

## **Minutes of the Planning Committee**

**14 September 2020**

**-: Present :-**

Councillor Pentney (Chairman)

Councillors Barnby, Brown, Dart, Dudley, Hill, Barbara Lewis, Manning and  
Jacqueline Thomas

(Also in attendance: Councillors Morey, Brooks, Mandy Darling, Kennedy, Chris Lewis  
and Loxton)

---

### **1. Land off Luscombe Road, Paignton P/2020/0360**

The Committee considered an application for reserved matters pertaining to outline permission P/2014/0938. Matters reserved: appearance, landscaping, layout and scale.

Prior to the meeting, written representations were available on the Council's website. At the meeting Mr Rudge addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) the submission of a scheme to install vehicle electrical charging points;
- ii) the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency; and
- iii) the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

### **2. 39 Wall Park Road, Brixham P/2019/0594**

The Committee considered an outline application for 3 dwelling houses and associated improvements to the private access lane, with all matters reserved.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Jackson addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) The conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- ii) The completion of a S106 Legal Agreement to secure the heads of terms as set out in the submitted report, in accordance with the adopted 'Planning Contributions and Affordable Housing' Supplementary Planning Document and the adopted 'Recreational Pressure on Berry Head' Supplementary Planning Document, on terms acceptable to the Assistant Director of Planning, Housing and Climate Emergency; and
- iii) The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

### **3. Land Adjacent To County Court, Nicholson Road, Torquay P/2020/0484**

The Committee considered an application for the construction of a car park.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Butler of the Torquay Neighbourhood Forum addressed the Committee against the application and Ms Waller and Mr Stacey addressed the Committee in support of the application.

In accordance with Standing Order B4.1, Councillor Chris Lewis addressed the meeting.

Resolved:

Refused, for the reasons set out below. The final drafting of these reasons, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

#### **Reasons for refusal:**

1. It has not been demonstrated that it is possible to develop the site for the type and quantum of development as set out in the proposal without having an unacceptable adverse impact on the character and function of the Local Green Space and it has not been demonstrated that there are exceptional circumstances to justify the development of this space. As such the proposed

development is contrary to Policy TE2 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 146 (c).

2. It has not been demonstrated that it is possible to develop the site for the type and quantum of development as set out in the proposal without having an unacceptable adverse impact on the Urban Landscape Protection Area, contrary to Policies DE1 and C5 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 170.
3. The application has failed to provide sufficient detail to allow the Local Authority to assess the impact of the proposed development on the operation of the local highway network; whether the proposed development would achieve appropriate on-site manoeuvrability; and whether the proposed development would achieve adequate forward visibility to provide a safe and suitable access from the site onto Nicholson Road. It is considered that the proposed development would result in an inappropriate, inconvenient development given the proposed gradient and inadequate pedestrian crossings, therefore exacerbating existing parking issues in the area resulting in a poor and inadequate form of development, with a resulting harmful effect on highway safety. The proposed development is contrary to Policies TA1 and TA2 of the Local Plan, and the NPPF, in particular paragraph 170.
4. It has not been demonstrated that it is possible to develop the site for the type of development as set out in the proposal, due to the supporting ecological evidence indicating that there is a potential presence of protected species bat and great crested newts. Insufficient survey work has been undertaken to clearly identify the presence of such species and as such it is not possible to assess the impact and/or appropriate mitigation. No exceptional circumstances have been justified to provide an understanding as to why these further surveys have not been undertaken. The proposed development is contrary to Policy NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TE5 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 170.

#### **4. Pier Point Cafe, Torbay Road, Torquay P/2020/0383**

The Committee considered an application for alterations and extensions to existing restaurant including change of use of part of site from retail (A1) to restaurant (A3). (Revised plans received 27/08/2020).

Prior to the meeting, written representations were available on the Council's website.

Resolved:

Approved, subject to:

- i) the conditions as set out in the submitted report (excluding the two planning conditions regarding the extract/ventilation system and Construction Method Statement, which have been amended following the receipt of additional information), with the final drafting of conditions delegated to the Assistant Director for Planning, Housing and Climate Emergency;
- ii) the resolution of any new material planning considerations that may come to light following Planning Committee to be delegated to the Assistant Director for Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

---

Chairman