



## Minutes of the Development Management Committee

13 May 2013

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Hill, Kingscote, Pentney and Stockman

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### 159. Minutes

The Minutes of the meeting of the Development Management Committee held on 8 April 2013 were confirmed as a correct record and signed by the Chairwoman.

### 160. Urgent Items

The Committee considered the items in Minute 164, 165, 166, 167 and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

### 161. P/2013/0165/MRM - Land at Park Bay Garden Centre And Holly Gruit, Brixham Road, Paignton

The Committee considered an application for a residential development to form 91 houses with matters reserved – siting, design and external appearance, access, parking, drainage and landscaping.

Prior to the meeting, written representations were circulated to Members.

At the meeting Mr Alan Ringe addressed the Committee in support of the application.

Resolved:

Approved in accordance with Officer Recommendation in the submitted report.

### 162. P/2013/0417/VC 2 Fore Street, Brixham

The Committee considered a variation to Condition 6 to the previously approved scheme P/2012/0911 for revised wording of the Condition in respect of the Herring Gull Nesting Season.

Prior to the meeting, written representations were circulated to Members.

At the meeting Mr Alan Jones addressed the Committee for the application. In accordance with Standing Order B4.1 Councillor Brian Harland addressed the Committee on behalf of Brixham Town Council.

Resolved:

Approved to amend wording of Condition 06 as per Officer Recommendation in submitted Report to;

- i) No demolition shall take place during the bird breeding season, unless the building, rooftop and its immediate proximity has been inspected immediately prior to demolition by a suitably qualified ecologist with full knowledge of the proposed demolition program and processes, and the ecologist concludes that the development would not contravene protection afforded within the Wildlife and Countryside Act (As Amended).

**163. P/2013/0421/VC - 2 Fore Street, Brixham**

The Committee considered a variation to Condition 2 to the previously approved scheme P/2012/0910 for revised wording of the Condition in respect of the Herring Gull Nesting Season.

Prior to the meeting, written representations were circulated to Members.

At the meeting Mr Alan Jones addressed the Committee for the application. In accordance with Standing Order B4.1 Councillor Brian Harland addressed the Committee on behalf of Brixham Town Council.

Resolved:

Approved to amend wording of Condition 02 as per Officer Recommendation in submitted Report to;

- ii) No demolition shall take place during the bird breeding season, unless the building, rooftop and its immediate proximity has been inspected immediately prior to demolition by a suitably qualified ecologist with full knowledge of the proposed demolition program and processes, and the ecologist concludes that the development would not contravene protection afforded within the Wildlife and Countryside Act (As Amended).

**164. P/2013/0166 45 Winsu Avenue, Paignton**

The Senior Planning Officer explained that further to the Development Management Committee held on 8 April 2013 that (Minute 146) refers the reason for refusal should also include;

“The proposed dwellings by reason of their size, siting and design, would represent an inappropriate form of development, due in particular to their 3 storey front elevation. The cramped nature of the built form, resulting from the overdevelopment of the site, would be out of character with the prevailing context in the streetscene and would therefore have an adverse impact on the character and appearance of the area. Furthermore, the dwellings would have an unacceptable impact on the living conditions of the neighbouring properties at Nos 31 and 47 Winsu Avenue, due to the extent of rear protrusion and the resultant overbearing impact. The proposed dwellings would therefore be contrary to policies H9, H10, LS, BES & BE1 of the saved adopted Torbay Local Plan 1995-2011 and paragraphs 56, 57, 60 and 61 of the NPPF.”

In the absence of a legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies CF6 and CF7 and the Council's SPD Planning Contributions and Affordable Housing: Priorities and Delivery and Update 3: Economic Recovery. Therefore the development fails to secure the delivery of the physical, social and community infrastructure necessary to make the development acceptable in planning terms. As such, the proposal is contrary to Policies CF6 and CF7 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.”

Resolved:

That Minute 146 be amended to include the above wording in the reasons for refusal.

**165. P/2012/1259/PA 4 Bishops Rise, Torquay**

The Senior Planning Officer explained that further to the Development Management Committee held on 8 April 2013 that (Minute 153) refers the reason for refusal should also include;

“The proposed dwelling by reason of its size, siting and design, would represent an inappropriate form of development, due in particular to the resultant cramped nature of the built form and limited available amenity space, resulting in an overdevelopment of the site. The proposed dwelling would therefore have an adverse impact on the character and appearance of the area and would be contrary to policies H9, H10, LS, BES & BE1 of the saved adopted Torbay Local Plan 1995-2011 and paragraphs 56, 57, 60 and 61 of the NPPF.”

In the absence of a legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies CF6 and CF7 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" and "Update 3: Economic Recovery". Therefore the development fails to secure the delivery of the physical, social and community infrastructure necessary to make the development acceptable in planning terms. As such, the proposal is contrary to Policies CF6 and CF7 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.”

Resolved:

That Minute 153 be amended to include the above wording in the reasons for refusal.

**166. P/2013/0042 Firsleigh, Higher Warberry Road, Torquay**

The Senior Planning Officer explained that further to the Development Management Committee held on 11 March 2013 that the Condition (Minute 141) to approve subject to the signing of a Section 106 Legal Agreement in accordance with Policy CF6 of the Adopted Torbay Local Plan 1995-2011, be removed, as until Policy change, the S106 Contribution requested relates only to Paignton.

Resolved:

Approved to remove Section 106 Legal Agreement Condition from Minute 141.

**167. P/2012/1155/PA Dainton Self Store, Torre Station Yard, Newton Road, Torquay**

The Senior Planning Officer explained that further to the Development Management Committee held on 8 April 2013 that the Condition (Minute 152) to approve P/2012/1155/PA subject to the signing of a Section 106 Legal Agreement in accordance with Policy CF6 of the Adopted Torbay Local Plan 1995-2011, be removed, as until Policy change, the S106 Contribution requested relates only to Paignton.

Resolved:

Approved to remove Section 106 Legal Agreement Condition from Minute 152.

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Chairman/woman