

Minutes of the Planning Committee

22 September 2022

-: Present :-

Councillor Pentney (Chairman)

Councillors Dudley (Vice-Chair), Hill, Kennedy, Barbara Lewis, Mills, Jacqueline Thomas, Steve Darling and Loxton

(Also in attendance: Councillors Brooks (virtually), Chris Lewis and David Thomas)

7. Apologies for absence

It was reported that, in accordance with the wishes of the Independent Group and the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillors Loxton and Steve Darling instead of Councillors Manning and Dart respectively.

8. Minutes

The Minutes of the meeting of the Planning Committee held on 13 and 27 June 2022 were confirmed as a correct record and signed by the Chairman.

9. Disclosure of Interests

Prior to seeking declarations of disclosable pecuniary and non-pecuniary interests, the Legal Advisor to the Planning Committee was requested to provide legal advice in respect of the requirements in the Local Code of Good Practice for Members and Council Officers Involved in the Planning Process. Members were asked to consider whether they have any interests that would mean a reasonable member of the public might consider a conflict of interest to arise or that the decision is being approached with a closed mind and without impartial consideration of all relevant planning issues.

Subsequently, Councillor Mills confirmed that she would be withdrawing from the Committee when it considered the application for 8 Tor Close, Paignton, TQ4 6LB (P/2022/0625). Councillor Mills advised that she would withdraw to the public gallery at the appropriate time and address the meeting under Standing Order B4 in her capacity as Churston and Galmpton ward councillor and upon concluding her oral submission she would leave the room to avoid any suggestion that her presence could be seen to influence the committees deliberation or determination of this matter.

Councillor Kennedy declared a non-pecuniary interest as she was the ward councillor for Churston and Galmpton and the Chairman of the Broadsands, Churston and Galmpton Neighbourhood Forum. Councillor Kennedy advised that she would not be

excluding herself from consideration of the application in respect of 8 Tor Close, Paignton, TQ4 6LB (P/2022/0625) and confirmed that she had not predetermined the application, that she would listen to what was said at the Committee and would engage in questions and debate and then make a decision on the application having heard the submissions from all parties.

10. 8 Tor Close, Paignton, TQ4 6LB P/2022/0625

The Committee considered an application for the formation of side and rear extension and fenestration changes to existing dwelling and construction of new dwelling in adjacent garden with associated works.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Richard Walsh and Claire Malkin addressed the Committee against the application. Kathleen Lund addressed the Committee on behalf of the Broadsands, Churston and Galampton Neighbourhood Forum. In accordance with Standing Order B4 Councillor Mills addressed the Committee.

Resolved:

That the application be refused for the following reasons:

- 1) The proposed development would result in a cramped form of development, resulting in an overdevelopment of the site that is not in keeping with the character of the area and locality, and which fails to reflect the local Broadsands Village Design Statement. As such it is considered that the proposed development would result in unacceptable harm to the character and visual amenities of the locality. The proposal is considered to fail to accord with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy BH5 and The Broadsands Village Design Statement of the Brixham Peninsula Neighbourhood Plan and the guidance contained in the National Planning Policy Framework, in particular paragraphs 126, 130 and 134.
- 2) The rear single storey extension to the existing dwelling, by reason of its siting and scale would have an unacceptable impact upon the occupiers of No. 7 Tor Close resulting in an overbearing impact and loss of light to this property. The proposal fails to accord with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and the National Planning Policy Framework, in particular Paragraph 130.

(Note: prior to consideration of this item Councillor Mills, moved to the public gallery and left the room following her representation that was permitted under Standing Order B4.)

11. Splashdown Quay West Water Park, Tanners Road, Paignton TQ4 6LN P/2021/1093

The Committee considered an application for the formation of leisure facilities including waterslides, and indoor play and climbing centre. Relocation of reception

area. Formation of car park and access to staff car parking spaces and railway. Alterations to arcade/cafe/kiosk building and refuse area. Re-landscaping. Altered boundary treatments and entrance arrangements.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Annen and Mr Richmond addressed the Committee in support of the application. In accordance with Standing Order B4, Councillor Chris Lewis addressed the Committee.

Resolved:

Approved, subject to:

1. The conditions set out in the submitted report with the following amendment:

'Drainage

In accordance with the submitted flood risk assessment, 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%~~ **40%** 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.';

with the final drafting of conditions delegated to the Divisional Director of Planning Housing and Climate Emergency;

2. The completion of a Section 106 Legal Agreement to secure the heads of terms as set out in the submitted report, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers; and
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning and Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairman/woman