



Minutes of the Development Management Committee

10 August 2015

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Darling (S), Doggett, Manning, Morey, Robson and Tolchard

(Also in attendance: Councillor Amil)

22. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative Group and Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Tolchard instead of Councillor Winfield and Councillor Doggett instead of Councillor Stringer.

23. Minutes

The Minutes of the meeting of the Development Management Committee held on 13 July 2015 were confirmed as a correct record and signed by the Chairman.

24. Urgent Items

The Committee considered the item in Minute 31, and not included on the agenda, the Chairman 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.

25. Land At Brixham Road, Yannons Farm (Areas C And D), Paignton (P/2015/0124)

The Committee considered a hybrid application. Full planning application for 70 dwellings, related infrastructure, landscaping, play areas and a hill top park. Outline planning permission for up to 70 dwellings with all matters reserved except for access.

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

At the meeting Mr Newman addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) satisfactory details of surface water drainage;
- ii) the completion of a Section 106 agreement or Unilateral Undertaking within three months of the date of this Committee. The Section 106 Heads of Terms to include:
 1. A minimum level of 15% affordable housing pending independent advice from the Torbay Development Agency. If this advice is that the site should deliver a higher level of affordable housing this level to be agreed by the Executive Director of Operations and Finance in consultation with the Chairman and Vice Chairman of the Development Management Committee and the applicant. In the event that agreement cannot be reached on this matter by 9 September, the application to be reconsidered by the Development Management Committee;
 2. Waste management contribution;
 3. £150,000 education contribution (currently secured under existing 2011 Section 106 Agreement);
 4. Cirl bunting compensation;
 5. Deferred contributions mechanism clause to apply after five years and applies to any unit that has not reached practical completion at the five year point;
 6. No obstruction to access to land subject to planning application P/2014/0983; and
 7. Administration/monitoring charge; and
- iii) a condition requiring the submission of a detailed landscape and ecological plan which are to the satisfaction of the Executive Director of Operations and Finance.

(Note 1: Councillor Doggett declared a non-pecuniary interest as he is a member of the RSPB.)

26. Torbay Hospital, Newton Road, Torquay (P/2014/0859)

The Committee considered an update report on an application for the creation of new car parks and reorganisation of existing car parks to provide 201 additional car parking spaces (131 on main hospital site and 70 on Annexe site), with associated access, barriers, footpaths, lighting, signage, ticket machines and soft landscaping (revised).

The Committee were advised by the Head of Spatial Planning, that at the Development Management Committee on 20 April 2015 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request had been made for an extension of time to sign the Section 106 Legal Agreement. The Section 106 Agreement had been signed, but Development Management Committee's agreement to an extension of time was required to allow a decision notice to be issued.

Resolved:

Approved, subject to:

- i) the signing of a Section 106 Legal Agreement to secure the sustainable transport contribution, within 3 months of the date of this Committee or the application be reconsidered in full by the Committee, unless otherwise agreed with the Chairman of the Development Management Committee; and
- ii) the conditions listed in the submitted report, with any further conditions being delegated to the Executive Director of Operations and Finance.

(Note 2: Councillor Darling (S) declared a non-pecuniary interest as he has a relative that is a member of staff at the hospital.)

27. La Rosaire, Livermead Hill, Torquay (P/2014/1182)

The Committee considered a report on the demolition of existing building and construction of 8 new apartments. The Head of Spatial Planning advised Members that the purpose of the report and the return to the scheme for consideration was the review the Section 106 contributions in relation to greenspace and recreation and sustainable transport, in light of the change in guidance from central government and a request to review the requirements by the applicant.

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

Resolved:

Approved, as previously determined by the Committee, with revised Section 106 contributions of £350 towards waste and £1500 for a traffic regulation order, and additional conditions relating to use of bird and bat boxes and use of an ecology consultant if bats are discovered.

28. 101 Braddons Hill Road East, Torquay (P/2015/0320)

The Committee considered a report on the demolition of existing warehouse, and construction of 9 two storey dwellings with 9 car parking spaces. Partial demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access. The Head of Spatial Planning advised Members that the purpose of the supplementary report was to update Members on the changes to

the palette of materials which were an improvement on the previous proposal but had increased construction costs and generated a request from the applicant for some flexibility regarding payment of Section 106 contributions. Members were asked to review the Section 106 contributions as requested in relation to greenspace and sustainable transport in light of the change in guidance from central government.

Resolved:

Approved subject to:

- i) the conclusion of a Section 106 Legal Agreement or Unilateral Undertaking to secure waste management contributions, and a contribution towards site specific highway works; and
- ii) the conditions as set out in the submitted supplementary report.

29. Land Rear Of 200 - 208 Teignmouth Road, Torquay (P/2015/0459)

The Committee considered an application for the formation of two flats. 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 receipt of an extended phase one habitat survey that concludes that protected species would not be unduly affected;
- ii) planning obligations as considered necessary in-line with local and national guidance;
- iii) conditions as set out in the submitted report; and
- iv) additional conditions regarding surface water drainage and obscured glazing in bathroom windows.

30. Adjacent Inner Harbour, The Strand, Torquay (P/2015/0589)

The Committee considered an application for a coffee sales kiosk. Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to Members.

At the meeting Mr De'Vey addressed the Committee in support of the application and Mr Lowles addressed the Committee against the application. In accordance with Standing Order B4 Councillor Ellery addressed the Committee.

Resolved:

That the application be refused for the following reason:

The proposed kiosk, due to a combination of location, size and height, is unduly dominant and does not relate well to the character of the harbour in terms of its overall design. It adversely impacts on the quality of the public space of which it forms a part and on public views of the harbour and as such is harmful to the character and appearance of the Conservation Area and adjacent listed structures. Its location would also frustrate implementation of adopted proposals for improvement of the public realm along The Strand. It is thus contrary to policies TU1, BES, E1, BE5 and BE6 of the saved Adopted Local Plan 1995-2011, to the Adopted Torquay Harbour Master Plan and to the relevant provisions of the NPP.

That any action to secure the removal of the existing portacabin be held in abeyance for a 3 month period to allow the applicant to come forward with a more suitable alternative scheme in terms of location and design that relates better to the character of the Conservation Area.

31. Land to the Rear of Broadway, Dartmouth Road, Brixham (P/2015/0097/MOA)

The Committee were advised by the Head of Spatial Planning, that at the Development Management Committee on 20 April 2015 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request has been made for an extension of time to sign the Section 106 Legal Agreement.

Resolved:

That an extension of 4 days from the date of this Committee for the signing of a Section 106 Legal Agreement be approved.

Chairman/woman