoke greater horseshoe bat roost;
- Control of External Light Spill to maintain dark areas on Site and in surrounding areas;
- Construction Environmental Management Plan - Biodiversity
- Landscape and Ecology Implementation and Management Plan (LEMP) to be submitted to and approved for each phase prior to commencement of that phase;
- Ecological monitoring to provide early warning of threats to bat habitat and commuting routes;
- Removal of permitted development rights for wind turbines;
- Submission of Scheme, Implementation, Verification, Reporting Unexpected
- Contamination;
- Construction Environmental Management Plan – CEMP: Construction;
- All reserved matters applications shall be accompanied by a report clearly demonstrating the methods to be employed to stop noise, vibration and odour
- Prior to commencement of the construction works, details of a lighting report and impact strategy shall be submitted;
- No occupation of any dwelling in a phase until foul sewage disposal is provided in accordance with details first approved;
- Notwithstanding the submitted parameter plans development will be located and designed to protect the residential amenity of Langford Bridge House and Langford Bridge Farm.

(11 in favour, 4 against, and 2 abstentions)

*Note: Councillors Patch, Haines, and Bullivant asked for their individual votes to be recorded. Councillor Patch voted against the proposal, Councillor Haines voted for the proposal, and Councillor Bullivant voted for the proposal.*

## 75. APPEAL DECISIONS.

## Planning Committee (21.1.2020)

The Committee noted appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 12.55 pm.

Cllr Mike Haines  
Chairman

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