



## Minutes of the Development Management Committee

16 March 2015

-: Present :-

Councillor Kingscote (Chairman)

Councillors Morey (Vice-Chair), Addis, Brooksbank, McPhail, Pentney, Pountney, Stockman and Tyerman

(Also in attendance: Councillors Thomas (D), Thomas (J) and Lewis)

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### 85. Minutes

The Minutes of the meeting of the Development Management Committee held on 9 February 2015 were confirmed as a correct record and signed by the Chairman.

### 86. P/2013/0785/MPA, Wall Park Holiday Centre, Wall Park Road, Brixham

The Committee were advised by the Senior Planning Officer, that a further request had been made for an extension of time to finalise the Section 106 Legal Agreement. Members were further advised that officers were confident the agreement would be completed within the next three months.

Resolved:

That the deadline for completion of the Section 106 Legal Agreement be extended by three months from the date of this Committee. That the signing of the Section 106 Legal Agreement be delegated to the Director of Place in consultation with the Chairman and Ward Councillors.

(Note: Councillor Tyerman declared a non-pecuniary interest as a Trustee of Torbay Coast and Countryside Trust, and left the room.)

### 87. P/2014/0938/MOA, Land Off Luscombe Road, Paignton

The Committee considered an outline application with all matters reserved apart from access for the formation of 68 dwellings with associated road and landscaping.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Vicky Hague and Annette Williams addressed the Committee against the application and Richard Maddock addressed the Committee in support of the application. In accordance with Standing Order B4, Councillors Thomas (D) and Thomas (J) addressed the Committee.

Resolved:

That the application be deferred for further information in respect of the impact of the proposed development on the junction of Luscombe Road and Kings Ash Road.

**88. P/2014/0947/MOA, Land Off Brixham Road -Long Road, Former Nortel Site, Paignton**

The Committee considered an outline application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and/or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515 sqm garden centre, and up to 139 sqm of A3 cafe/restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Jeremy Heath and Jonathan Best addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) the applicant providing satisfactory further evidence to demonstrate that the external and abnormal costs are robust, and the applicant agreeing in writing to a full open-book deferred contributions mechanism or alternative, which is acceptable to the Director of Place to secure additional affordable housing and sustainable development contributions should the viability of the development improve at implementation and throughout the construction phases, or the application be refused prior to the agreed extended time period;
- ii) the signing of a Section 106 Legal Agreement in terms acceptable to the Director of Place prior to the expiration of any agreed extended time period for the determination of the application, or the application be refused. If the Legal Agreement is not signed within, three months from the date of this committee, the application is to be reconsidered in full by the committee; and
- iii) the drafting and determination of appropriate planning conditions be delegated to the Director of Place, including restrictive 'bulky goods' retail conditions that are satisfactory to the Director of Place in consultation with the Chairman and ward Councillors.

**89. P/2014/1238/MPA, Paignton Pier, Eastern Esplanade, Paignton**

The Committee considered an application for a new first floor over existing building for outdoor cafe use. Entrance towers over existing building. Bridge connecting new first floor over existing two buildings. New disabled toilets. Re-cladding and re-fenestration of existing buildings. General use of pier open decks. (Revised plans received).

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

Resolved:

Approved subject to:

- i) the applicant submitting a site specific flood risk assessment which is acceptable to the Director of Place, within three months of the date of this committee or the application be reconsidered in full by the committee; unless otherwise agreed by the Director of Place in consultation with the Chairman; and
- ii) the conditions set out in the submitted report with final drafting and determination of appropriate conditions being delegated to the Director of Place.

**90. P/2014/0901/MPA, 250 Babbacombe Road, Torquay**

The Committee considered an application for the construction of additional car parking following demolition of garden centre (retrospective), provision of two water tanks and a pump house, and insertion of mezzanine floor and exterior doors in existing building. (Revised description).

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

Resolved:

Approved subject to:

- i) full payment of contributions or the signing of a Section 106 Legal Agreement to secure contributions prior to the expiration of any agreed extended time period for determination of the application, or the application be refused. If the contributions are not received or the Legal Agreement is not signed within three months from the date of this committee, the application is to be reconsidered in full by the committee; and

- ii) the conditions set out in the submitted report, with final drafting and determination of appropriate conditions being delegated to the Director of Place.

**91. P/2014/0902/VC, 250 Babbacombe Road, Torquay**

The Committee considered an application for variation of condition 5 of previous planning permission (P/1983/0353) to permit additional items to be sold.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mark Wood and Chris Dawson addressed the Committee in support of the application; a late representation from the Torbay Development Agency was read to the Committee and officers asked to be able to take further advice to clarify whether the application satisfies the requirements of paragraph 24 of the NPPF.

Resolved:

That the application be refused for the following reason(s) and officers be instructed to commence enforcement action on the basis that:

The applicant has failed to demonstrate in a suitably robust impact assessment that the development as varied will not have a significant adverse impact on investment in the centres in the catchment area of the proposal, or on town centre vitality and viability. The proposal is therefore contrary to saved policies SS and S6 of the Adopted Torbay Local Plan 1995-2011 and paragraph 26 of the National Planning Policy Framework.

**92. P/2014/0965/MPA, Former Royal Garage Site, 4-24 Torwood Street, Torquay**

The Committee considered an application for mixed use development of hotel, 1 No A1 unit, 3 No A3 units, 3 No B1 office use units and 1 No B1 office use or D1 gym use unit at former Royal Garage site, involving the demolition of property Nos 4-24 Torwood Street, Torquay.

Prior to the meeting, written representations were circulated to members. At the meeting Ed Heynes addressed the Committee against the application and Richard Maddock and Peter Tisdale addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) the signing of a Section 106 Legal Agreement in terms acceptable to the Director of Place within 6 months of the date of this committee or the application be reconsidered in full by the committee; and

- ii) the conditions listed in the submitted report, with final drafting and determination of appropriate conditions being delegated to the Director of Place.

**93. P/2014/1182/PA, La Rosaire, Livermead Hill, Torquay**

The Committee considered an application for the demolition of existing building and construction of eight new apartments.

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

Resolved:

Conditional approval subject to:

- i) achieving appropriate planning obligations as considered necessary;
- ii) the submission of an ecological survey that is to the satisfaction of the Director of Place;

The following additional conditions to be added to those set out in the submitted report:

- iii) the siting of three bat boxes and two bird boxes; and
- iv) an ecological consultant being consulted immediately should bats be encountered during construction.

**94. P/2015/0042/PA, Princess Gardens, Off Torbay Road, Torquay**

The Committee considered an application for the temporary erection and operation of a 50m observation wheel with ticket booking office to the west (front of wheel) adjoining coffee and crepe unit within a timber decked seating area to the south (facing out to the harbour) and secure panelled service, ride control and generator compound area to the east (pavilion side). Open daily to the public from Saturday 28 March 2015 until no later than Sunday 1 November 2015.

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

Resolved:

That temporary consent be granted until 6 November 2015, with the conditions as set out in the submitted report.

**95. P/2015/0103/VC, 5-7 Ilsham Road, Torquay**

The Committee considered an application for the variation of condition 7 pursuant to P/2014/0827 (2 new dwellings and change of use from A3 (restaurant and

cafes) to A1 (shop) and also from part, C3 (dwelling house) to A1 (shop)) – hours of operation of shop.

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

Resolved:

That the condition be varied to allow operation of the shop between the hours of 07.00 and 23.00 daily.

Chairman/woman

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