

Date: 24 August 2011
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Our Reference: CEH



To: Members of the Planning Inspections Committee:
(Councillors: Geoff Chamberlain, Alan Dent, Tony Howard,
David Key, Helen Parr, Geoff Pook, Peter Sullivan,
Mark Williamson)

Ward Members:
(Derek Button, Peter Bowden)

Head of Economy
Development Manager
Senior Solicitor

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Dear Sir/Madam,

Planning Inspections Committee
Friday 2 September 2011 at 10.30 am

The above Committee meeting will be held in the Council Chamber, Knowle, Sidmouth to consider the matter detailed on the agenda below. Ward Members are reminded that they are Members of the Inspections Committee for the purpose of any application within their own Ward but do not have voting rights. For the purpose of such applications, they are also entitled to attend the informal site inspections to be carried out by the Committee.

Please note the **assembly time of 8.50 am** in the Members Area, Knowle, for the visiting Members of the Planning Inspections Committee.

Yours faithfully,

MARK WILLIAMS

Chief Executive

Members of the public are welcome to attend and speak at this meeting provided they have entered their name against the relevant speaking sheet located near the entrance to the Council Chamber:

- The relevant Officer will introduce and outline the item to be discussed. The public will then be able to speak on that matter only.
- All individual contributions will be limited to a period of 3 minutes – where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group. Extra papers and/or handouts **cannot** be circulated at the meeting. There is a timing clock to assist you.
- Speakers should restrict their comments to planning considerations only.
- The Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time.

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive and Monitoring Officer
Richard Cohen, Deputy Chief Executive

- Speakers are asked not to come to the microphone if their points have already been covered.
- After the public speaking period has finished the consideration of reports will begin and the public will take no further part in the meeting.
- All attendees at the meeting are asked to offer all speakers the courtesy of listening to others' points of view, even if they do not agree with it.
- The Chairman will not tolerate any interruptions from the public and is entitled to exclude people from the meeting if the business of the committee cannot be carried out effectively

AGENDA

		Page/s
1	To confirm the minutes of the meeting of the Planning Inspection Committee held on 29 July 2011	4 - 12
2	To receive any apologies for absence.	
3	To receive any declarations of interests relating to items on the agenda.	
4	To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances. (Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).	

- 5 To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which the Officers recommend should be dealt with in this way.
- 6 To consider the following planning application which the permanent, including substitute, Members of the Planning Inspections Committee have informally inspected during the day:

<u>District Ward</u>	<u>Application Number/ Proposed Development / Site Location</u>	<u>Approximate time of informal visit</u>
Broadclyst	11/0604/MFUL Proposed solar farm, comprising the erection of solar arrays, equipment housing, fencing and ancillary equipment at Land West of Burrowton Cottage, Broadclyst for Low Carbon Solar UK	9.30 am
	Committee	10.30 am

Members please note:

Members are requested to bring their previously circulated copies of the Development Management Committee reports to the meeting.

In order to minimise the number of cars used for the inspection, Members leaving from Knowle are asked to meet at **8.50 am for departure at 9.00 am.**

If you are unable to attend, would you please inform Democratic Services (01395 517546) as soon as possible. It is advisable for Members to wear stout shoes.

- ❑ You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- ❑ Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- ❑ Make sure you say the reason for your interest as this has to be included in the minutes.
- ❑ If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- ❑ You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 29 July 2011

- Present: Councillors:
Mark Williamson(Chairman)
Geoff Chamberlain
Alan Dent
Tony Howard
David Key
Helen Parr
Peter Sullivan
- Ward member: Councillor Andrew Moulding
- Also Present: Councillor Graham Godbeer, Portfolio Holder - Economy
- Officers: James Brown, Senior Planning Officer
Ed Freeman, Development Manager
Rachel Pocock, Corporate Legal and Democratic Services
Manager
Hannah Whitfield, Assistant Democratic Services Officer
- Apologies: Councillors:
Ray Bloxham
Geoff Pook

The meeting started at 12.23 pm and ended at 13.50 pm.

- *3 Minutes
The minutes of the meeting of the Planning Inspections Committee held on 24 June 2011 were confirmed and signed as a true record, subject to Councillor Helen Parr being removed as present at the meeting.
- *4 Application referred to the Planning Inspections Committee
The Committee considered the application referred to it by the Development Management Committee.
- a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton

RESOLVED: APPROVED subject to conditions and a S106 agreement being first entered into securing the implementation of a detailed landscaping scheme and its future management and provision that all caravans within the application site be of an appropriate green/brown colour:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

*4 Application referred to the Planning Inspections Committee cont...

a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton

b.

2. No development shall take place until a plan showing tree and hedgerow protection methods and the positioning for associated fencing has been submitted to and approved in writing by the Local Planning Authority. Such protection measures should use guidance embodied with BS 5837 (2005) and must be implemented prior to any materials or machinery being taken on site. The fencing shall remain in the agreed positions until the completion of all works. No storage of materials or ground works shall take place within the fenced areas as agreed as part of the submitted plan.
Reason: To ensure the safeguarding of protected trees and the character and appearance of the area.

3. The use of the static caravans within the area defined for such purposes on the submitted site plan:
(i) shall be occupied for holiday purposes only;
(ii) shall not be occupied as a person's sole, or main place of residence;
(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
(Reason - To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with the Good Practice Guide on Planning for Tourism and Policies S5 (Countryside Protection) and TO4 (Caravan, Chalet and Camping Sites) of the East Devon Local Plan.)

4. No more than 42 mobile homes shall be placed on the land edged red on plan 6299 - 15 and dated 3 June 2011, at any one time.
(Reason - To protect the character and appearance of the landscape (designated an Area of Outstanding Natural Beauty) in accordance with Policies CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan .)

5. No lighting shall be installed within the development site unless in accordance with details that shall previously have been submitted to and agreed in writing by the Local Planning Authority.
Reason: To protect the character and appearance of the area (designated as an Area of Outstanding Natural Beauty) and to prevent unnecessary light spill in accordance with Policies CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan.)

*4 Application referred to the Planning Inspections Committee cont...

a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton

6. A scheme for the erection of bird boxes within trees surrounding the development site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented within 1 year of the commencement of development and thereafter maintained.

Reason: The erection of bird boxes helps to enhance the ecological and biodiversity of the site in accordance with guidance in PPS9 and Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).

7. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP shall address issues of surface water run off, waste soil, the storage of materials and fuels, and hours of operation. The development shall only be undertaken in accordance with the agreed Plan

Reason: To ensure protection of the heritage coast, avoid the potential for pollution incidents and to ensure that the development takes places at appropriate times to protect the environment from unnecessary noise and disturbance - in accordance with good practice and Policy EN15 (Control of Pollution) of the East Devon Local Plan).

8. No development shall take place until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any caravan on the site is first occupied.

(Reason - To avoid pollution of the environment in accordance with the requirements of Policy CO13 (Protection of Water Resources and Flood Defence) of the Devon Structure Plan and Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

Reasons for approval:

1. The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO10 (Protection of Nature Conservation Sites and Species)

CO13 (Protecting Water Resources and Flood Defence)

TO3 (Tourism Development in Rural Areas)

East Devon Local Plan Policies

D4 (Landscape Requirements)

TA7 (Adequacy of Road Network and Site Access)

EN15 (Control of Pollution)

EN6 (Wildlife Habitats and Features)

*4 Application referred to the Planning Inspections Committee cont...

a. Raleigh: Application No: 10/2287/MFUL – Change of use and regarding of field to accommodate static caravans for holiday use with provision of new access and landscaping works at Ladram Bay Holiday Centre, Ladram Bay, Otterton

2. The proposed development is only acceptable because of the wider economic and tourism benefits that would be generated by the development and the degree of mitigation (planting and landscaping works) both to the application site and the park as a whole to ensure that the countryside which is designated as an Area of Outstanding Natural Beauty is preserved and enhanced compared to the existing situation.

b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

RESOLVED: Delegated authority be given to the Head of Economy in consultation with the Chairman, Vice Chairman and Ward Members to APPROVE the application subject to conditions and subject to:

- Receipt of amended plans to show the boundary fence between the car park area at the rear of plots 1 – 9 and the rear of 26 and 28 Dukes Way at 1.8m in height;
- A new Section 106 agreement which aside from the requirements of the current agreement also secures the establishment of a management company to maintain all open spaces within the site including the surface water lagoon, gully and associated landscaping including the boundary hedge, and a maintenance regime for these areas including costings and appropriate clauses to ensure that the management company has adequate funds to undertake the works required under the maintenance regime.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out only in accordance with the schedule and samples of facing materials, finishes and hard surfacing set out and submitted in writing to the Local Planning Authority.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan).

*4 Application referred to the Planning Inspections Committee cont...

b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

3. The landscaping scheme indicated on the approved plans shall be carried out in the first planting season after commencement of the development and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 of the Devon Structure Plan and Policy D4 of the East Devon Local Plan).
4. The bridge to be constructed over the stream shall only be built in accordance with the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of visual amenity in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan).
5. The development hereby permitted shall only be carried out in complete accordance with the submitted Construction Environmental Management Plan (CEMP).
(Reason - In the interests of achieving satisfactory development in accordance with Policies S1 and CO6 of the Devon Structure Plan and Policies S7,D1,D2 and D4 of the East Devon Local Plan).
6. The gabions, the bridging of the stream and the surface water disposal system including the lagoon shall be carried out only in accordance with the approved plans.
(Reason - In the interest of amenity and flood alleviation in accordance with Policy CO13 of the Devon Structure Plan and Policy EN20 of the East Devon Local Plan).
7. The development hereby permitted shall only be carried out in complete accordance with the details of street lighting hereby approved.
(Reason - In the interests of visual amenity in accordance with Policy Co6 of the Devon Structure Plan and policy D1 of the East Devon Local Plan).
8. The garages and car spaces shall be kept available for parking at all times.
(Reason - To ensure that adequate garaging/parking provision remains available in accordance with Policy TA9 of the East Devon Local Plan).

- *4 Application referred to the Planning Inspections Committee cont...
b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

9. The ground level of the raised garden for plots 25 and 27, where it abuts adjoining properties, shall be not less than 2.0 metres from the highest part of the boundary fencing relating to Nos. 7 and 8 Swains Close.

(Reason - In the interests of maintaining the privacy of the adjoining properties in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan).

10. The proposed roads, footways, footpaths, sewers, drains, retaining walls, embankments, service routes, surface water outfalls and visibility splays shall only be carried out in complete accordance with the approved plans.
(Reason - To secure satisfactory development in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

11. The following works, the details of which have been approved under 05/2665, shall be retained for the duration of the development;

The access road constructed up to base course level for the first 50 metres from its junction with the public highway.

(a) The ironwork to base course level.

(b) The site compound and car park.

(Reason - To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period in the interest of the safety of users of the adjoining public highway and to protect the amenities of adjoining residents in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

12. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

1. The spine road and cul-de-sac carriageway including the vehicle turning heads shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

2. The spine road and cul-de-sac footways which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

*4 Application referred to the Planning Inspections Committee cont...

b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

3. The street lighting for the spine road and cul-de-sac has been erected and is operational;

4. The car parking and any other vehicular access facility required for the dwelling by this permission has been completed;

5. The street nameplates for the spine road and cul-de-sac have been provided and erected.

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

13. When once constructed and provided in accordance with Condition 10 above, the carriageway, vehicle turning head, footways, footpaths, shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

(Reason - To ensure that these highway provisions remain available in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

14. Within twelve months of the first occupation of the first dwelling in agreed phase of the development all roads, footways, footpaths, statutory undertakers mains and apparatus, junction access retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

(Reason - To ensure that the access arrangements are completed within a reasonable time in the interests of the safety and amenity of residents in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon).

15. Before development is commenced measures, to be approved by the Local planning authority, shall be put in place to prevent any building materials, fuel or other chemicals or soil from entering the watercourse.

(Reason - In the interests of maintaining water quality in the stream in accordance with Policy CO13 of the Devon Structure Plan and Policy EN17 of the East Devon Local Plan).

16. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

*4 Application referred to the Planning Inspections Committee cont...

b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings (including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool.

(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers contrary to Policy D1 (Design and Local Distinctiveness of the East Devon Local Plan.)

Reasons for approval:

1. The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

ST1 (Sustainable Development)
ST5 (Development Priority 2001 to 2016)
ST18 (Affordable Housing)
ST18A (Mix and Type of Housing)
CO6 (Quality of New Development)
CO8 (Archaeology)
CO13 (Protecting Water Resources and Flood Defence)
TR1 (Devon Travel Strategy)
TR2 (Co-ordinating Land Use/Travel Planning)
TR7 (Walking and Cycling)
TR10 (Strategic Road Network)

East Devon Local Plan

S4 (Development within Built-Up Area Boundaries)
S7 (Infrastructure Related to New Development)
D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
EN17 (Maintenance of Water Quality and Quantity)
EN20 (River and Coastal Flooding)
H2 (Residential Land Allocation)
H3 (Range and Mix of New Housing Development)
H4 (Affordable Housing)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments/Travel Plans)

*4 Application referred to the Planning Inspections Committee cont...
b. Axminster Town: Application No: 11/0143/MFUL – Construction of 41 dwellings
(including amendments to 05/2665/MFUL) at Land at Dukes Way, Axminster

TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)
RE3 (Open Space Provision in New Housing Developments)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm an identified archaeological site or deposit.
5. The proposal does not harm or give rise to a perceived threat form important trees on or adjacent to the site.
6. The proposal is contained within the defined built-up area boundary of the settlement.
7. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
8. The proposal does not cause a significant flood risk.
9. The access to serve the proposal does not prejudice highway safety.

Chairman Date