

*These Minutes are draft until agreed and approved by the Planning Committee at the next meeting of the Committee and signed by the Chairman as a correct record.*

## **PLANNING COMMITTEE**

### **17 JANUARY 2017**

#### **Present:**

Councillor Smith (Chairman)  
Councillor Kerswell (Vice Chairman)  
Councillors Austen, Brodie, Bullivant, Clarence, Colclough,  
Connett (for Parker), Dennis, Fusco, Golder (for Walters), Keeling, Mayne, Nutley,  
Orme, Pilkington, Price, Prowse, Rollason, and Winsor

**Apologies:** Councillors Jones, Parker and Walters

**Members in attendance:** Councillors Clemens, Goodey and Hellier Laing

#### **Officers in attendance:**

Business Manager, Strategic Place – Mr Davies  
Principal Planning Officer – Mrs Eastman  
Senior Planning Officer – Mrs Murdoch  
Solicitor – Mrs Robinson  
Devon County Council - Ms Ratnage  
Democratic Services Officer – Mrs Corns

### **1. MINUTES**

The minutes of the meeting held on 13 December 2017 were approved as a correct record and signed by the Chairman.

### **2. CHAIRMAN'S ANNOUNCEMENTS**

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 that application. The Chairman also welcomed public speakers to the meeting.

### **3. DECLARATIONS OF INTEREST**

There were no declarations of Interest.

### **4. 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 updates sheet previously circulated.

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### **(i) Newton Abbot 16/00216/FUL – 50A Seymour Road – Dwelling**

The Committee received the report of the Site Inspection Team held on 5 January 2017.

Public Speaker: Supporter – Raised the following comments: the Council's Arboriculture officer raises no objection to the proposal; all objections are from 7 neighbouring properties raising similar issues; neighbours' objections have been addressed by moving the northern and eastern elevations away from the boundaries by 23ft, and resulted in an overall decrease in the living space by 25%; distant views of the site are limited with the backdrop, paragraphs 3.9 and 3.10 of the report circulated with the agenda refers; the balcony would be a means of accessing the garden only; the glass would have an anti-glare treatment, and all materials would be of a high quality.

Comments raised by Members of the Committee included: the area consists of mixed architectural designs; the topography of the area results in overlooking from one house to another; the Town Council and Council's arboriculture officer raise no objection to the proposal; the retention of the boundary hedge to 2 metres in height would restrict overlooking; the glass panels would be obtrusive; overlooking; the overall proposal would be overbearing with a loss of amenity to neighbours; potential damage to trees; a 2004 application for a garage was refused on the grounds of damage to tree roots; the balcony and building would directly overlook nos. 36 and 46; neighbours are not opposed to the principle of development on the site, but the current proposal is unacceptable.

In response to questions the Senior Planning Officer advised that the access off a private drive was a civil matter; the site stability would be monitored by Building Control; the garage had been built under Permitted Development Rights; there is no requirement for screening on the northern elevation balcony because the restrictive depth enables it to be used as a walk way only.

It was proposed by Councillor Brodie and seconded by Councillor Connett that the application be refused on the grounds that it would be detrimental to the neighbours' amenity in terms of overlooking and overbearing; contrary to Policies S2 and EN2 in terms of detrimental to the character of the area.

The Business Manager cautioned Members if they were minded to refuse the application on grounds other than detrimental to amenities of neighbours. The area is of a mixed design and therefore the design would not be considered detrimental to the character of the area.

The proposal was lost by 3 votes for and 17 against.

It was proposed by Councillor Brodie and seconded by Councillor Connett that the application be approved as set out in the report circulated with the

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agenda, with a further condition that the doors on the northern side, opening onto the walkway be obscure glazed.

The Business Manager advised that the proposed condition could be imposed but it was unnecessary because of the considerable distance from neighbours.

The proposal was lost by 3 votes for and 17 against.

It was proposed by Councillor Winsor and seconded by Councillor Fusco that the application be approved as set out in the report circulated with the agenda. The proposal was carried.

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
3. External materials (including windows and doors and anti-glare film) to be submitted prior to installation.
4. No additional windows to be installed on the north or west elevations at first floor.
5. Removal of Permitted Development Rights in relation to rear and side extensions.
6. Unsuspected land contamination condition.
7. Surface water drainage.
8. Tree protective fencing.
9. Retention and maintenance of the existing boundary hedging along the northern and eastern boundaries, to a minimum height of 2m.
10. Joinery details.

**(17 votes for, 2 against and 1 abstention)**

- (ii) **EXMINSTER - 15/00708/MAJ - Land At South West Of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)**

The Committee were referred to the site inspection held in July 2015 at pages 40 to 41 of the report circulated with the agenda, the report of the Business Manager circulated with the agenda for the meeting held in July 2015, which was appended from page 42; and the current report and recommendations of the Business Manager at agenda pages 11 to 39 of the agenda.

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Devon County Council were acting in their capacity as Highways authority in relation to the highway infrastructure. Many meetings have been held with the developers in relation to the viability of the scheme. The topography is challenging and compromises have been made by all parties. £20 million will be available through Community Infrastructure Levy of which 25% would be available to the Parish Council. The Parish Council would be involved throughout the process as part of the delivery remit.

Public Speaker: Objector – Alphington Village Forum, objects on the grounds of: insufficient green space for recreation and walking; the forum had submitted a petition of objection consisting of 500 signatures; inaccessible SANGS and River Valley park; at least half of the development north of the A379 is without community building and lacks green space; Alphington will be detrimentally effected by the development; pressure will be put on existing oversubscribed community facilities with no new facilities proposed, and all CIL is to be available to Exminster Parish Council with none being available to Alphington Parish; the plans do not indicate the location of the community facility hubs; the bus access points along Markham Lane should be removed due to highway safety for pedestrians and cyclists; the quality of life of surrounding residents will be destroyed; unacceptably low carbon standards are proposed; the dwellings should link into the district heating system.

Public Speaker: Supporter, Exminster Parish Council supports the proposal subject to the delivery of the Exminster Neighbourhood plan which requires the delivery of community and sports facilities; including a GP surgery, an artificial turf pitch (ATP), and the following: a Land Purchase Agreement covering the basic requirement to meet the needs of the entire Parish; the additional land should be in place prior to the grant of planning permission, in order to provide for the community and health facilities; developer contributions towards Community and Health facilities, with satisfactory and workable trigger points for these contributions agreed before planning permission is granted to enable the community facility to be delivered in a timely and efficient manner; the S106 agreement should ensure that the Artificial Turf Pitch (ATP) is delivered early in the development to meet the requirement for active recreation provision, and not be tied to the delivery of the secondary phase of the All-Through School, the timing of which is not clear nor is its delivery completely certain; prior to planning permission, there should be a satisfactory resolution on ownership and management of the ATP; the proposed delivery of the pitch by the All-Through School provider is contrary to the Development Framework and to the aspiration of Exminster Parish Council to provide community owned sport and leisure facilities; assurances that adequate public transport, cycle and footpath links between the development and Exminster will be in place to facilitate access to community facilities, and that the provision of public transport services should not have a detrimental effect on those serving Exminster. The Parish Council looks forward to working in partnership with TDC and others to deliver excellent health, sport & leisure facilities to meet the needs of the Parish as a whole.

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Public Speaker: Supporter, Agent – the comments of Alphington forum would have been considered by officers as a result of the public consultation; a single community facility is best and most viable; the public open space and SANGS are extensive and close to Alphington; the bridge is critical to the delivery of the development and linking the two areas; the purchase of additional land is allowed for and triggers the section 106 agreement; the site is topographically complexed with different landowners; the site allows for a continuous land supply.

The Business Manager advised that the application had been in progress for the past two years. The Principal Planning Officer added: that the access strategy would allow for pedestrian and cycle access through each part of the development; a leaflet produced by Bovis advises that there will be neighbourhood play hubs incorporating “kick about” and local play areas; and the delivery of modern houses meeting current Building Regulations would meet the Council’s Carbon reduction targets. In addition to the summary of representations set out in the Committee Report it was further confirmed that all representations received were and had been available for review on the application file and had been available in full to members, and were accordingly taken into account. The petition submitted by Alphington Village Forum was referred to in the meeting and Members were made aware of it.

Comments raised during discussion included: assurance that the two areas either side of the A379 will be developed as one, and that the recreation, sports and education facilities will be delivered; proper assessment of the transport arrangements; the community should be involved during the development to review progress, involving both Alphington and Exminster; the location of gypsy and traveller pitches would be identified at the reserved matters stage; transport plans should be submitted for approval; insufficient information to make a decision; the site inspection in 2015 included Chudleigh Road; the aspirations of the Parish Council for community uses should be met, including GP practice, sport, recreation and education, in accordance with the Neighbourhood Plan; the Parish Council and community should be kept up to date on the developments progress through public meetings; additional railway stations at Marsh Barton and Exminster would help ease existing and future road congestion; connection to the District Heating scheme could happen and should be pursued; a reduction of affordable housing to 10% and no connection to the District Heating scheme is unacceptable; the scheme should include 25% affordable housing as required by the Local Plan and connect to the District Heating scheme; the development of 2000 houses will more than double Exminster which currently has approximately 1800 houses; sympathises with the comments of Alphington Village Forum; the recommended condition (hh) should include “*and approved;*” the land for the secondary school should be held for that purpose in perpetuity and not only for 10 years as proposed; the Parish Council have made an excellent job with the Neighbourhood Plan and the land purchase agreement for the secondary school; the ownership of the ATP should be with the Parish Council to ensure community use hours, which should be written into a planning obligation.

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Councillor Bullivant proposed that the application be approved as set out in the report circulated with the agenda, with the following additions: that the land for the secondary school be held in trust in perpetuity for education purposes; and that the ATP be held by the Parish Council for use by the community and the school. This was seconded by Councillor Prowse.

The Business Manager advised that condition (hh) would include “*and approved*” as a matter of course. He cautioned Members that the proposal needs to be viable to be deliverable; delaying the development could result in a serious risk for the Council in the delivery of its 5 year land supply. This would affect planning across the entire District.

The Principal Planning Officer added that: there is a need for an additional secondary school in the area, and the land and Devon County Council funding is available; it would not be reasonable to keep ownership of the site for the purposes of education if it transpires that it is not required for the secondary school. It would be returned to the developer for housing.

Members made further comments which included: concern that the land for the school could become available for more housing; this should be made secure for the community, held for substantially longer than 10 years, and should be at least 15 years, 25-50 years to make it right for the community.

The Business Manager advised that delaying the planning permission would impact on the delivery of the school through the funding mechanism. Ms Ratnage from Devon County Council added that the school proposed by County is an “all through” school for the early years through to end of secondary school years. The site is secured and delivery is anticipated for 2019. The granting of planning permission for the development would secure the funding for the school, and the best opportunity in having a preschool through to secondary school on site.

The Solicitor advised that schools were generally secured through a Section 106 Agreement. The transfer of the land for the school can be secured before planning permission is granted. The Committee has been advised that the funding is in place and is available. An inspector would not support land being held in perpetuity, and there is an obligation to transfer land back if not required. There is a great deal of certainty on the delivery of the school.

Councillor Bullivant amended the first part of his proposal to require the land to be held for the delivery of the school until 1350 houses have been delivered.

Concern was raised in relation to the proposal above that 10 years could be longer than the delivery of 1350 houses, and how long would be justifiable. The Solicitor advised that 15 years is reasonable.

Following the discussions, Councillor Bullivant withdrew the proposal above that sought to ensure that the use of the community facilities was not

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compromised by the facilities being allocated to the school, because the decision in this matter was open for the appropriate management structures to be incorporated when the details were finalised, including agreed hours for community use. Councillor Prowse withdrew as seconder.

Councillor Bullivant proposed approval as set out in the report circulated with the agenda with the addition that the land be held for the purposes of a secondary school for fifteen years, or the delivery of 1350 units whichever is longer. This was seconded by Councillor Prowse, and carried.

Resolved

Subject to:

A) The completion of a S106 Agreement within 9 months of the date of this Committee to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase).
2. A minimum of 30 Custom Build Dwelling plots.
3. A scheme for provision of 4 Gypsy and Traveller Pitches.
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 employ best endeavours to work with the Council to secure such funding).
5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling, (precise amount to be agreed with Devon County Council).
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge.
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling.
8. Land and financial contribution for Health provision at total cost of £500 per dwelling.
9. Travel planning and packs including £300 voucher per dwelling.
10. Exe Estuary SPA mitigation contributions at £96 per dwelling.
11. 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.
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat.
13. Hedge removal covenants.
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use.
15. Indoor sports provision and management.

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16. Play provision and management.
17. Green space provision and management.
18. Allotment provision and management.
19. Two x Traffic Regulation Orders at £5,000 each.

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 and the Chairman of Planning Committee before exercising delegated powers.

B) The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1350 units, whichever is the longer.

ii) Land for Community and Health provision.

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

Permission be granted subject to:

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

- a) Requirement for Reserved Matters submissions.
- b) Timing of submission of Reserved Matters of phases.
- c) Time limit for commencement of phases.
- d) Development to proceed in accordance with approved plans/documents.
- e) Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.
- f) Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 300 dwellings.
- g) On-going development compliance plans to demonstrate how the overall masterplan vision will be achieved.
- h) Primary control – uses and quantum permitted by the permission.
- i) Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses).
- j) Local Centre provision.
- k) Tree constraints and protection.
- l) Landscape strategy.
- m) Landscape and Ecology Management Plan (LEMP)
- n) Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and provision.
- o) Construction access strategy and phasing including for occupants.
- p) Noise/air quality protection including for occupants.

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- q) Sustainable Urban Drainage System (SUDs), provision, management, etc. including during construction and design for biodiversity.
- r) Archaeological investigations.
- s) Scheduled Monument management and interpretation.
- t) Biodiversity protection.
- u) Foul sewerage survey and provision.
- v) Construction management including noise, air quality and traffic.
- w) Public art.
- x) Lighting strategy.
- y) Watercourse pollution prevention during both construction and operation.
- z) Contaminated land investigation.
- aa) Bus stop provision.
- bb) Dedication of land to highways to site boundaries.
- cc) Detailed highway design.
- dd) Safe access to bus stops.
- ee) Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme.
- ff) Pedestrian and cycle bridge timing.
- gg) The site access and visibility splays shall be constructed, laid out and maintained for that purpose.
- hh) No development shall take place until a waste audit statement has been provided, and approved.
- ii) Alternative uses (e.g. secondary school/flexible uses within the Local Centre).
- jj) Bat and bird boxes.
- kk) Identification of opportunities for apprentices.

**(18 votes for and 2 against)**

**(iii) NEWTON ABBOT - 16/02132/FUL - Prospect Chapel, 5 Torquay Road - Proposed demolition of existing building and construction of 3 houses and 6 apartments**

Public Speaker: Supporter – the proposal is set further back than the two neighbouring properties to address any potential overlooking. The proposal is in accordance with national planning policy guidelines that up to 10 dwellings can be developed without the provision of affordable housing.

Comments raised by Members of the Committee included: affordable housing should be provided; some obscure glazing to address any overlooking; onsite parking should be provided which the developer would like to provide, for one disabled space, one communal and one drop off, particularly to provide for carers.

It was proposed by Councillor Fusco and seconded by Councillor Winsor that the application be approved as set out in the report circulated with the agenda.

Resolved

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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.
  3. External materials to be submitted for approval prior to installation.
  4. Hard and soft landscaping scheme to be submitted for approval.
  5. Construction Management Plan to be submitted for approval.
  6. Surface water drainage scheme to be submitted for approval.
  7. Refuse and cycle storage facilities to be provided on site prior to first occupation of the flats.
  8. Joinery details for windows, doors, eaves and barge boards to be submitted for approval.
  9. Removal of Permitted Development Rights (Schedule 2, Part 1).
  10. Installation and retention of swift bricks/boxes.
  11. Air Quality Survey.
  12. Positive ventilation provisions.
  13. Fixed shut window provisions.
- (16 votes for and 1 against)**

### **6. 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