

## **COUNTY OF DEVON**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT**  
**PROCEDURE) (ENGLAND) ORDER 2015**  
**TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988**  
**TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

### **GRANT OF CONDITIONAL PLANNING PERMISSION**

**To: Ms Georgina Gilpin, Sam Gilpin Demolition Ltd, Plymouth Road, Buckfastleigh, Devon, TQ11 0DQ**

**Agent for: Sam Gilpin Demolition Ltd, Plymouth Road, Buckfastleigh, Devon, TQ11 0DQ**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **12 June 2015**, and the plans and drawings attached thereto numbered: .

brief particulars of which are as follows:

**Variation of Condition 10 attached to Planning Permission 2013/3520/COU Change of use to allow existing buildings on site for general office and workshop use and part of site for storage at Whitecleave Quarry, Plymouth Road, Buckfastleigh, Devon, TQ11 0DQ**

subject to the conditions set out in the attached sheets



Jan Shadbolt - County Solicitor

**Date: 04 May 2016**

#### **NOTE**

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

#### **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

#### **Schedule of Conditions - Teignbridge District Council Application No. 15/01695/DCC Devon County Council Ref. DCC/3784/2015**

1. The use hereby permitted shall be discontinued on or before 8 June 2017.

REASON: To enable a review of the permission as part of the 1st Periodic Review of ROMP 98/3304/32/9DCC in order to safeguard the requirements for restoration of the quarry.

2. The development shall be carried out in strict accordance with the details shown drawings and documents approved pursuant to condition 2 of consent 2013/3520/COU numbered GG-WQ-002; GG-WQ-003 and, CG-WQ-004; and the document entitled Ecological Mitigation and Monitoring Plan, except as may be varied by the conditions below.

For the avoidance of the doubt, and unless otherwise agreed in writing by the County Planning Authority, the outside storage areas identified on the application plans shall be used only for the storage of plant, machinery and equipment associated with the applicant's demolition business as detailed below:

- o 40yd metal containers
- o Plant, equipment and machinery such as diggers, excavators, forklifts etc
- o Associated attachments for the above equipment such as buckets and hammers
- o Baskets and cages used for men and equipment accessing heights
- o Trailers
- o Stability platforms metal and polystyrene
- o Wooden beams
- o Other such similar and associated items

REASON: To ensure that the development is carried out in accordance with the approved details.

3. With the exception of bona fide emergency out of hours access as specified in condition 4 or relevant ecological surveys that need to be carried out, out of hours the site shall be open to site personnel only during the hours 07.30 to 18.30 Monday to Friday and 07.30 to 13.00 Saturday. All operational activity on the site shall be confined to the hours 08.00 to 18.00 (Monday to Friday) and 08.00 to 13.00 on Saturdays. There shall be no operational activity on Sundays or Bank Holidays except for the emergency out of hour's operations aforementioned.

REASON: To reduce noise and disturbance from the site during quiet periods in the interests of residential amenity

4. Notwithstanding the provisions of Condition 3 above, the site shall be open to site personnel for access outside of the permitted hours to collect equipment for bona fide unplanned emergency demolition contracts. This shall not include out of hours deliveries or return of equipment and a log shall be kept recording each instance of such emergency access including the hours the site was open, the number of vehicles attending and any subsequent complaints about such access. This log shall be made available to the Mineral Planning Authority on request. If the emergency access outside the above permitted hours in Condition 3 leads to substantive complaint, the operator shall within one month of receiving a written request from the Mineral Planning Authority submit a scheme containing details of proposed measures to reduce noise and disturbance during times of emergency access. Such Scheme shall be implemented in full upon approval by the Mineral Planning Authority.

Reason: To enable the operator to access the site for equipment needed to carry out emergency works without causing disturbance to neighbours or protected species

5. Pursuant to Condition 5 of consent 2013/3520/COU the approved pollution control measures shall be operated at all times unless an alternative scheme is agreed in writing by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area and in order to prevent pollution to the local water environment.

6. No lighting other than that approved under ROMP 98/3304/32/9DCC shall be erected.

Reason: To prevent adverse effects on the bat flight corridor through the site.

7. The development shall be carried out in accordance with the Ecological Mitigation and Monitoring Plan (EMMP) (Final Report) dated May 2014. The EMMP shall be updated annually to include the results of the revised monitoring programme, and a revised timetable for ecological works. Any updated EMMP shall be submitted to the Mineral Planning Authority for approval in writing and shall be implemented as approved thereafter.

Reason: To make appropriate provision for natural habitat within the approved development in the interests of biodiversity and to ensure that this condition relates to one up to date document with a clear timeline for required works and actions for the avoidance of doubt.

8. The landscaping provided pursuant to condition 8 of consent 2013/3520/COU shall be maintained for a minimum period of five years. Any trees, shrubs or plants carried out that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

Reason: To make appropriate provision for natural habitat within the approved development in the interests of biodiversity and to enhance the visual amenity of the site

9. The detailed monitoring programme approved pursuant to condition 9 of consent 2013/3520/COU shall be implemented and adhered to throughout the duration of the development.

Reason: To ensure that the ecological monitoring and mitigation identifies and responds to emerging issues in the interests of protecting species and habitats, and to monitor success of the mitigation measures and identify amendments to the monitoring requirements or additional mitigation to protect species and habitats.

10. In designated area SA2, no plant or equipment shall be stored which exceed 3m in height.

Reason: To protect the visual amenity of the site in the interests of local amenity.

11. There shall be no storage of plant, equipment or machinery within 1 metre of the foot of the embankment to the east of storage area SA1. There shall be no storage of plant, equipment or machinery above a height of 4 metres for a distance of 11m measured from the foot of the bank. Outside of these restricted areas no plant shall be stored at a height above 5.5 metres

Reason: In the interests of nature conservation and visual amenity.

12. Within 3 months of the date of this consent, the northern (outward) faces of the visible containers shall be painted dark olive green (or similar) and be of a matt non-reflective finish. Any other plant, equipment or machinery stored at the northern boundary of storage area SA1 above a height of 4 metres shall be of a similar dark olive green colour and matt finish.

Reason: To reduce the visual impact of the site in the interests of local amenity.

13. No maintenance of plant or machinery shall occur outside of the immediate confines of the existing workshop.

Reason: To control noise in the interests of the local amenity.

### **INFORMATIVE NOTE**

#### **Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.