



## Minutes of the Development Management Committee

10 July 2017

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Doggett, Hill, Morey, Pentney, Winfield and Tolchard

(Also in attendance: Councillor Thomas (D), Councillor King (minute 14 only) and Councillor Amil (minute 14 only))

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### 9. Apologies for absence

An apology for absence was received from Councillor Lewis (B).

### 10. Minutes

The Minutes of the meeting of the Development Management Committee held on 12 June 2017 were confirmed as a correct record and signed by the Chairman.

### 11. Land West of Brixham Road, Paignton (P/2016/0411)

The Committee considered an application for the approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval reference P/2011/0197 in relation to the erection of a retail store (ground floor level) with student accommodation above (first and second floor level), associated parking and landscaping (plans and proposal/description revised 16 February 2017).

Written representations were available for Members to view on the Council's website.

Resolved:

Approved subject to:

- i) No new issues being raised before the end of the consultation period, which expires on 21 July 2017;
- ii) Comments from the Aboricultural Officer; and
- iii) The final drafting of conditions being delegated to the Executive Head of Business Services.

**12. Devonshire Park (Former Nortel Site), Brixham Road, Paignton (P/2017/0493 and P/2017/0494)**

The Committee considered the following applications:

P/2017/0493, demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 1).

P/2017/0494, demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 2).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website.

Resolved:

That both applications (P/2017/0493 and P/2017/0494) be approved subject to:

- i) The receipt of amended plans showing the deletion of all retaining walls as agreed by the applicant in their letter dated 7 July 2017;
- ii) The submission of revised plans and further information that satisfactorily resolves the following, the resolution of which to be delegated to the Executive Head of Business Services:
  - 1) The submission of additional information in respect to contamination and remediation that demonstrates that the extent of tree removal currently proposed is essential to make the site safe for future uses, or the submission of revised plans that presents an acceptable impact upon trees and important landscape features;
  - 2) The submission of a revised Construction and Ecological Management Plan (CEMP) that is in full accordance with Clause 10 and Annex DA.1 of BS42020:2013 in order to ensure due regard and provide certainty in regard to the protection measures and mitigation afforded protected species;
  - 3) The submission of revised groundworks scheme that will retain the ability for a future Reserved Matters application relating to the extant permission reference P/2014/0947 to present a high-quality residential and retail development which accords with the guiding principles established within the Design and Access Statement that accompanied the outline application, affording due consideration to design, movement and landscape principles.

Should the matters above be positively resolved, the imposition of appropriate conditions are to be delegated to the Executive Head of Business Services and should include those suggested in the consultation response from the Community Safety Team.

In the absence of satisfactory information that positively resolves the outstanding issues cited above by the 4 September 2017 the application to be refused on the grounds that the proposals are contrary to Policies C4, NC1, DE1, TA1 and TA2 of the Torbay Local Plan 2012-2030. The precise wording of the refusal to be delegated to the Executive Head of Business Services in order to take into account any subsequent information submitted as part of the application.

**13. 79 Wall Park Road, Brixham (P/2017/0544)**

The Committee considered an application for the demolition of existing garage, erection of two storey side extension, two storey rear extension, first floor front extension, front and rear dormers, and improved access to dwelling.

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 Addison addressed the Committee in support of the application.

Resolved:

Approved as applied for subject to

- i) In accordance with the submitted FRA received 01.06.2016, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development;
- ii) A landscaping scheme including details of two replacement trees shall be submitted for approval prior to development above DPC level. The approved landscaping shall be implemented prior to the first use of the extensions hereby approved and retained as such at all times thereafter;
- iii) Once the works to improve the access have been completed the new front boundary wall shall be rebuilt to match the character of the existing;
- iv) Details of materials; and
- v) final drafting of conditions being delegated to the Executive Head of Business Services.

(Prior to consideration of the application Helen Addison, Team Leader Development Management) declared a personal interest in the application and left the room)

**14. 24 Barnfield Road, Torquay (P/2017/0146)**

The Committee considered an application for front, side and rear extensions (Revised plans received 9 May 2017 retention of existing garage).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website. At the meeting Mr Collett addressed the Committee against the application and Mrs Owen addressed the Committee in support of the application.

Resolved:

Approved subject to the completion of a Section 106 Agreement to ensure that the annex which forms part of the development will not be used as non-ancillary living accommodation and conditions relating to materials, obscure glazing and drainage with final drafting of conditions being delegated to the Executive Head of Business Services.

**15. Oddicliff, Higher Downs Road, Torquay (P/2017/0471)**

The Committee considered an application for one new house and demolition/remodelling of the existing house (within 15m of Babbacombe Downs Conservation Area).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website.

Resolved:

Approved subject to the final drafting of conditions to be delegated to the Executive Head of Business Services.

**16. 42 Whidborne Avenue, Torquay (P/2017/0490)**

The Committee considered an application for the demolition of dwelling and proposed replacement dwelling (Revised Site Plan)

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website. At the meeting Angela Huxham addressed the Committee against the application and James Stacey addressed the Committee in support of the application.

Resolved:

Approved subject to appearance, layout, landscaping and scale to be reserved matters and the conditions as set out in the submitted report.

Chairman/woman

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