

## **Minutes of the Planning Committee**

**9 May 2022**

**-: Present :-**

Councillor Pentney (Chairman)

Councillors Brown, Dudley (Vice-Chair), Hill, Kennedy, Long, Barbara Lewis, Mills and Jacqueline Thomas

(Also in attendance: Councillors Brooks, Chris Lewis and David Thomas)

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### **108. Apologies for absence**

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the Membership of the Committee had been amended to include Councillor Long instead of Councillor Dart.

### **109. Minutes**

The Minutes of the meeting of the Planning Committee held on 14 March 2022 were confirmed as a correct record and signed by the Chairman.

### **110. Urgent Items**

The Board considered the items in Minutes 113 and 114, and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matters having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

### **111. Land At Nightingale Park, Barton Hill Way, Torquay - P/2021/1287**

The Committee considered an application for the installation of solar panel array and associated infrastructure. Installation of fencing, exercise equipment, information boards and CCTV. Landscaping to include new planting and widening of circular path.

At the meeting Members noted details of a well-attended public consultation on this matter and the planned improvements to the existing pathways.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were published on the Council's website. At the meeting Dr Rodney Horder addressed the Committee in support of the application on behalf of the Torquay Neighbourhood Forum and Mr Ed Brown addressed the Committee in support of the application on behalf of the Torbay Economic Development Company

Ltd. In accordance with Standing Order B4.1 Councillor Chris Lewis addressed the Committee to object to the application.

Resolved (unanimously):

Approved subject to:

1. the conditions as outlined in the submitted report, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
2. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

**112. Municipal Chambers, Union Street, Torquay - P/2022/0089**

This application was withdrawn prior to the meeting.

**113. Exclusion of the Press and Public**

Prior to consideration of the item in Minute 114 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of 12A of the Local Government Act 1972 (as amended).

**114. Land off Brixham Road - Known as White Rock, Paignton, TQ4 7RZ**

Members considered the submitted exempt report on a proposal under Section 106A of the Town and Country planning Act 1990 to modify a planning obligation dated 26 April 2013 (as amended).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit. At the meeting the Council's Solicitor advised members that the developers were seeking to take the application to appeal to amend the conditions of the planning obligations. In accordance with Standing Order B4.1 Councillor David Thomas addressed the Committee to object to the proposal.

Resolved:

Approved subject to:

1. an additional condition that 13 units of affordable housing are delivered to Torbay Council (4 delivered to the Council and 9 where the Council has nomination rights) and Aster grant the Council nomination rights by December 2023, if this condition is refused then the Council should continue to take this application to appeal.

2. Vistry's proposal being accepted and that a Settlement Agreement in the form annexed to the submitted report is entered into prior to Friday 13 May 2022.

The Settlement Agreement and Deed of Variation together will:

- i. secure at nil consideration the transfer to the Council of 4 dwellings (plots 20, 353, 354, 355);
  - ii. secure the provision by Aster Homes Limited of 9 additional affordable dwellings on Phase 4 (plots 7,8,17,18,19,23, 24,25,26) including nomination rights for the Council;
  - iii. replace Part B of the Third Schedule of the s.106 dated 26 April 2013 with a requirement to reassess the profitability of the scheme using costs of development as well as receipts; and
  - iv. release the Developer and the Council from the provisions of the Deed of Variation dated 20 September 2019 ; and
3. if the Settlement agreement is not completed by 13 May 2022, the Council will continue to defend the appeals.

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Chairman