



Minutes of the Development Management Committee

14 January 2013

-: Present :-

Councillor McPhail (Chairwoman)

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

111. Minutes

The Minutes of the meeting of the Development Management Committee held on 10 December 2012 and 11 December 2012 were confirmed as a correct record and signed by the Chairwoman.

112. Urgent Item

The Committee considered the item in Minute 113, and not included on the agenda, the Chairwoman 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.

113. P/2011/0197 Whiterock Business Park

The Committee considered a verbal update regarding application P/2011/0197, Whiterock. The Committee voted to extend the time limit to complete the Section 106 Agreement by three months from the date of this committee. The Committee resolved that should the Section 106 Agreement not be completed by the revised date (14 April 2013), the whole application should be brought back to the Development Management Committee for them to revisit the proposed development and the Section 106 Agreement.

114. P/2012/1123/MPA - 250 Babbacombe Road, Torquay

The Committee considered an application to carry out alterations to 250 Babbacombe Road, Torquay in order to convert it into a supermarket with space for ancillary plant and offices.

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 Tony Clark and Mr Alan Griffey addressed the Committee against the application and Mr Robin Langford, Mr Andrew Wiltshire and Mr Hugh Smith addressed the Committee in support.

Resolved:

Refused for the reasons set out in the submitted report and in accordance with Officer Recommendations.

115. P/2012/1124/VC - 250 Babbacombe Road, Torquay

The Committee considered an application to for a Variation of Condition 3 to enable deliveries to take place between 7am and 11pm on Mondays-Saturdays and 8am to 6pm on Sunday and Bank Holidays and the removal of Condition 5 pursuant to planning permission reference 83.353 allowing the sale of all goods within Use Class A1, thereby allowing the premises to be used as a supermarket.

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 Tony Clark and Mr Alan Griffey addressed the Committee against the application and Mr Robin Langford, Mr Andrew Wiltshire and Mr Hugh Smith addressed the Committee in support.

Resolved:

Refused for the reasons set out in the submitted report and in accordance with Officer Recommendations.

116. P/2012/1208/MPA - Coombe Pafford School, Steps Lane, Torquay

The Committee considered an application for the demolition of 2 existing teaching blocks and replacement with 2 new educational facilities and central courtyard.

Prior to the meeting members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head of Spatial Planning subject to:

- (i) the resolution of arboriculture matters to the satisfaction of the Authority's Arboriculture Team;
- (ii) the resolution of drainage matters to the satisfaction of the Authority's Drainage Department; and
- (iii) the resolution of highway and transportation matters to the satisfaction of the Authority's Sustainable Transport Officer and Highways Department; and

(iv) conditions to include:

- Drainage matters
- Arboricultural matters
- Materials
- Detailed design
- Details of access including materials and retaining structures
- Revised parking arrangements in favour of a drop off point
- Management strategy for the access
- Management of the cafe ancillary to the school and learning facility

117. P/2012/1228/PA - Redstones, Cockington Lane, Torquay

The Committee considered an application for the demolition of a house and conservatory and the erection of a 3 bedroom replacement dwelling with use of an existing studio as a dwelling during rebuilding and use thereafter as guest accommodation; alterations to existing access to Cockington Lane and provision of private sewerage system.

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

Resolved:

Refused for the reasons set out in the submitted schedule and in accordance with Officer Recommendations.

118. P/2012/1231/OA - 15 Newton Road, Torquay

The Committee considered an application for the formation of 4 flats in site curtilage (in outline) and revised scheme.

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 Simon Blake addressed the Committee in support of the application.

Resolved:

Conditional approval delegated to the Executive Head of Spatial Planning subject to the inclusion of relevant conditions as determined by the Executive Head of Spatial Planning and subject to:

- (i) the completion of a Section 106 Agreement (S106) within 3 months of the date of this committee meeting to secure the Community Infrastructure Contributions [at the applicant's expense];

- (ii) that in the event that the S106 Agreement is not completed within 3 months of the date of this committee, that the application be refused for reason of the lack of a S106 Agreement; and
- (iii) the undertaking of a Percolation/Infiltration Test in relation to the proposed use of soakaways to the satisfaction of the Authority's Drainage Department.

119. P/2012/1264/MPA - Land Rear of Edinburgh Villas, Off McKay Avenue And Newton Road, Torquay

The Committee considered an application for development of a site comprising 25 Retirement Living Apartments and 50 Assisted Living Extra Care Apartments with associated parking, landscaping and servicing and communal and care facilities.

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

Resolved:

Approved with the details of a Section 106 Agreement and conditions set out in the submitted report being delegated to the Executive Head for Spatial Planning to include:

- (i) the conclusion of a Section 106 Agreement at the applicants expense by the 24th February to secure the contributions as agreed in relation to P/2010/1389 and an enhanced loss of employment floorspace contribution and additional South Devon Link Road contribution; and
- (ii) in the event that the Section 106 Agreement is not completed by 24th February 2013, the application be refused for reason of a lack of Section 106 Agreement; and
- (iii) officers to ensure adequate provision for staff parking, mobility scooter parking and safety provisions in terms of the height of the balcony handrails.

120. P/2012/1223/MPS - Kings Ash House, Kings Ash Hill, Paignton

The Committee considered an application for the demolition of an office building; change of use to residential and the erection of 14 dwellings with associated parking and off-site works.

Prior to the meeting members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated with the conditions set out in the submitted report to the Executive Head of Spatial Planning subject to:

- (i) further negotiations on the design of the dwellings (layout and appearance) to resolve concerns relating to the street frontage, car dominated courtyard, elevation design approach and other matters of design and the successful completion of a Planning Obligation under S106 of the Act (before the expiration of the 13 week determination date); and
- (ii) in the event that the Section 106 Agreement is not completed in time to issue the consent within 13 weeks, the application be refused for reasons of a lack of a Section 106 Agreement.

121. Appeal Decisions Report January 2013

The Committee noted the outcome of recent appeal decisions and expressed their thanks to the Planning Department for all their hard work.

122. Exclusion of the Press and Public

Prior to consideration of the item in Minute 123 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 Schedule 12A of the Local Government Act 1972 (as amended).

123. 2009/0426/EN - Exempt item

The Senior Planning Investigations Officer gave the Committee to give a verbal update and background information over the implications of re-issuing an Enforcement Notice which had previously been over-ruled by the Planning Inspector on the grounds that the Notice was imprecise.

The Committee were advised that the Officer recommendation was to re-issue the same Notice incorporating the amendments raised by the Inspector previously with the proposal to remove the unauthorised buildings in their entirety.

If the Notice was not complied with, it would then become a criminal offence and would be brought back to the Development Management Committee. There would also be the option for Torbay Council to demolish and remove the unauthorised structures.

The Committee were advised that the Council's Environmental Health department were aware of the situation and the Senior Planning Investigations Officer would provide further information as necessary.

Resolved:

To approve the Officer Recommendation for an Enforcement Notice to be re-issued.

Chairman/woman
