



## **Minutes of the Development Management Committee**

**8 April 2013**

**-: Present :-**

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Brookbank, Hytche, Pentney and Stockman

(Also in attendance: Councillors Davies, Doggett and Richards)

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### **143. Apologies for absence**

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillors Brookbank and Hytche instead of Councillors Hill and Kingscote.

### **144. Minutes**

The Minutes of the meeting of the Development Management Committee held on 6 March 2013 and 11 March 2013 were confirmed as a correct record and signed by the Chairwoman subject to it being noted that Councillors Baldrey and Morey proposed and seconded the resolution in minutes 135/03/2012.

### **145. Urgent Items**

The Committee considered the items in Minute 157 and 158, and not included on the agenda, the Chairman being of the opinion that they were 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.

### **146. P/2013/0166/PA 45 Winsu Avenue, Paignton**

The Committee considered an application for the demolition of existing house and construction of two new detached houses with integral garages with vehicular and pedestrian access.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Ian Hancock addressed the Committee against the application and Mr Geoff Manning addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Doggett addressed the Committee.

Resolved:

Refused on the grounds:

- i) that the proposal would result in overdevelopment of the site,
- ii) that the proposal would have a negative effect on the amenities of adjacent neighbouring properties; and
- iii) that the proposal was out of character and would have an adverse affect on the street scene.

(Note: Councillor Hytche declared a pecuniary interest and left the meeting.)

**147. P/2013/0180/R4 145 -149 Winner Street, Paignton**

The Committee considered an application for the construction of three dwellings with two bedrooms.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Adrian Peach and Ms Tina Neal addressed the Committee against the application. In accordance with Standing Orders B4.1 Councillor Davies addressed the Committee.

Resolved:

Approved subject to:

- i) the conditions set out in the submitted report; and
- ii) Planning Contributions, achieved via an upfront payment or Section 106 Legal Agreement, any Section 106 Legal Agreement to be completed within three months of the date of this Committee or the application be refused for reason of the lack of a Section 106 Legal Agreement.

**148. P/2013/0187/MPA 36 Preston Down Road, Paignton**

The Committee considered an application for the formation of 12 dwellings comprising of seven houses and five apartments with associated external works and infrastructure, vehicular and pedestrian access.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr McNally addressed the Committee against the application and Mr Vic Maskell addressed the Committee in support of the application.

Resolved:

Approved subject to the conditions set out in the submitted report and the following details being delegated to the Executive Head of Spatial Planning:

- i) the refinement of the design of the elevations to the villa (block A) and the rear dwellings (block B) and minor variations to the landscaping strategy;
- ii) subject to the views of highways and the response of the architects to the suggestion of moving plot 12 forward on the site;
- iii) subject to the completion of a Section 106 Legal Agreement (in respect of the options to either deliver affordable housing and any relevant contributions or provide the full range of SDLR and sustainable development contributions) by 17 May 2013. In the absence of a completed Section 106 Legal agreement by 17 May 2013, the application will be returned to Committee for reconsideration; and
- iv) subject to the submission and completion of a contamination remediation strategy in terms acceptable to the Executive Head of Spatial Planning.

**149. P/2013/0194/MR3 Eastern Esplanade, Paignton Seafront, Paignton**

The Committee considered an application for the change of use from public highway to public car park for use as an events area for up to 60 days per annum.

Prior to the meeting, written representations were circulated to members. At the meeting Mr Tim Northway addressed the Committee in support of the application.

Resolved:

Deferred for further advice from the Service Manager – Streetscene and consultation with Members of the Public.

**150. P/2013/0214/PA Oldway Mansion, Torquay Road, Paignton**

The Committee considered an application on the revised footprint of the proposed indoor bowling club at Oldway Mansion and changes to the elevation.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to Members. At the meeting Mr Mark Jones addressed the Committee in support of the application.

Resolved:

Approved subject to the informative set out in the submitted report and there being no objections received raising new issues (not covered in the submitted report) following the expiration of the consultation period on 11 April 2013.

**151. P/2012/0078/MPA Westhill Garage, Chatto Road, Torquay**

The Committee were informed of an application to extend the time limit for residential development comprising of eight houses, three flats, two bungalows and two maisonettes (15 units in total) with vehicular/pedestrian access – application P/2009/0422.

Members were advised that an extension of time was being sought in relation to the signing of the Section 106 Legal Agreement of three months from the date of this Committee.

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

Resolved:

Approved subject to:

- i) the conditions set out in the submitted report;
- ii) the signing of a Section 106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning, within three months of the date of this Committee meeting. If the Section 106 Legal Agreement is not completed within this time period the planning application shall be refused on the grounds of the lack of a Section 106 Legal Agreement to secure contributions in order to mitigate against the detrimental effects of the development on local infrastructure in accordance with saved Policy CF6 of the Adopted Torbay Local Plan 1995-2011.

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

The Committee were informed, by way of a verbal report, of an application for a change of use from B8 storage to C3 dwelling house and formation of eight townhouses with three storeys and three bedrooms with integrated garages and off street parking and one single storey bungalow with three bedrooms with pedestrian access.

Members were advised that an extension of time was being sought in relation to the signing of the Section 106 Legal Agreement of two months from the date of this Committee.

Resolved:

Approved subject to the signing of a Section 106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning, within two months of the date of this Committee meeting. If the Section 106 Legal Agreement is not completed within this time period the planning application shall be refused on the grounds of the lack of a Section 106 Legal Agreement to secure contributions in order to mitigate against the detrimental effects of the development on local

infrastructure in accordance with saved Policy CF6 of the Adopted Torbay Local Plan 1995-2011.

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

The Committee considered an application for the formation of a single storey dwelling in land part of the garden at 4 Bishops Rise with all associated works and vehicular and pedestrian access.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Philip Martin addressed the Committee against the application.

Resolved:

Refused on the grounds:

- i) that the proposal would result in overdevelopment of the site,
- ii) that the proposal would have a negative effect on the amenities of adjacent neighbouring properties; and
- iii) that the proposal was not in keeping with the character of the area.

**154. P/2013/0053/MPA Roebuck House, Abbey Road, Torquay**

This application was withdrawn by the applicant.

**155. P/2013/0057/MPA South Devon Hotel, 10 St Margarets Road, Torquay**

The Committee considered an application to extend the time limit for refurbishment of the original building and formation of 26 Extra Care Units. Revised scheme to include single storey restaurant area, increased communal facilities at basement level and amendments to elevations – application P/2009/0073/MPA.

Prior to the meeting, written representations were circulated to members. A copy of the previous report (2009) was included with the written report to Committee.

Resolved:

Approved, subject to:

- i) conditions as applied to P/2009/0073 with an additional condition to secure the repair of a boundary wall and retention/replacement of tree screening; and
- ii) a supplementary Section 106 Legal Agreement to be drawn up at the applicant's expense and to be completed and signed by 11 May 2013 to reflect the extension of time hereby approved. In the absence of a Section 106 Legal Agreement being completed and signed on or before 11 May

2013, the application be refused for reasons of the lack of a Section 106 Legal Agreement and therefore lack of compliance with policy CF6 of the Local Plan, paragraph 203 of the National Planning Policy Framework and the adopted SPD 'Planning Contributions and Affordable Housing'.

**156. P/2013/0167/PA Princess Gardens, Off Torbay Road, Torquay**

The Committee considered an application for the installation and operation of a 50 metre observation wheel with ticket office to front and supporting coffee and crepe unit with decked seating area and secure panelled service and generator compound area to rear on a temporary basis from 24 May 2013 to 5 November 2013.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Tim Morris addressed the Committee against the application.

Resolved:

That temporary consent be approved until 5 November 2013 subject to

- i) the terminal hour of operation being 10 p.m. seven days a week;
- ii) the submission of a Light Impact Assessment and subsequent reinstatement of the affected part of the gardens; and
- iii) the informative set out in the submitted report.

**157. P/2012/0841/PA Wilsbrook, 77 Avenue Road, Torquay**

Members were informed that permission had previously been granted for a change of use from guest house to (C3) dwelling, the previous permission required the completion of a Section 106 Legal Agreement. Members agreement was sought for the application to be refused on the grounds of the lack of a Section 106 Legal Agreement.

Resolved:

Refused on the ground of a lack of a Section 106 Legal Agreement to secure contributions in order to mitigate against the detrimental effects of the development on local infrastructure in accordance with saved Policy CF6 of the Adopted Torbay Local Plan 1995-2011.

**158. P/2011/0197 Land West of Brixham Road, Paignton**

Members considered a request for a two week extension to enable the signing of a Section 106 Legal Agreement.

Resolved:

Approved.