

Minutes of the Planning Committee

15 January 2024

-: Present :-

Councillor Maddison (Chairwoman)

Councillors Billings (Vice-Chair), Mandy Darling, Fox, Virdee, Barbara Lewis, Brook and Tyerman

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

38. Apologies for absence

Apologies for absence were received from Councillors Pentney and Tolchard.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee was amended to include Councillor Brook in place of Councillor Tolchard and Councillor Barbara Lewis and Councillor Alan Tyerman in respect of the two Conservative vacancies for this meeting only.

39. Minutes

The minutes of the meeting of the Committee held on 13 November 2023 were confirmed as a correct record and signed by the Chairwoman.

40. Former Dairy Crest Depot, Parkfield Road, Torquay (P/2023/0131)

The Committee considered an application for redevelopment of part of the former depot to form 44 apartments with associated parking and landscaping (part retrospective).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application.

At the meeting the Planning Officer advised, that since the report had been published, the Council's drainage engineer had reviewed the recently submitted modelling detail of the amended surface water drainage system and had confirmed in writing that the proposal was suitable for approval on drainage grounds.

The Committee was advised that the Section 106 agreement would contain the formula by which any deferred affordable housing contribution would be determined based on the increase in the value of the development (as the developer required certainty as to how this was calculated) – there was an existing agreement for the previous scheme. The Committee was advised that in general the developer would submit their calculation and if this was disputed then the matter would generally be referred to arbitration.

Resolved (unanimously):

Approved subject to:

1. the following additional condition to be delivered through additional wording within the accompanying section 106 legal agreement in place of a planning condition:

- (a) that the affordable housing viability assessment be submitted to the Planning Committee prior to a decision being reached on the affordable housing obligation;

Reason: to promote transparency and public confidence in the decision making process.

Reason for variation: The legal agreement is the mechanism that secures further viability reassessment of the affordable housing obligation, including terms of submission and potential agreement. Request for additional wording within the clause that any future viability assessment regarding this matter is submitted and agreed in consultation with the Planning Committee.

2. the conditions as outlined in the submitted report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
3. the completion of a Section 106 Legal Agreement to secure deferred obligations as identified in the submitted report; and
4. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

41. Quintaville Residential Home, 1 Quinta Road, Torquay (P/2023/0327)

The Committee considered an application for demolition of the former care home and replacement with block of 14 apartments with associated parking (readvertised following the receipt of revised plans on 9 October 2023).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr

Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application. Mr Richard Crook and Mr Jan Tribble addressed the Committee in support of the application.

Resolved (unanimously):

Approved subject to:

1. the following additional conditions:
 - (a) amendment to the condition in relation to the Construction Management Plan ("CMP") to require the CMP to be approved by officers;

Reason: to address the issues highlighted by the Committee.
 - (b) the decision notice to have a time period for commencement of the development of two years from the date of the decision;

Reason: to expedite site development.
 - (c) removal of permitted development rights in relation to Class 4 HMO usage;

Reason: to address residential amenity in the local area and pressures on parking and local services.
2. the conditions as outlined in the submitted report, with final drafting delegated to the Divisional Director of Planning, Housing and Climate Emergency;
3. the completion of a Section 106 Legal Agreement to secure a Sustainable Transport Obligation of £3,440; and
4. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairwoman