



Minutes of the Development Management Committee

10 December 2012

-: Present :-

Councillor McPhail (Chairwoman)

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

(Also in attendance: Councillors Faulkner (A), Richards, Thomas (D) and Thomas (J))

90. Minutes

The Minutes of the meeting of the Development Management Committee held on 12 November 2012 were confirmed as a correct record and signed by the Chairman.

91. P/2012/1037/MPA - Land to the West of Collaton St Mary Primary School and North of the A385 Totnes Road, Collaton St Mary, Paignton

The Committee considered an application for a development to include 197 residential units, a local centre building (ground floor only) comprising Use Class A1 floor space of 460sqm new vehicular access to Totnes Road , internal road layout, car parking, open space, landscaping, ponds services and infrastructure and all other associated development. THIS IS A DEPARTURE FROM THE LOCAL PLAN

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting David Watts, Anne Waite and Damian Barton addressed the Committee against the application and Ed Heynes addressed the Committee in support. In accordance with Standing Order B4.1 Councillors Thomas (J), Thomas (D) and Richards addressed the Committee.

Resolved:

Refused for the following reasons:

- (i) The proposal demonstrates a failure to consider the wider rural, high quality landscape setting of the village and the application site and the long term opportunity in the area to deliver a planned organic and sustainable form of development that would improve opportunities for the community in terms of quality of housing, job opportunities, recreation, leisure and community facilities. This proposal brings forward the piecemeal development of this site without an overall understanding of how it would contribute to delivering

a robust and comprehensive growth strategy for the area. The proposal would fail to deliver an integrated organic extension of the village and would result in community facilities sited in a remote location in comparison with the hub of the village that is centred around the school and church and as such would encourage car borne activity. As such, the development is not considered to be sustainable, being contrary to paragraphs 56, 57, 58, and 61 in the NPPF, which seek to make places better for people.

- (ii) The proposed development by reason of its design and layout would fail to deliver a sustainable form of development that would integrate effectively with the historic form of the adjoining village and the natural environmental features of the site and surrounding area. The proposal comprises a suburban form and vernacular that would be indistinct in its origins and would fail to respect the 'edge of settlement' rural character of the site and would fail to provide a high quality development that would improve the quality of the area and the way in which it functions. As such the proposal would fail to meet the objectives of Policies H2, H9, H10, BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 56, 60, 61, 64 and 66 of the NPPF, which seek to ensure that new development is sustainable and will positively enhance the built environment, maintaining the integrity of local character and distinctiveness.
- (iii) This undeveloped Greenfield site is designated as being within an Area of Great Landscape Value and part of the Countryside Zone in the saved adopted Torbay Local Plan. The site is on the edge of Collaton St Mary and forms part of an attractive rural valley with a high landscape value. It has an important role in the transition between the open countryside and the urban edge of Paignton and it makes a valuable contribution to local and wider landscape views. Within Areas of Great Landscape Value such as this, Local Plan policy L2 requires development to maintain or enhance the special character of the area. Policy L4 resists inappropriate development that would lead to the loss of open countryside and the creation of urban sprawl. The proposed development, by reason of its suburban character and form, which is derived from entire site coverage with rows of houses across the hillside, would result in an orderly form of development with an urban character. This would fail to respect the rural setting of the site and to relate sensitively to the wider landscape setting and as such would be contrary to the provisions of policies LS, L2 and L4 of the saved adopted Torbay Local Plan (1995-2011).
- (iv) In the absence of a signed 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 H6 and CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of affordable housing and physical, social and community infrastructure necessary to make the development acceptable in planning terms. Furthermore, a lack of a Section 106 agreement also incurs an absence of ability to secure an enhancement to biodiversity. The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal

agreement and the proposal is therefore contrary to Policies H6, CF6, NCS and NC5 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

(Note: Prior to consideration of agenda item 5 the Team Leader for Major Developments declared a personal non-pecuniary interest as his daughter attends Collaton St Mary Primary School).

92. P/2012/0895/MPA - Devon & Cornwall Constabulary, Southfield Road, Paignton

The Committee considered an application for a development to form 54 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Simon McFarlane addressed the Committee in support of the application.

Resolved:

Refused for the following reasons:

- (i) The proposed development by reason of its footprint, layout and complex external detailing would result in a form of development with an extensive and overly dominant frontage to Southfield Avenue that would fail to respect the character of this landscape dominated site and the established form of the surrounding townscape that is derived from a spacious layout of buildings with simple external articulation. The proposed development would be visually dominant in the street scene, would have a detrimental impact on local character and distinctiveness and would detract from the setting of nearby listed buildings. The residential amenity for future occupants would be below the standard expected with a third of apartments facing exclusively north towards a high retaining wall, and thus consequently receiving no natural sunlight. As such the proposal would fail to meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 56, 60 and 61 of the NPPF, which seek to ensure that new development is sustainable and will positively enhance the built environment maintaining the integrity of local character and distinctiveness.
- (ii) The applicant has failed to satisfy the sustainability aims of Policy CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of physical, social and community infrastructure necessary to make the development acceptable in planning terms and directly related to the proposal, by failing to secure planning obligations under Section 106 of the Town and Country Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any

method other than a legal agreement and the proposal is therefore contrary to Policy CF6 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

93. P/2012/0865/PA - Long Meadow, Blagdon Road, Collaton St Mary, Paignton

The Committee considered an application for the formation of phase 1 unit for poultry breeding unit with vehicular access and parking.

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

Resolved:

Approval delegated to Executive Head of Spatial Planning subject to:

- (i) the views of the Environmental Health Officer, Natural England, the Environment Agency, Highways and the RSPB
- (ii) an Ecological Assessment and Flood Risk Assessment being undertaken and any issues resolved; and
- (iii) conditions (including the list of suggested items set in the submitted report), wording to be delegated to the Executive Head of Spatial Planning.

94. P/2012/1078/MPA - Marine Park Holiday Centre, Grange Road, Paignton

The Committee considered an application in respect of reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline).

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the possibility of incorporating rainwater harvesting in the application being discussed with the applicant (informative); and
- (ii) conditions set out in the submitted report, wording to be delegated to the Executive Head of Spatial Planning.

95. P/2012/1079/MPA - Marine Park Holiday Centre, Grange Road, Paignton

The Committee considered an application for the erection of 12 dwellings and associated works, with revised siting of plots 6 to 17 and revised access to outline planning permission P/2009/1084/MOA.

Prior to the meeting a written representation was circulated to the Committee and members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the completion of an amended Section 106 Agreement in respect of education, lifelong learning, green space, stronger communities, sustainable transport and waste management by 26 December 2012 or the application be refused for the reason of a lack of a s106 agreement
- (ii) an informative be added to explore the possibility of including rainwater harvesting in the application; and
- (iii) conditions set out in the submitted report, wording to be delegated to the Executive Head of Spatial Planning.

96. P/2012/0743/PA - Allways, Teignmouth Road, Torquay

The Committee considered an application for a new dwelling in grounds of existing property with new improved entrance and vehicular/pedestrian access.

Prior to the meeting written representations were circulated to the Committee. At the meeting Dr Welsh addressed the Committee against the application and Sarah Hunt addressed the Committee in support. Under Standing Order B4.1 Councillor Faulkner (A) addressed the Committee.

Resolved:

Approved subject to conditions and terms of a Section 106 Agreement being delegated to Executive Head of Spatial Planning.

Reasons for approval:

- (i) the proposals will result in an enhancement to the existing highway access by way of an improvement in visibility and therefore highway safety
- (ii) the proposed development does not detrimentally affect the landscape character of the area; and
- (iii) the plot is effectively a double sized plot when compared to neighbouring dwellings.

97. P/2010/1080/MPA - Conway Court Hotel, Warren Road, Torquay

The Committee considered an application for the demolition of hotel and formation of 14 residential apartments with car parking and vehicular/ pedestrian access.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Richard Maddock addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) officers to discuss renewable energy options with the developer
- (ii) the completion of a Section 106 Agreement in respect of waste management, sustainable transport, stronger communities, lifelong learning and green space within six months of the date of this Committee or the application be reconsidered by members; and
- (iii) the receipt of satisfactory additional information required in relation to design details, materials and landscaping including conditions in relation to samples of materials and an engineers report as requested at the Development Management Committee meeting of 29 November 2010.

98. P/2012/1093/MPA - 11 Tor Church Road, Torquay

The Committee considered an application for the formation of 8 houses and 3 flats with vehicle and pedestrian access.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Daniel Metcalfe addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) conditions as set in the submitted report, wording to be delegated to the Executive Head of Spatial Planning
- (ii) details in the revised plans in relation to the elevations facing No. 3 St Elfrides Road be clarified; and

- (iii) the completion of a Section 106 Agreement in respect of waste management, education, sustainable transport, green space and lifelong learning by 19 December 2012 or the application be refused.

99. P/2012/1086/MPA - Lincombe Hall Hotel, Lower Woodfield Road, Torquay

The Committee considered an application for the erection of a new 11 bedroom hotel accommodation building, with glass link to existing villa (NB. Access & car parking already have planning permission).

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Brett Powis addressed the Committee in support of the application.

Resolved:

Approved subject to conditions set in the submitted report.

100. P/2012/1029/PA - Warberry C Of E Primary School, Cedars Road, Torquay

The Committee considered an application for the formation of single storey four classroom extension with toilets and corridor.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Matt Redwood addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) conditions set in the submitted report, wording to be delegated to the Executive Head for Spatial Planning
- (ii) the resolution of arboricultural matters to the satisfaction of the Authority's Arboriculture Team; and
- (iii) the resolution of highway and transportation matters to the satisfaction of the Authority's Sustainable Transport Officer to also include enhancement of the School Travel Plan.

101. Adjournment

The following application numbers were deferred to an adjourned meeting on Tuesday 11 December 2012 in the Ballroom, Oldway Mansion, Paignton commencing at 9.30 a.m.

P/2012/1152/PA Elberry Heights, 16 Stone Park, Paignton;

P/2012/1095/PA Annandale, 12 Belle Vue Road, Paignton;

P/2011/0227/PA Shedden Hall Hotel, Shedden Hill Road, Torquay;

P/2012/0846/PA Land off Church Road to the rear of 20 & 22 & side of 18A & 36 Church Road: rear of Cashabac & Sunnyside & Homing, Jacks Lane, Baton, Torquay;

P/2012/1155/PA Dainton Self Store Ltd, Torre Station Yard, Newton Road, Torquay; and

P/2012/0630/PA Westella, Tor Vale, Torquay

Chairwoman
