

Date: 5 February 2014  
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Our Reference: SL



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

Ward Member (not on Committee):  
(Councillors: David Chapman, Maddy Chapman and Trevor Cope)

Deputy Chief Executive – Richard Cohen  
Development Manager  
Principal Solicitor

East Devon District Council

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**Planning Inspections Committee**  
**Friday 14 February 2014**  
**10.30 am**  
**Committee Room, Knowle, Sidmouth**

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** (departure 9 am) in the Members Area, Knowle, for the visiting Members of the Planning Inspections Committee. It is advisable for Members to wear stout shoes.

**Public speaking arrangements**

Members of the public are welcome to attend and speak on planning applications at this meeting. If you wish to speak on a particular application, simply enter your name on the sheets located near the entrance to the Council Chamber, in the corresponding section which indicates whether you are a supporter or objector. Please note that there is no requirement or facility to record the details of the speaker before the day of the meeting.

- The relevant Officer will introduce and outline the application 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.
- 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.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Stephanie Lewis (contact details at the top of the first page of the agenda).

Councillors and members of the public are reminded to switch mobile phones to silent during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

## **AGENDA**

		<b>Page/s</b>
1	To confirm the minutes of the meeting of the Planning Inspection Committee held on 20 December 2013.	4 - 8
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).

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| 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>
Exmouth Brixington	<a href="#">12/0579/FUL</a> Demolition of existing church building and single storey ancillary accommodation to rear. Erection of new church and 2 storey ancillary accommodation, construction of new vehicular access off Churchill Road and car park in front of new main entrance, and landscaping and remodelling of surrounding site at Brixington Community Church, Churchill Road, Exmouth EX8 4JJ.	9:30am
	<b>Committee</b>	10:30 am

## Members please note:

- Members are requested to bring their previously circulated copies of the **Development Management Committee reports to the meeting.**
- If you are unable to attend, would you please inform Democratic Services (01395 517546) as soon as possible.
- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

## Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

Where there is a high or medium equalities impact Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

## 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 Knowle, Sidmouth on Friday 20 December 2013**

- Present:** Councillors:  
Helen Parr (Chair)  
David Key (Vice Chairman)
- David Atkins  
Alan Dent  
Geoff Pook  
Peter Sullivan  
Mark Williamson  
Geoff Chamberlain
- Ward Members:** Councillors  
(not on Committee) Paul Diviani  
Andrew Moulding (County Councillor)
- Officers:** Henry Gordon Lennox, Principal Solicitor  
Ed Freeman, Development Manager  
Jenna George, Planning Officer  
Stephanie Lewis, Assistant Democratic Services Officer
- Apologies** None received

The meeting started at 11.20am and ended at 12.10pm.

**\*17 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 29 November 2013 were confirmed and signed as a true record.

**\*18 Declaration of Interests**

There were none.

**\*19 Application referred to the Planning Inspections Committee**

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

Yarty: Application No: 13/0490/FUL – Construction of new dwelling with associated car parking and garden area at Peartree Cottage, Chardstock, Axminster, EX13 7BN

**RESOLVED:** APPROVED subject to conditions:

**\*19 Application referred to the Planning Inspections Committee  
(cont'd)**

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been 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 area in accordance with Policies D1 (Design and Local Distinctiveness), EN1 (Development Affecting Areas of Outstanding Natural Beauty) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
3. Prior to the commencement of development, a trial area or a sample panel of stone walling a minimum 1 sq.m. shall be constructed on site for inspection and approval by the Local Planning Authority prior to commencement of the works. The works as may be agreed shall be carried out and completed in full in line with any specification or other written instructions from the Local Planning Authority.  
(To ensure that the materials are sympathetic to the character and appearance of the area, in accordance with criteria set out Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan 1995 to 2011).
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.' The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.  
(Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy EN8 (Proposals Affecting Sites Which May be of Archaeological Importance) of the East Devon Local Plan)
5. 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 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 area in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

6. No development shall take place until details of proposed means of boundary treatment, enclosures, walls and fences, paving and hard surfacing materials have been submitted to and approved in writing by the Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, C, D, 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 building, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of a separate condition].  
(Reason - to prevent the overdevelopment of the site, in the interests of the character and appearance of the area and to protect the amenities of nearby residents, in accordance with criteria set out Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan 1995 to 2011)
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 2 Class A, for the erection of any fences, gates or walls other than those agreed as part of the landscaping scheme submitted.  
(Reason – In the interests of the character and appearance of the site in accordance with criteria set out Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan 1995 to 2011)
6. Notwithstanding the plan details submitted, no development shall take place until details of the construction of the pedestrian access and steps proposed on the western boundary with Kitbridge Lane, as indicated on plan numbers PL103B and PL104B, have been submitted to and approved in writing by the Local Planning Authority.  
(Reason – In the interests of the character and appearance of the site in accordance with criteria set out Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan 1995 to 2011)
7. Before any development commences, details of finished floor levels and finished ground levels in relation to a fixed datum 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 adequate details of levels are available in the interests of the appearance of the locality and the amenity of adjoining occupiers in accordance with Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan)

8. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.  
(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)
9. Development shall proceed in accordance with the following restrictions:
  - a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
  - b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
  - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
  - d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.  
(Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
10. 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 works.  
(Reason – In the interests of the character of the building situated within the Conservation Area and in the interests of the appearance in the locality in accordance with Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan)
11. Details of new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details.  
(Reason – In the interests of the character of the building situated within the Conservation Area and in the interests of the appearance in the locality in accordance with Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan)
12. Notwithstanding any indication on the plans hereby approved full details of the design of all windows and doors, including sections through casements, frames and glazing bars at 1:2/1:5 scale shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works, and details of finishes (including colour) shall be submitted to and agreed in writing with the Local Planning Authority. All new windows and doors indicated on the approved plans

shall be made of timber only and no other materials. The works shall only be carried out in accordance with the approved details.

(Reason – In the interests of the character of the building situated within the Conservation Area and in the interests of the appearance in the locality in accordance with Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan)

13. The garage hereby permitted/car spaces shall be provided prior to the first occupation of the dwelling hereby approved and shall thereafter be kept available for the parking of a car at all times.

(Reason - To ensure that adequate garaging/parking provision remains available in accordance with Policy TA9 (Parking Provision in New Development) of the East Devon Local Plan)

14. 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.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

This permission shall be read in conjunction with the submitted Unilateral Undertaking dated 21st March 2013 in the names of Mr James Ferguson Marks and Mrs Brenda Mary Marks and Julian Hodge Banking Ltd made under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to land at Pear Tree Cottage, Chardstock, EX13 7BN.

Chairman ..... Date .....