

PLANNING COMMITTEE

23 JANUARY 2024

Present:

Councillors Bradford (Vice-Chair), Bullivant, Hall, Hook, Nutley, Palethorpe, C Parker (Chair), Parrott, J Taylor, Clarence (Substitute) and Buscombe

Members in Attendance:

Councillors

Apologies:

Councillors Atkins, Goodman-Bradbury, MacGregor, Nuttall, Purser, Sanders and Williams

Officers in Attendance:

Trish Corns, Democratic Services Officer
Sim Manley, Interim Head of Development Management
Christopher Morgan, Trainee Democratic Services Officer
Niki Warner, Planning Officer
John Douglas, Principal Planning Officer

77. MINUTES

It was proposed by Councillor Parker and seconded by Councillor Nutley that the minutes of the previous meeting be agreed as a correct record and signed by the chair.

A vote was taken by show of hands.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the chair.

78. DECLARATIONS OF INTEREST.

Cllr Nutley declared an interest in application 22/02342/FUL due to his long-term acquaintance with the applicant. He did not speak or vote on this application and left the room during it.

a) 22/02060/VAR - Old Exeter Street, Chudleigh

The Planning Officer presented the application to the Committee.

It was proposed by Councillor Nutley and seconded by Councillor Palethorpe that permission be granted as set out in the report.

A vote was taken – the result was unanimously in favour.

Resolved

That permission be granted subject to the following conditions:

1. Completion of a S106 agreement drafted with the objective of: *ensuring that once this planning permission is granted, the building shall be used only as ancillary floorspace to the new dwelling (as sought through this permission) and no longer to 49 Old Exeter St as previously permitted, and*
2. Those conditions attached to 19/00994/FUL that continue to apply, **and**
3. A revised condition replacing condition 3 of original permission 19/00994/FUL worded as follows: *The application building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling granted planning permission by planning permissions 20/02181/FUL or 22/02145/VAR (or any Non-Material Amendment made to either permission using Section 96A of the Town and Country Planning Act 1990), and shall not be used, let, leased or otherwise disposed of as a separate unit of accommodation.* REASON: In order to restrict the use of the building such that it is not used as a self-contained dwelling without permission.

b) **22/02342/FUL - 128 Ashburton Rd - Newton Abbot**

The Principal Planning Officer presented the application to the committee.

In response to concerns about the pavement leading to the site and its width, the PPO clarified that the pavement leading to the site led to the car park entrance and it measured 2.5 meters across.

It was proposed by Councillor Bullivant and seconded by Councillor Palethorpe that permission be granted as set out in the report and update sheet with one extra condition regarding the pavement.

A vote was taken – the result was unanimously in favour.

Resolved

That permission be granted subject to the following conditions:

1. 3-year time limit condition
2. Compliance with the approved plans/documents
Pre-commencement:
3. Prior to commencement of development details of fuel tanks and decommissioning methodology to remediate the land be submitted to and approved in writing by the Local Planning Authority. (Agreed 12

December 2023)

4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) will have been submitted to and approved in writing by the Local Planning Authority. (Agreed 12 December 2023)
5. The development shall proceed in accordance with the submitted Surface Water Drainage Assessment produced by Dennis Gedge Consulting Engineer, dated October 2023.

During Construction

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Before works above DPM:

7. No development shall take place above damp proof course level until samples of the materials to be used in all external surfaces of the building have first been submitted to and approved in writing by the Local Planning Authority.
8. No development shall take place above damp proof course level until such time as a detailed external lighting scheme for the development (including lighting to the store and within the car park and servicing areas), together with a timetable for its provision, has first been submitted to and approved in writing by the Local Planning Authority.

Prior to first use:

9. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed 5db below the background noise level at the time of operation. Details of the scheme to demonstrate the above shall accord with the noise survey method British Standard: BS 4142:2014 and shall be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of development. (Agreed 12 December 2023)
10. Deliveries shall take place only between the hours of 8.00 am and 7.00 pm, other than those solely delivering newspapers
11. The convenience store, hereby permitted, shall not be brought into use until such time as a delivery management plan (which shall include, but not be limited to, details of the means of ensuring vehicle engines are not left running at the time of deliveries and that vehicle reversing alarms are turned off).
12. The uses at the site shall only be open between the hours of: a) Convenience store: 7.00 am and 11.00pm on any given day. b) Car valeting: Monday to Friday: 9am and 5pm, Saturday 9am and 4pm, and Sunday and bank holidays 9am and 4pm. c) Car servicing garage: Monday to Friday 8am and 5pm, Saturday 8am and 4pm and not at all on Sundays and Bank Holidays.
13. The site access and parking arrangements shall be constructed, laid out

and maintained thereafter in accordance with the details on drawing number 19837/203H., including the provision of a one-way system for which appropriate signage shall be provided.

14. The car parking at lower ground floor level (shown on drawing number 19837/203H) shall be constructed and made available prior to first use of the new building, and thereafter shall be used only for the purposes specified on drawing number 19837/203H.
15. Prior to first use of the new building hereby approved the cycle stands shall be provided and available use and shall be retained thereafter.
16. The retail sales area of the mixed-use (Sui Generis) of the application site hereby approved shall be limited to the floor space shown on drawing number 19837/202c (204.2 sq m).

79. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

The Committee noted the appeals decisions made by the Planning Inspectorate.

80. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary sheet.

The meeting started at 10.00 am and finished at 10.25 am.

Chair
Cllr Colin Parker