

Date: 8 May 2013  
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Our Reference: HW



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: Tim Wood, John Humphreys, David Cox, Roger Giles)

Deputy Chief Executive – Richard Cohen  
Development Manager  
Principal Solicitor

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## **Planning Inspections Committee**

**Friday 17 May 2013**

**11:30am**

**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 12 April 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>
Exmouth Littleham	<a href="#">12/2655/FUL</a> Construction of first floor rear extension to provide 6 no bedrooms at Manor Lodge, 8 Portland Avenue, Exmouth, EX8 2BS	9.30am
Ottery St Mary Town	<a href="#">12/2770/MFUL</a> Demolition of part 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 adjoining the Tumbling Weir Hotel, Ottery St Mary	10:30am
	<b>Committee</b>	11:30 am

## Members please note:

- Members are requested to bring their previously circulated copies of the **Development Management Committee reports to the meeting.**
- In order to minimise the number of cars used for the inspection, Members leaving from Knowle are asked to meet at **8.50 am for departure at 9.00 am.**
- If you are unable to attend, would you please inform Democratic Services (01395 517546) as soon as possible. It is advisable for Members to wear stout shoes.

- ❑ You must declare the nature of any 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 12 April 2013**

- Present:** Councillors:  
Helen Parr (Vice Chairman in the Chair)  
David Key  
David Atkins  
Geoff Chamberlain  
Alan Dent  
Peter Sullivan
- Ward Members:** Councillor John Jeffery
- Officers:** Henry Gordon Lennox, Principal Solicitor  
Ed Freeman, Development Manager  
Stephanie Lewis, Assistant Democratic Services Officer  
Hannah Whitfield, Democratic Services Officer
- Apologies:** Councillors: Mark Williamson  
Geoff Pook

The meeting started at 11.55 am and ended at 12.50 pm.

- \*12 **Appointment of Vice Chairman**  
Councillor David Key was appointed Vice Chairman for the meeting.
- \*13 **Minutes**  
The minutes of the meeting of the Planning Inspections Committee held on 14 December 2012 were confirmed and signed as a true record.
- \*14 **Declaration of Interests**  
There were none.
- \*15 **Applications referred to the Planning Inspections Committee**  
The Committee considered the applications referred to it by the Development Management Committee.
- a) Axminster Rural: Application No: 12/2410/MFUL – Solar Farm (22ha) comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks and ancillary equipment at land adjacent to Woodcote National Substation, Hawkchuch.

**RESOLVED:** APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: In accordance with the requirements of 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. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 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 fencing or means of enclosure other than approved as part of this decision and detailed in the list of approved plans shall be erected around the site, unless details of such means of enclosure have been previously submitted to and approved in writing by the Local Planning Authority (LPA).  
Reason: To ensure ancillary development is not harmful to the rural character of the area and in accordance with policies CO1 (Landscape Character and Local Distinctiveness) and CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001 – 2016 and policies S5 (Countryside Protection) and EN2 (Areas of Great Landscape Value) of the East Devon Local Plan.
4. Prior to the erection of perimeter fencing, further details shall be submitted to and approved by the LPA that demonstrates 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 LPA.  
Reason: In the interests of ecology and in accordance with Planning Policy Statement 9 (Biodiversity and Geological Conservation), policy C010 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan 2001- 2016 and policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.
5. 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, programme of works including measures for traffic management has been submitted to and approved by the Local Planning Authority. Only the approved details shall be implemented during the construction period.  
Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policies of the Devon Structure Plan 2001 – 2016 and policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
6. 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 they said operations are carried out.  
Reason: In the interest of public safety and to prevent damage to the highway in accordance with policies of the Devon Structure Plan 2001 – 2016 and policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.
7. 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 policies CO1 (Landscape Character and Local Distinctiveness) and CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001 – 2016 and policies S5

(Countryside Protection) and EN2 (Areas of Great Landscape Value) of the East Devon Local Plan.

8. The approved landscaping scheme and Wildlife and Landscape Management Plan shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority. The approved schemes shall thereafter be implemented in full in accordance with the approved programme and shall be maintained as approved for the duration of the approved development. In the event of failure of any vegetation to become established and to prosper for a period of five years following the completion of the approved planting scheme, such vegetation shall be replaced on a like for like basis.  
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; policies CO4 (Areas of Great Landscape Value) and CO9 (Biodiversity and Earth Science Diversity) of the Devon Structure Plan 2001 – 2016 and policies S5 (Countryside Protection), EN2 (Areas of Great Landscape Value) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.
9. No external artificial lighting or other security measures (other than indicated on drawing nos. 2420\_101\_Rev K and 1000-0000-00 issue 01 and hereby approved) shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the LPA.  
Reason: To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with Planning Policy Statement 9 (Biodiversity and Geological Conservation), policies CO4 (Areas of Great Landscape Value) and CO9 (Biodiversity and Earth Science Diversity) of the Devon Structure Plan 2001 – 2016 and policies S5 (Countryside Protection), EN2 (Areas of Great Landscape Value), EN6 (Wildlife Habitats and Features) and EN15 (Control of Pollution) of the East Devon Local Plan.
10. Unless otherwise agreed in writing by the LPA development (including any site preparation and decommissioning works) shall be carried out 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.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.
11. 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 fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority.  
Reason: To protect the landscape character of the area and in accordance with policies CO1 (Landscape Character and Local Distinctiveness) and CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001 – 2016 and policies S5 (Countryside Protection) and EN2 (Areas of Great Landscape Value) of the East Devon Local Plan.
12. Prior to the erection of any of the solar pv modules on site the swales required to attenuate surface water run-off as proposed in the submitted H2Ok Flood Risk Assessment ref: J-4419.3-FM and drawing 3001 (save for those in the easternmost

field) shall be constructed in accordance with further details that have previously been agreed in writing by the LPA. 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 LPA.  
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.

13. 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 policies CO1 (Landscape Character and Local Distinctiveness) and CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001 – 2016 and policies S5 (Countryside Protection) and EN2 (Areas of Great Landscape Value) of the East Devon Local Plan.
14. No development shall commence until further details of the methodology for and a management plan to ensure that the public footpath that crosses the site (The Monarch's Way) shall remain open and available for use for all stages of the development (including construction and de-commissioning) with unimpeded access throughout the route of the footpath, where it crosses the site, unless any alternative temporary diversions have previously been agreed in writing by the Local Planning Authority.  
Reason: To ensure that the designated public footpath remains available for use by the public in accordance with policy TO6 - (Long Distance Recreational Footpath) of the Devon Structure Plan and policy TA4 - (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan.
15. Within 25 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 CO1 (Landscape Character and Local Distinctiveness) and CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001 – 2016 and policies S5 (Countryside Protection) and EN2 (Areas of Great Landscape Value) 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

- CO1 (Landscape Character and Local Distinctiveness)
- CO12 (Renewable Energy Developments)
- CO14 (Conserving Agricultural Land)
- CO4 (Areas of Great Landscape Value)
- CO8 (Archaeology)
- CO9 (Biodiversity and Earth Science Diversity)
- CO10 (Protection of Nature Conservation Sites and Species)
- ST1 (Sustainable Development)
- ST16 (Local Centres and Rural Areas)
- TO6 (Long Distance Recreational Footpaths and Cycle Routes)

East Devon Local Plan Policies

- D1 (Design and Local Distinctiveness)
- C5 (Power Lines)
- C6 (Renewable Energy)
- D5 (Trees on Development Sites)
- E4 (Bad Neighbour Uses)
- E5 (Rural Diversification)
- EN2 (Areas of Great Landscape Value)
- EN6 (Wildlife Habitats and Features)
- EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
- S5 (Countryside Protection)
- TA4 (Footpaths, Bridleways and Cycleways)
- TA7 (Adequacy of Road Network and Site Access)

Approved Plans

2420_201_REVA	Landscaping	21.02.13
XXXX-2060-00	Sections	21.02.13
2420_200_REVC	Landscaping	18.03.13
2420_202	Landscaping	18.03.13
2420_101_REVL	Location Plan	18.03.13
2420_300_REVF	Combined Plans	18.03.13
2420_301_REVB	Combined Plans	18.03.13
LCS-EGC-002	Combined Plans	06.11.12
1000-0000-000	Combined Plans	06.11.12
01		
1000-0000-000	Combined Plans	06.11.12
01B		
1000-0000-000	Combined Plans	06.11.12
01C		
1000-0000-000	Combined Plans	08.11.12
01A		
	Proposed Block Plan	06.11.12
	Location Plan	06.11.12

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