

Date: 8 February 2012
Contact number: (01395) 517543
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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:
(Steve Hall, Tom Wright)

Head of Economy
Development Manager
Senior Solicitor

East Devon District Council
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Dear Sir/Madam,

**Planning Inspections Committee
Friday 17 February at 10.00 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 8.20 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.

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

- 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.
- 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 25 November 2011	4 - 11
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>
Budleigh	11/2346/FUL Removal of existing buildings and construction of new dwelling at 1 West Hill Lane, Budleigh Salterton	9.00am
	Committee	10.00 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 **8.20 am for departure at 8.30 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 25 November 2011

Present: Councillors:
Mark Williamson(Chairman)
Derek Button
Alan Dent
Tony Howard
David Key
Helen Parr
Peter Sullivan
Phil Twiss

Officers: Nigel Barrett, Senior Planning Officer
Ed Freeman, Interim Development Manager
Christopher Holland, Democratic Services Officer

Apologies: Councillors:
Peter Bowden
Geoff Chamberlain
Geoff Pook

The meeting started at 10.09 am and ended at 10.49 am.

***9 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 30 September 2011 were confirmed and signed as a true record, subject to Councillor Stephanie Jones being added to the list of attendees.

***10 Application referred to the Planning Inspections Committee**

The Committee considered the application referred to it by the Development Management Committee.

- a) Broadclyst: Application No: 10/1711/MFUL – Demolition of existing bungalow and former outbuildings, works and construction of 13 residential dwellings at Kingdom House, Broadclyst

RESOLVED: that the application be APPROVED subject to the applicants first entering into a legal agreement in respect of a financial contribution towards affordable housing, incorporating the inclusion of an overage provision, with delegated authority then being granted to the Head of Economy to APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of one year 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 in accordance with the approved plans listed at the end of this decision notice.

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(Reason - For the avoidance of doubt.)

3. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

(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 all users of the adjoining public highway and to protect the amenities of the adjoining residents and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

4. The occupation of any dwelling shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The cul-de-sac carriageway including the vehicle turning head 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;
 - B) The cul-de-sac footways and footpaths 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;
 - C) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - D) The street nameplates for the cul-de-sac have been provided and erected as necessary.

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

5. When once constructed and provided in accordance with condition 2 above, the carriageway, vehicle turning head, footways and 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 and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policies TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)
6. The existing accesses to the site (dropped kerbs for the full width) shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.

(Reason - To prevent the use of a substandard access and to minimise the number of accesses on to the public highway and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

7. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

8. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of the proposed walls and fences and all other boundary treatment in addition to the surface treatment and finish to the private road and footway link. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority 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 development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

9. No development shall take place until details of the means of disposal of surface water 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 dwelling on the site is occupied.

(Reason - To avoid pollution of the environment and/or flooding 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.)

10. All new windows and doors shall be formed in timber only. Detailed elevations and sections through window casements, frames and glazing bars and doors and door frames at 1:2/1:5 scale shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and details of finishes (including colour) shall also be submitted to and agreed in writing with the Local

Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

11. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
12. Details of all new rainwater goods, including profiles, materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These shall be consistent with the broad details of the rainwater goods shown on the drawing received by East Devon District Council on 6th April 2011. The development shall be carried out in accordance with the approved details.
(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
13. Prior to the commencement of development, details of all new flues and meter boxes (including their position, size and finish) to be incorporated into the development shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies C06 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
14. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (add as appropriate i.e. 1, 2, 3 and/or 4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 (Contaminated Land) of the East Devon Local Plan.)

15. The mitigation measures and recommendations set out in the Summary of conclusions contained within the Wildlife Survey Report dated August 2010 prepared by Acorn Ecology Ltd. shall be implemented in full.

(Reason - In the interests of nature conservation and to comply with the provisions of Policies CO10 (Protection of Nature Conservation Sites) of the Devon Structure Plan 2001-2016 and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan 1995-2011.)

16. Notwithstanding the submitted details, there shall be no vehicular or pedestrian access between the site and School Lane and the treatment of the site boundary with School Lane at the rear of the linhay parking shown on the approved site layout drawing shall be extended to the north so as to prevent any access in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no works of the type described in Class B of Part 2 of Schedule 2 to the Order for the formation, laying out and construction of a means of access between the site and School Lane shall be undertaken without a grant of express planning permission from the Local Planning Authority.

(Reason – To prevent access between the site and School Lane in the interests of pedestrian safety and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

17. The front and side elevations to units 1-7 and 8-10 shall be finished externally in lime-based ochre coloured render in accordance with the details set out in the applicants' e-mail and as shown on the accompanying annotated site layout drawing (no. 4) received by East Devon District Council on 2nd June 2011. No development shall commence until a sample panel of the render finish has been constructed on site and agreed in writing with the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved sample panel.

(Reason – In the interests of the character and appearance of the development and the character of the setting of the adjacent designated Broadclyst Conservation Area in accordance with Policies CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

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)

ST3 (Self Sufficiency of Devons Communities)

CO6 (Quality of New Development)

CO7 (Historic Settlements and Buildings)

CO10 (Protection of Nature Conservation Sites and Species)

TR2 (Co-ordinating Land Use/Travel Planning)

TR10 (Strategic Road Network)

East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

EN6 (Wildlife Habitats and Features)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

EN11 (Preservation and Enhancement of Conservation Areas)

H4 (Affordable Housing)

RE3 (Open Space Provision in New Housing Developments)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA7 (Adequacy of Road Network and Site Access)

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 the character of the setting of the adjacent conservation area.
5. The proposal does not harm the setting of listed buildings within close proximity of the site.
6. The proposal does no harm to wildlife interest.
7. The proposal is contained within the defined built-up area boundary of the settlement.
8. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
9. The access to serve the proposal does not prejudice highway safety.
10. The proposal includes the use of previously developed land.

Approved Plans

CD1082 P01	Site Plan	24.08.10
CD1082 P02	Location Plan	24.08.10
CD1082 P03	Proposed Elevation	24.08.10
CD1082 P04	Plan Proposed	24.08.10
CD1082 P05	Plan Proposed	24.08.10
4	Amended Plans	02.06.11
1	Amended Plans	06.04.11
2	Amended Plans	06.04.11
3	Amended Plans	06.04.11

(Councillor Derek Button requested that his vote against the resolution be recorded)

(Councillor Derek Button declared a Personal Interest in the application as he lived near to the application site)

Chairman Date

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