

Date: 25 September 2013
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Our Reference: SL



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

Ward Members (not on Committee):
(Councillors: David Cox, Roger Giles, Sheila Kerridge,
Peter Sullivan, Frances Newth)

Deputy Chief Executive – Richard Cohen
Development Manager
Planning Officer
Principal Solicitor

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Planning Inspections Committee

Friday 4 October 2013

11:15am

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 8.50 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

1 To confirm the minutes of the meeting of the Planning Inspection Committee held on 30 August 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).

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>
Ottery St Mary Town	13/0875/FUL Single storey extension incorporating lavatory facilities and storage space at St Marys Church North Street, Ottery St Mary	9.20am
Sidmouth Town	13/1238/FUL Construction of new dwelling at land at Ashprington, 5 Sidmount Gardens, Sidmouth	10.30am
	Committee	11:15 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 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 30
August 2013

Present: Councillors:
Helen Parr (Chair)
David Key (Vice Chairman)
Alan Dent
Geoff Pook
Peter Sullivan
Martin Gammell (substitute for Cllr Geoff Chamberlain)

Ward Members: Councillors:
Peter Bowden

Officers: Ed Freeman, Principal Planning Officer
Henry Gordon Lennox, Principal Solicitor
Nigel Barrett, Senior Planning Officer
Stephanie Lewis, Assistant Democratic Services Officer

Apologies Councillors:
Geoff Chamberlain
Mark Williamson

The meeting started at 11:30 am and ended at 12:30 pm.

***1 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 26 July 2013 were confirmed and signed as a true record.

***2 Declaration of Interests**

There were none.

***3 Applications referred to the Planning Inspections Committee**

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

- a) Broadclyst: Application No: 13/0430/MFUL – construction of solar farm comprising of solar arrays, control building, fencing and CCTV system at Land North East of Crannaforde House, Broadclyst.

RESOLVED: APPROVED subject to 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 in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. Within 30 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the LPA in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production. Note: for the purposes of this condition a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site. (Reason: To ensure the achievement of satisfactory site restoration in accordance with policies S5 (Countryside Protection) and C6 (Renewable Energy) of the East Devon Local Plan)

4. Notwithstanding the submitted details, no development shall take place until an amended landscaping scheme and landscape specification and management plan have been submitted to and agreed in writing by the Local Planning Authority. The amended landscaping scheme and management plan shall propose a landscaping scheme as shown on drawing no TDA.1902.04 with the addition of the following details:

- i) Additional tree planting in the north eastern corner of the site
- ii) Confirmation of the total number of trees within each proposed native copse.
- iii) Confirmation of the number and species of orchard trees to be planted.
- iv) Confirmation of the total number of individual trees to be planted.
- v) Measures for protecting existing boundary trees and hedgerows during the construction and decommissioning stages.

The landscaping scheme shall be carried out in the first planting season after commencement of development and shall be maintained in accordance with the details agreed in the landscape management plan. 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. The development and decommissioning works shall be undertaken in accordance with the approved details.

(Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities in accordance with National Planning Policy Framework and policies S5 (Countryside Protection), and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).

5. Notwithstanding the submitted details and prior to the commencement of development details of the perimeter fencing to include its design, colour and height shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate permeability to small mammals such as badgers. The approved details shall be implemented and maintained in completed form for the duration of the consent unless as otherwise agreed in writing by the Local Planning Authority. (Reason: In the interests of ecology and in accordance with policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan)

6. No development shall start until a Method of Construction Statement, to include details of parking for vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage of plant and materials and a programme of works including measures for traffic management has been submitted to and approved by the

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

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

7. Prior to commencement of development visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the details shown on drawing no C2253.01B revision C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.
(Reason: To provide adequate visibility from and of emerging vehicles in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
8. The site access shall be constructed, laid out and maintained thereafter during the construction phase in accordance with the details shown on drawing no C2253.01B Revision C and reinstated to its original condition on completion of the development.
(Reason: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
9. No other part of the development hereby approved shall be commenced until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area, access drive and access gates have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
10. 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 public safety and to prevent damage to the highway in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
11. Prior to the commencement of development a site preparation methodology, construction methodology and decommissioning methodology shall be submitted to and approved in writing by the LPA. The methodology shall include details of ground anchoring, any ground re-profiling works to be undertaken, and any temporary storage compound areas. Development and decommissioning shall be undertaken in accordance with these approved details.
(Reason: In the interests of surrounding environmental and amenity interests and to ensure the site develops in accordance with the approved layout and to accord with policy S5 (Countryside Protection) of the East Devon Local Plan).
12. Prior to commencement of any works on site, a Construction and Environment Management Plan shall be submitted to and approved in writing by the Local Planning

Authority. The CEMP shall address the following matters: Dust, Water Quality, Lighting, Noise and Vibration, and Monitoring Arrangements. The development shall thereafter be carried out in accordance with the CEMP and shall adhere to 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.

d. There shall be no high frequency audible reversing alarms used on the site.

(Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with policy D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.

(Reason: To ensure ancillary development is not harmful to the rural character of the area and in accordance with policies S5 (Countryside Protection) and of the East Devon Local Plan)

14. Prior to the erection of any of the solar pv modules on site the swales required to attenuate surface water run-off shall be constructed in accordance with the details shown on drawing no's TILL0002 REV B and TIL0007 V1. Furthermore and prior to the operation of the site it shall be demonstrated to the satisfaction of the LPA that the scheme is completed in accordance with the approved details. The scheme shall thereafter be maintained in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To prevent the increased risk of flooding and minimize the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with National Planning Policy Framework guidance).

15. No development shall commence until full details of how the development will be connected into the national grid including the requirement for any on site or off site infrastructure has been submitted to and agreed in writing by the LPA.

(Reason: To ensure that the infrastructure necessary to connect the solar farm to the grid does not harm the rural character of the area in accordance with policy S5 (Countryside Protection) of the East Devon Local Plan)

16. The land around and beneath the installed equipment (with the exception of the 10.0 metre buffer zone on the south western side of the site), as shown on drawing no TDA.1902.04 (annotated as existing grazing pasture) shall at all times be made available for agricultural purposes.

(Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Policy S5 (Countryside Protection) of the Adopted East Devon Local Plan 1995-2011.)

17. Notwithstanding the submitted details and prior to the commencement of development, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.

(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)

18. The specific noise level from any equipment installed and operated within the site, including transformers and inverters, shall not exceed the background noise level (measured as La90,15 mins) at the boundary of the nearest residential premises at any time.

(Reason- To protect adjoining occupiers from excessive noise in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011).

19. No external artificial lighting or other security measures other than those agreed as part of this application shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the Local Planning Authority.

(Reason - To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with Policies S5 (Countryside Protection), EN6 (Wildlife Habitats and Features) and EN15 (Control of Pollution) of the East Devon Local Plan 1995-2011.)

Chairman Date