



Minutes of the Development Management Committee

11 November 2013

-: Present :-

Councillor McPhail (Chairwoman)

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

70. Minutes

The Minutes of the meeting of the Development Management Committee held on 14 November 2013 were confirmed as a correct record and signed by the Chairwoman.

71. Urgent Items

The Committee considered the items in Minute 72, 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.

72. P/2013/0259/PA - Birds Haven, Avenue Road, Torquay

The Team Leader for Major Development advised members that completion of the Section 106 Agreement in respect of the above application had not been completed for various reasons, and the original decision stated the application should be refused if not signed within three months of the meeting. However, the Committee was advised that the Agreement was in a position to be completed and sought members' approval to issue the decision notice and complete the 106 Agreement.

Resolved

That the Section 106 Agreement be completed and the decision notice be issued.

73. Bishops Court Hotel, Lower Warberry Road, Torquay

The Committee considered the following applications:

- a) P/2013/0372/MPA - erection of 18 residential units (1x2 Be, 8x3 bed and 9x4 bed) in two terraces in garden area to east of Bishops Court Hotel on site of former holiday accommodation.
- b) P/2013/0400/PA - amendments to a previous planning approval for alterations and conversion of an existing grade II listed hotel into seven apartments.

- c) P/2013/0401/LB - amendments to for amendments to a previous planning approval for alterations and conversion of an existing grade II listed hotel into seven apartments.
- d) P/2013/0891/PA - demolition of existing holiday units to the rear of Bishops Court Hotel and replacement with six new residential dwellings

Prior to the meeting, Members of the Development Management Committee undertook a site visit. At the meeting Mr Frank Nixey and Anthony Eeak addressed the Committee in support of the application.

Resolved:

- (i) That the applications be approved in principle; subject to the completion of a Section 106 Legal Agreement, such agreement to include the following heads of terms:
 - 1. tying together of the applications to form an agreed phasing programme and to require reappraisal of the whole scheme in the event of changes to any of the application schemes; and,
 - 2. a mechanism to secure delivery of the schedule of works to restore the listed villa and replace the adjacent mews building; and,
 - 3. a deferred contributions clause; and,
 - 4. a commuted sum payment (contribution) which will be confirmed subject to item (ii) below; and,
 - 5. the implementation of any of these consents to have the effect of rescinding the previous consent and CLEUD
- (ii) consideration of the Section 106 Agreement to be deferred to a future a meeting of the Development Management Committee to allow officers from Spatial Planning to further negotiate with the applicant in respect of affordable housing contributions and a level of deferred contributions together with any agreed community infrastructure contributions; and
- (iii) subject to resolution of (ii) above, applications P/2013/0400/PA, P/2013/0401/LB and P/2013/0891/PA be related through the Section 106 Agreement to the principle decision. In the event of conclusion of the item (ii) above , a grampion style condition or clause to prevent implementation to be included within these consent to ensure not implementation without a valid consent and associated delivery for the works to, and adjacent to, the Listed Building.

74. P/2013/0136 Junction Of Kings Ash Road And Spruce Way, Paignton

The Committee considered an application for alterations to Kings Ash Road/Spruce Way to provide a new link road to the West to allow access to proposed new housing development with access to Hilltop Nursery and associated widening to Kings Ash Road to provide new vehicle lanes shared footpath/cycle way and landscape verge.

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 Kevin Sullivan addressed the Committee against the application.

Resolved:

Conditional approval delegated to the Executive Head of Spatial Planning with the conditions set out in the submitted report and an amendment to condition 04 to include relevant phasing for delivery of replacement hedgerows. Members agreed the inclusion of an additional conditional in respect of advance stop lines for cyclists.

Chairwoman