

PLANNING COMMITTEE

13 JUNE 2023

Present:

Councillors Atkins, Bradford, Bullivant, Goodman-Bradbury, Hall, MacGregor, Nutley, Palethorpe, C Parker, Parrott, Purser, Sanders, J Taylor, Williams and Clarence (Substitute)

Members in Attendance:

Councillors P Parker and Smith

Apologies:

Councillors D Cox, Farrand-Rogers and Hook

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council
Anna Holloway, Senior Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Helen Murdoch, Senior Planning Officer
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

35. ELECTION OF CHAIR

It was proposed by Councillor Bullivant and seconded by Councillor Macgregor that Councillor Bradford be elected Chair of Planning Committee for 2023-24.

It was also proposed by Councillor Nutley and seconded by Councillor Parrott that Councillor C Parker be elected Chair of Planning Committee for 2023-24.

Both candidates left the room and a vote was taken.

The result was 7 in favour of Councillor C Parker and 6 in favour of Councillor Bradford

Resolved that Councillor C Parker be elected Chair of Planning Committee for 2023-24.

36. ELECTION OF VICE CHAIR

It was proposed by Councillor Nutley and seconded by Councillor Parrott that Councillor Sanders be elected Vice-Chair of Planning Committee 2023-24.

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It was also proposed by Councillor Bullivant and seconded by Councillor Taylor that Councillor Bradford be elected Vice Chair of Planning Committee 2023-24.

Both candidates left the room and a vote was taken.

The result was 7 in favour of Councillor Bradford and 5 in favour of Councillor Sanders.

Resolved that Councillor Bradford be elected Vice-Chair of Planning Committee 2023-24.

Following this item a break was called in order to hold a pre-meeting with the chair and vice-chair.

37. MINUTES

It was proposed by Councillor Goodman Bradbury 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.

Resolved

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

38. DECLARATIONS OF INTEREST.

Cllrs Macgregor, Atkins, and Sanders each declared an interest in application 22/01853/MAJ as patients of Channel View Surgery. They took part in the debate and voted on this item.

Cllr Williams declared an interest in application 22/01853/MAJ as he had worked on a committee that worked on the project. He spoke on the item but did not vote.

Cllr Nutley declared that he had received various letters regarding application 22/01194/MAJ. He spoke and voted on the application.

a) 22/01194/MAJ - Land West Of Monks Way And North Of Marriott Way, Bovey Tracey

The Senior Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- Traffic impact
- Negative effect on local business
- Too close to national park

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- Clash with neighbourhood plan
- Notices should've been in different area

Public Speaker, Supporter – Spoke on:

- Provides affordable amenities to town
- More comments supportive than not
- Policy compliant
- Creation of jobs

Comments from Councillors included:

- Support consumer choice
- Concerns over water and waste
- Need to enforce environmental conditions
- Has DCC provided recommended speed limit?
- Concerns over route taken by traffic
- Use of CIL
- Consideration of town centre business model
- Need for strict traffic control
- Need for parking
- Concerns for resident safety
- Concerns over pollution
- Timing of delivery vehicles
- Concerns of flooding
- Biodiversity net gain
- Concerns over noise
- Archaeology survey not commented on by DCC

In response, Officers clarified the following:

- No retail reasons for refusal
- Driver route included in plan
- Lighting is in line with NPPF
- There are conditions for delivery
- The solar panel scheme is considered acceptable
- Biodiversity officer approved the application
- No need for traffic S106 agreement
- Outline agreement included archaeology agreement

It was proposed by Councillor Bullivant and seconded by Councillor Nutley that permission be granted subject to the conditions outlined in the report.

A vote was taken. The result was 14 in favour of approval and 1 against.

Resolved

That permission be granted subject to the completion of a S106 Agreement within 6 months of the date of the committee with the following Heads of Terms

following conditions

S106 Agreement Heads of Terms

1. Provision of fully serviced employment land prior to retail store opening, and associated employment land marketing requirements.

And that planning permission shall be granted subject to conditions generally covering the matters outlined below, the precise form and number of which shall be delegated to the Business Manager – Strategic Place Full Planning Permission only

1. Standard 3 year time limit for commencement.
2. Development in accordance with the approved documents and plans
3. Food Store opening hours restricted to 07:00 – 22:00 Monday to Saturday and Bank Holidays and 10:00 – 17:00 on Sundays.
4. Submission of a Service Yard Management Plan prior to store first trading.
5. Deliveries shall only take place only between the hours of 07:00 - 21:00 Monday to Saturday including Bank Holidays and 09:00 – 17:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.
6. No parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.
7. Prior to the commencement of development a noise report clearly demonstrating the noise mitigation measures to be employed to reach and maintain the required Specific Sound Level shall be submitted and approved. This shall cover construction and operational phases.
8. Within 2 months of the completion of the development a Post-Construction Noise survey will be submitted to the LPA to demonstrate that the sound levels emanating from the premises are in line with the levels deemed achievable in the Noise Impact Assessment. Should this demonstrate that sound levels are higher than those set out in the Noise Impact Assessment, further works shall be undertaken to ensure that sound levels will not be such to give rise to disturbance/nuisance details of which shall be approved by the LPA to include a timetable for remediation works.
9. Collective acoustic impact of the use of the retail store and any equipment or machinery must not increase existing background noise levels by more than 5dB at the neighbouring noise sensitive façade.
10. No internal sub-division to create multiple units and no provision of mezzanine floors.
11. There shall be no more than 1,256 square metres net retail floor area provided within the foodstore of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods and at no time shall more than 3,500 individual lines of goods be sold from the retail unit hereby permitted.
12. Prior to the foodstore first trading the approved car parking and associated vehicular and pedestrian access shall have been completed.
13. Prior to installation full details of all external plant associated with the retail unit to be submitted and approved.

14. Prior to their use samples of all external materials and finishes to be approved, to include sample panel of the stone walling and means of fixing for the timber boarding.
15. External lighting to be restricted; lighting within the car park shall not be operational more than 15 minutes before and 15 minutes after the approved store opening hours, lighting affixed to the building shall not be operational any earlier than 1 hour before store opening and 1 hour after store closing and all lighting shall be installed and maintained to the specifications as detailed in the approved lighting assessment. Any new or additional lighting shall not be installed without the written approval of the LPA.
16. Installation of CCTV prior to store first trading
17. Solar panels to be installed in accordance with details to be approved and prior to the store first trading.
18. EVC points x2 to be installed prior to store first trading.
19. Within 2 months of the commencement of development of the retail unit full details of hard and soft landscaping works in association with a detailed LEMP shall be submitted for approval. LEMP to include western and northern hedge boundary treatment for the outline employment land; allowing vegetation on the western and northern boundaries to grow to suitable height to provide screening; eastern side (Monks Way) hedge to be maintained at a minimum height of 1.8m (measurement taken from adjacent pavement level), provision of 1 additional urban tree (small) to the submitted and approved Landscape Plan.
20. The guidance relating to lighting during the construction phase as set out in the hereby approved ecological report (section 5.3.2 – 5.3.4 and 5.3.7) shall be strictly followed.
21. Other than those shown on the hereby approved plans there shall be no new windows or rooflights inserted on the western north/western elevation without the prior approval of the LPA.
22. Removal of permitted development rights relating to Part 7, Classes A, B, C, and D of Schedule 2 (extensions, shop trolley stores, click and collect facilities and loading bays).
23. Within 1 month of the commencement of development full details of the proposed stone faced retaining wall which runs parallel to the eastern boundary and to include details of the pedestrian access path to Monks Road will be submitted for approval.

Outline Planning Permission only

1. Need for approval of reserved matters.
2. Reserved matters application to be made before the expiration of 3 years from the date of permission.
3. Development shall be begun before the expiry of 2 years from the date of final approval of the reserved matters.
4. Approved uses restricted to those set out in the application E(g), B2 and B8
5. Applications for reserved matters approval for the employment units shall be accompanied by Acoustic Statements and Delivery Strategies demonstrating that the collective acoustic impact of the use covered by such an application and any equipment or machinery does not increase

- existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade
6. Deliveries to be restricted between the hours of 08:00 - 20:00 Monday to Saturday including Bank Holidays and 11:00 – 17:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.
 7. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.
 8. Applications for reserved matters shall be accompanied by an appropriate Carbon Reduction Plan.
 9. Lighting scheme to be submitted for approval (at or prior to reserved matters stage) to include construction phase lighting. No lighting to be installed without the written approval of the LPA.

Full and Outline Permission

1. Prior to the commencement of construction work on site a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, this shall detail the overall drainage strategy for the site and shall include details of surface water drainage and silt run-off proposals during construction and plans indicating how exceedance flows will be safely managed at the site for the retail store element of the proposals. Works shall proceed in accordance with the approved details and shall be completed prior to first use of the retail building. The first application for reserved matters approval for layout, scale and appearance for the employment land shall be accompanied by a surface water drainage scheme that shall be in general conformity with the site wide strategy, for written approval to include surface water drainage and silt-run-off proposals during construction and plans indicating how exceedance flows will be safely managed at the site. Works shall proceed in accordance with those approved details and shall be completed prior to first use of the building(s).
 2. Full details of the adoption and on-going management and maintenance of the approved surface water drainage strategy shall be submitted to and approved in writing by the LPA prior to commencement of development on any part of the site.
 3. No development on any part of the site shall commence until the completion of the flood corridor works on the adjacent site has been secured.
 4. No development (including land raising and fencing etc) shall fall within 1m of the top of the flood corridor as built.
 5. Demolition and construction management plan (CEMP) to be submitted prior to commencement.
 6. Unsuspected land contamination condition.
 7. Prior to the commencement of the development of the retail store a detailed Waste Management Plan shall be submitted and approved. A separate Waste Management Plan shall be submitted and approved prior to works commencing on the employment land.
- 39. 22/01853/MAJ - CAR PARK BRUNSWICK STREET, TEIGNMOUTH**

The Senior Planning Officer presented the application to the committee.

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Public speaker, Objector – Spoke on:

- Lack of bus services
- Lack of parking spaces,
- Narrow streets
- Lack of beds
- More expensive than upgrading Teignmouth hospital
- Concerns over flooding

Public Speaker, Supporter – Spoke on:

- Local worker
- Ensure future of community services
- Change in landscape in Teignmouth
- 150 people GP hub
- Public preference is for town centre
- Economic boost

Public Speaker, Supporter – Spoke on:

- Improved footfall
- Flooding risks agreed with officer

Comments from Councillors included:

- Improved accessibility
- Improved services for town centre
- Loss of privacy
- Need for additional natural light
- Flood risk
- Traffic concerns
- Needs to be delivered soon
- Application should be agreed regardless of status of Teignmouth hospital
- Need for improved bus services

In response officers clarified the following:

- The surgery would be in the town centre
- Teignmouth hospital status is unrelated to this application

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

A vote was taken, and the result was unanimously in favour.

Resolved

That permission be granted subject to the following conditions:

1. Duration of permission
2. List of approved plans and documents
3. Detailed drainage design and construction phase drainage to be approved prior to commencement

4. Construction Environmental Management Plan (CEMP) to be approved prior to commencement
5. Works to comply with the protected species and biodiversity precautions, measures and enhancements as set out within the Ecology Report
6. Development to be carried out in accordance with flood resilience measures
7. Flood Warning Evacuation Plan to be approved prior to commencement of construction
8. Contaminated land remediation strategy to be approved prior to commencement
9. Dealing with unsuspected contamination
10. Waste Audit Statement to be submitted and approved prior to commencement
11. Detailed design for highway works to be approved prior to construction
12. Osmonds Lane to be resurfaced in red blacktop from Brunswick Street through to Northumberland Place prior to initial occupation
13. Travel Plan to be approved and implemented
14. Car parking and cycle facilities to be in place prior to initial occupation
15. Development to be in accordance with Carbon Reduction Plan
16. Installation of EV charging points prior to initial occupation
17. External materials and architectural details to be submitted and approved prior to construction
18. Boundary treatments to be approved prior to demolition of stone wall and installed prior to initial occupation including details of brick / stone wall to Osmonds Lane
19. Window details to be submitted and approved prior to installation
20. Detailed design of shopfronts to be submitted and approved prior to installation and shall be of timber construction
21. Details of plant and equipment and an accompanying noise survey to be submitted and approved prior to construction to demonstrate plant and equipment will not significantly increase the existing background noise levels (an increase of 5db or more to be significant and the sound level at the neighbouring façade should be 5db below the background at time of operation)
22. External lighting to be approved and installed prior to initial occupation
23. CCTV installation prior to initial occupation
24. Restriction on future changes of use from Health and Wellbeing Centre

40. MAJOR VARIATION APPLICATION DECISIONS REPORT

The Committee noted the Major Decisions Summary.

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

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

In response to a member's question, the Business Manager clarified the meaning of an application being 'turned away'

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The meeting started at 10.00 am and finished at 1.10 pm.

Chair
Councillor C Parker

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