

Date: 17 July 2013  
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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 Members (not on Committee):  
(Councillors: Jill Elson, Pauline Stott, Vivien Duvall-Steer)

Deputy Chief Executive – Richard Cohen  
Development Manager  
Principal Solicitor

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**Planning Inspections Committee**  
**Friday 26 July 2013**  
**9:45am**  
**Council Chamber, 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 7.50 am** in the Members Area, Knowle, for the visiting Members of the Planning Inspections Committee.

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.
- 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

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|---|--|--------|
| 1 | To confirm the minutes of the meeting of the Planning Inspection Committee held on 17 May 2013.  | 4 - 10 |
| 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 Halsdon	<a href="#">13/0511/FUL</a>  Construction of two detached dwellings with attached garages and formation of new vehicular access and parking/turning areas at Timberlawn (Land At Rear Of) Littlemead Lane, Exmouth EX8 3BU	8.30am

**Committee**

9:45 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 **7.50 am for departure at 8.00 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 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 the Knowle, Sidmouth on Friday 17**  
**May 2013**

- Present:** Councillors:  
Mark Williamson (Chair)  
Helen Parr (Vice Chairman)  
David Atkins  
Geoff Chamberlain  
Alan Dent  
David Key  
Geoff Pook  
Peter Sullivan
- Ward Members:** Councillors:  
David Cox  
Roger Giles
- Officers:** James Brown, Principal Planning Officer  
Henry Gordon Lennox, Principal Solicitor  
Hannah Whitfield, Democratic Services Officer

The meeting started at 11.30 am and ended at 12.17 pm.

At the start of the meeting the Chairman announced that application 12/2655/FUL (Exmouth Littleham) had been withdrawn earlier that week by the applicant and would therefore not be considered at the meeting.

- \*16 **Minutes**  
The minutes of the meeting of the Planning Inspections Committee held on 12 April 2013 were confirmed and signed as a true record.
- \*17 **Declaration of Interests**  
There were none.
- \*18 **Applications referred to the Planning Inspections Committee**  
The Committee considered the applications referred to it by the Development Management Committee.
- a) Ottery St Mary Town: Application No: 12/2770/MFUL – Demolition of existing buildings and erection of building comprising 29 no retirement apartments with associated works, including formation of new access onto Mill Street following demolition of modern factory building at land adjoin the Tumbling Weir Hotel, Ottery St Mary.

**RESOLVED:** APPROVED subject to a Section 106 agreement, to include appropriate phasing to secure the conversion of the Town Mills complex with an overage clause in the event of an excess profit being achieved and a financial contribution to foul drainage improvements and additional conditions being imposed concerning trees (including their future management and replanting), details of the false windows, details of the surface water drainage and the provision of nesting sites for swifts 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. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy D1 (Design and Local Distinctiveness) and Policy EN15 (Control of Pollution) of the East Devon Local Plan).

3. 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 (including details of their respective planting pit details and underground guying), hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. 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 Policy 4 (Landscape Requirements of the East Devon Local Plan)

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Networks and Site Access) of the adopted East Devon Local Plan.)

5. 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 in accordance with Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Networks and Site Access) of the adopted East Devon Local Plan.)

6. 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:

A) The cul-de-sac carriageway including the vehicle turning head within that phase 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 cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) 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 Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Networks and Site Access) of the adopted East Devon Local Plan.)

7. Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as must be agreed with the Local Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

(Reason: In the interest of highway safety in accordance with Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Networks and Site Access) of the adopted East Devon Local Plan)

8. 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.)

9. No development shall take place until the applicant has secured the implementation of a programme of historic building recording and 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 the historic buildings and archaeological evidence that may be affected by the development in accordance with the requirements of policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological Importance)).

10. Prior to the commencement of development, a schedule of windows including their type and means of opening shall be submitted to and agreed in writing by the Local Planning Authority. Development shall only be undertaken in accordance with the agreed details (Reason: To secure high quality details that respect the character of the area, and the setting on the adjacent Conservation Area and Listed Buildings in accordance with Policies D1 (Design and Local Distinctiveness), and EN11 (Preservation and Enhancement of Conservation Areas) of the adopted East Devon Local Plan.)



11. Prior to the commencement of development a written schedule shall be submitted and a full sample panel depicting all facing and external materials shall be constructed on site both for agreement in writing of the Local Planning Authority. The panel shall be of at least 1 sq meter in size and shall be reconstructed for each iteration of different materials as required. The development shall only be undertaken in accordance with the agreed written schedule and sample panel.  
(Reason: To secure high quality details that respect the character of the area, and the setting on the adjacent Conservation Area and Listed Buildings in accordance with Policies D1 (Design and Local Distinctiveness), and EN11 (Preservation and Enhancement of Conservation Areas) of the adopted East Devon Local Plan)
12. The development hereby permitted shall only be undertaken in accordance with a traditional Flemish Bond brick work patten as agreed by email with the applicant dated 5 April 2013  
(Reason: To secure high quality details that respect the character of the area, and the setting on the adjacent Conservation Area and Listed Buildings in accordance with Policies D1 (Design and Local Distinctiveness), and EN11 (Preservation and Enhancement of Conservation Areas) of the adopted East Devon Local Plan)
13. No development shall take place until large scale detailed drawings at a scale of 1:2 and 1:5 as appropriate of cills, eaves, soffits, window reveals, porch canopy and the means of constructing and edging the flat roof element, have been submitted to and agreed in writing by the Local Planning Authority. The development shall only take place in accordance with the agreed details  
(Reason: To secure high quality details that respect the character of the area, and the setting on the adjacent Conservation Area and Listed Buildings in accordance with Policies D1 (Design and Local Distinctiveness), and EN11 (Preservation and Enhancement of Conservation Areas) of the adopted East Devon Local Plan)
14. Details of the reconstruction of the west gable of the truncated Dispatch building shall be submitted to and agreed in writing by the Local Planning Authority before work commences on the construction of the retirement building hereby permitted and shall be implemented in full within 6 months of the first date of demolition  
(Reason: To maintain the integrity and historic value of the building and minimise weather damage while the building is exposed in accordance with Policy D1 (Design and Local Distinctiveness) and Policy EN9 (Extension, alteration or change of use of buildings of special architectural and historic merit) of the adopted East Devon Local Plan)
15. The development shall only be undertaken in accordance with a written scheme for the provision of nest boxes (comprising number, design and positioning) which shall have been previously submitted to an agreed in writing by the Local Planning Authority and the recommendations and mitigation contained within the ecological report accompanying the application.  
(Reason: To safeguard and enhance the ecological status of the site in accordance with Policy EN6 (Wildlife Habitats and Features) of the adopted East Devon Local Plan)

- 16 The residential accommodation hereby permitted shall be occupied by persons aged 55 or over. It is accepted that in the case of accommodation occupied by couples that one of the partners may be under the age of 55 years and it is also accepted that in the case of death of the senior partner, the surviving partner, who may be under the age of 55 years, can continue to reside in the accommodation. Except in the aforementioned circumstances all the dwellings shall be occupied by persons aged 55 years or over. (Reason - The premises are not provided with adequate car parking to provide for the needs of a younger people in accordance with Policy TA9 (Parking Provision in New Development) of the adopted East Devon Local Plan)
17. The development shall only be undertaken in accordance with the submitted Flood Risk assessment dated December 2012 and undertaken by WSP  
(Reason: To ensure that the development is put at undue risk of flooding in accordance with guidance contained within the National Planning Framework)

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)
- CO6 (Quality of New Development)
- CO7 (Historic Settlements and Buildings)

East Devon Local Plan Policies

- S4 (Development Within Built-up Area Boundaries)
- S7 (Infrastructure Related to New Development)
- D1 (Design and Local Distinctiveness)
- EN6 (Wildlife Habitats and Features)
- EN11 (Preservation and Enhancement of Conservation Areas)
- TA1 (Accessibility of New Development)
- TA3 (Transport Assessments /Travel Plans)
- TA7 (Adequacy of Road Network and Site Access)
- TA9 (Parking Provision in New Development)

Before the meeting closed, the Vice Chairman, Councillor Parr wished to thank Councillor Williamson, who would be standing down as Chairman of Development Management Committee and Planning Inspections Committee at the Annual Council meeting later that month, for being an exceptional Chairman. This was echoed by the rest of the Committee. In response the Chairman thanked the Committee members and Officers for their support in what had been a challenging but enjoyable couple of years.

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