



## **Minutes of the Development Management Committee**

**19 September 2011**

**-: Present :-**

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Davies (In place of Pentney), James (In place of Thomas (J)), Hill and Kingscote

(Also in attendance: Councillors Amil, Hernandez, Thomas (D) and Richards)

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### **253. Apologies for absence**

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor James instead of Councillor Thomas (J).

In accordance with the wishes of the Liberal Democrat Group, the membership had been amended for this meeting by including Councillor Davies instead of Councillor Pentney.

### **254. Minutes**

The Minutes of the meeting of the Development Management Committee held on 22 August 2011 were confirmed as a correct record and signed by the Chairwoman.

### **255. P/2011/0868/MPA - Churston Ferrers Grammar School, Greenway Road, Brixham**

The Committee considered an application for a proposed sixth form centre.

Resolved:

Approved with the conditions set out in the submitted report and the addition of an informative to investigate the use of renewable energy sources, such as roof lights or photovoltaic solar panels on the roof.

### **256. P/2011/1209/PA - Paignton Green, Esplanade Road, Paignton**

The Committee considered an application to discharge condition 7 of permission P/2009/1209.

Prior to the meeting written representations were circulated to members of the Committee. At the meeting Mr Robertson addressed the Committee against the application and Mr Andrew Heard addressed the Committee in support of the application.

During consideration of this application, the Chairwoman gave Members of the Committee the opportunity to ask Mr Heard, the person responsible for preparing the drainage scheme, questions about the application and the information on which it was based. In addition to this, the Chairwoman offered Mr Robertson the opportunity to make further representations to clarify any points which arose from the Councillor's questions, which was declined.

Resolved:

That condition 7 be discharged.

(**Note:** Prior to consideration of application P/2011/1209/PA Councillor Davies declared a personal prejudicial interest and withdrew from the meeting room.)

**257. P/2011/0070/MPA - 9 Central Avenue, Paignton**

The Committee considered an application for demolition of a building and formation of 9 new flats with associated car parking (as revised by plans received 3 May 2011).

Prior to the meeting, written representations were circulated to member of the Committee.

Resolved:

Subject to the completion of a Section 106 Agreement in respect of

- (i) municipal waste;
- (ii) sustainable transportation;
- (iii) stronger communities;
- (iv) education (primary only);
- (v) lifelong learning; and
- (vi) greenspace and recreation

in terms acceptable to the Executive Head for Spatial Planning and completed entirely within six months of the date of the meeting, approved with the conditions set out in the submitted Report.

**258. P/2011/0563/PA - 81 Kingsway Avenue, Paignton**

The Committee considered a resubmission of application P/2011/0051/ to change the use to hot food takeaway (A5) from retail (A1) with revised opening hours of 12:00 noon to 10.00 p.m. Monday to Saturday.

Prior to the meeting written representations were placed in the Members' Room. At the meeting Mr Mark Dyson addressed the Committee in support of the application.

Resolved:

Approved with the conditions and informative set out in the submitted Report and an additional condition relating to the provision of a litter bin adjacent to the property.

**259. P/2011/0697/PA - 24 North Rocks Road, Paignton**

The Committee considered an application for extension and conversion of existing double garage into a dwelling and erection of detached garage.

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 Mick Roberts addressed the Committee in support of the application.

Resolved:

Refused for the reason set out in the submitted Report.

**260. P/2011/0721/MPA - 16-20 Smallcombe Road, Paignton**

The Committee considered an application for demolition of eight dwellings and their ancillary buildings and erection of 13 dwellings together with associated parking and amenity areas.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head for Spatial Planning subject to:

- (i) the receipt of satisfactory comments from the Council's Arboricultural Team, Environmental Protection Team and South West Water;
- (ii) the completion of a Section 106 Agreement in terms acceptable to the Executive Head for Spatial Planning;
- (iii) the conditions set out in the submitted Report;

- (iv) reconfiguration of the off street parking provision; and
- (v) satisfactory resolution of external materials to replace the proposed cedar cladding.

**261. P/2011/0777/MPA - 25-35 Smallcombe Road, Paignton**

The Committee considered an application for the demolition of 12 dwellings and their ancillary building and formation of 19 dwellings together with associated parking, vehicular/pedestrian access and amenity areas.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head for Spatial Planning subject to:

- (i) the receipt of satisfactory comments from the Council's Environmental Protection Team;
- (ii) the completion of a Section 106 Agreement in terms acceptable to the Executive Head for Spatial Planning;
- (iii) the conditions set out in the submitted Report;
- (iv) green landscaping of retaining structure to rear parking court; and
- (v) satisfactory resolution of external materials to replace the proposed cedar cladding.

**262. P/2011/0751/R3 - Curledge Street County Primary School**

The Committee considered an application for engineering works to form an access ramp and new school gates.

Resolved:

Approved with the condition set out in the submitted Report, subject to a slight alteration to the design of the gates, as recommended by the Conservation Officer, and the integration of the gates into the new side wall.

**263. P/2011/0824/R4 - Land at Kings Ash Primary School, Pimm Road, Paignton**

The Committee considered an application for change of use of school land to community play area including a gravelled area, fire pit and a seated area using reclaimed materials from the local community.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head for Spatial Planning subject to:

- (i) satisfactory comments from the Council's Arboricultural Team, the Police Liaison Officer and Torbay Development Agency;
- (ii) the receipt of details demonstrating an acceptable form and finish;
- (iii) the imposition of an informative/condition relating to the management of the play area.

**264. P/2011/0280/RM - Land at Barton New Town, Scott's Bridge, Torquay**

The Committee considered a reserved matters application for Phase IV Area 5C Scotts Meadow, Torquay – erection of eight one bedroom apartments on land adjacent to Bottom Park Lane opposite Explorer Walk in place of approved retail unit.

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

Resolved:

Approved.

**265. P/2011/0507/PA - 3-5 Walnut Road, Torquay**

The Committee considered an application for demolition of two storey office building, conversion of existing car garage into a retail shop and store with external customer parking and the installation of an external ATM unit.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members of the Committee. At the meeting Mr Rossetter addressed the Committee against the application.

Resolved:

Approved with the conditions set out in the submitted Report.

**266. P/2011/0641/R3 - Preston Primary School, Old Paignton Road, Torquay**

The Committee considered an application for formation of new classroom block and reconfiguration of parking.

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

Resolved:

Subject to

- (i) the views of Sport England regarding the replacement of playground space;
- (ii) the views of the Highway Authority regarding the access into the site in relation to the increase in parking provision;
- (iii) confirmation from the Arboricultural Officer that the proposed landscaping and replacement tree planting are acceptable; and
- (iv) no adverse representations being received before the end of the consultation period which expires on 6 October 2011.

approved with the condition set out in the submitted Report.

**267. P/2011/0656/MPA - 104 Teignmouth Road, Torquay**

The Committee considered an application for demolition of two warehouse/storage/distribution (B8) and retail (A1) units with car parking and car turning facility.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Subject to the receipt of satisfactory consultation responses from the highway engineer and Environment Agency, approved with the conditions set out in the submitted report, subject to the shop front of the building to the left of the access being finished in brick to match the rest of the proposal.

**268. P/2011/0801/AD - 55-57 Babbacombe Road, Torquay**

The Committee considered an application for an illuminated gantry sign; one welcome/goodbye sign; two no parking signs and four parking restriction signs.

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

Resolved:

Approved as per the revised plan submitted to Spatial Planning which reduced the number of car park restriction signs to two.

**(Note:** Prior to consideration of application P/2011/0801/AD, Councillor Addis declared a personal prejudicial interest and withdrew from the meeting room.)

**269. P/2011/0823/PA - St Margaret's CP School, Barewell Road, Torquay**

The Committee considered an application for formation of a 3.5m high 20m long galvanised chain link fence on galvanised steel posts to match existing ball fence.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members. The Committee noted that following further discussions, the proposed height of the fence had been reduced to 3.05m. At the meeting Lara Priestley addressed the Committee against application.

Resolved:

Subject to the height of the fence being reduced to 2.5m, approved.

(**Note:** Prior to consideration of application P/2011/0823/PA, the Chairwoman declared a personal prejudicial interest and withdrew from the meeting where the Vice-Chairman (Councillor Morey) took the Chair for that item only.)

**270. P/2011/0856/MPA - Former General Accident Fire and Life Assurance Plc, General Buildings, Greenway Road, St Marychurch, Torquay**

The Committee considered an application for demolition of building and erection of seven retail units (for purpose within use Classes A1, A2, A3, A4 and/or A5) and four residential dwellings with associated highways works, car parking and landscaping.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were placed in the Members' Room. At the meeting Mr Tom Roche addressed the Committee in support of the application.

Resolved:

Consideration deferred for further negotiations with regard to location of the bus stop, the potential provision of a new bus stop on Fore Street, access to properties from Greenway Road, servicing of the development, design of the retail units and response to the consultation received from English Heritage.

**271. Appeal Decisions**

The Committee noted the outcome of recent appeal decisions, as set out in the submitted Report.

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