

**EAST DEVON DISTRICT
COUNCIL**

**DEVELOPMENT CONTROL
COMMITTEE**

HELD ON Tuesday 2 June 2009

SCHEDULE NUMBER 14 – 2008/2009

APPLICATIONS DETERMINED BY THE COMMITTEE

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The following applications were APPROVED
subject to such conditions as may be indicated

DUNKESWELL
Dunkeswell

09/0854/FUL

Applicant:

Mr Richard Little

Location:

Hooked Rise Farm, Dunkeswell

Proposal:

Use of land for the siting of up to four steel containers for the storage of fireworks.

RESOLVED

APPROVED with delegated authority being given to the Head of Planning and Countryside to draw up relevant conditions.

Members decided against the Officer's recommendation of refusal as they considered the particular needs of the developer and the need for isolation, coupled with the lack of demonstrable harm to the AONB to be very important and relevant considerations. During discussion, Members deliberated on the nature of the applicant's business and its importance to the local community. Permission was granted to him with several conditions that included no lighting at the site, no other buildings were to be constructed other than those specified in the application, landscaping to be made more sympathetic. If use of the site should be discontinued, the containers should be removed and the land returned to its original level.

(Councillor Paul Diviani declared a personal interest in this application as he was on the committee for Rural Development Programme, England and the Blackdown Hills Joint Advisory Committee).

NEWBRIDGES
(Kilmington)

09/0389/FUL

Applicant:

P & R Dare

Location:

Coryton Lodge, Kilmington

Proposal:

Retention of timber garage

RESOLVED

APPROVED with delegated authority being given to the Head of Planning and Countryside Services to draw up relevant conditions.

Members decided against the Officer's recommendation of refusal as they considered the timber building to not be incongruous in the local context. Several amendments were proposed to help soften the building's appearance: The garage doors should be changed to traditional boarded construction; the building to be dark stained within 2 months of the date of the grant of permission as well as planting around the building to help soften its appearance and to visually separate the garage from the lodge house.

OTTERY ST MARY TOWN 09/0886/FUL
(Ottery St Mary)

Applicant: EDDC

Location: 26 Winters Lane, Ottery St Mary

Proposal: Two storey extension to dwelling

RESOLVED APPROVED subject to the following 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building.)

Reason for Approval

The proposal complies with the Devon Structure Plan 2001-2016 Policy CO3 (Areas of Outstanding Natural Beauty).

The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S4 (Development Within Built-up Area Boundaries), D1 (Design and Local Distinctiveness), H7 (Residential Extensions) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty).

The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.

TALE VALE 09/0137/FUL
(Broadhembury)

Applicant: Mr. M. Cottrell & Miss. M. Andrews

Location: James Barn, and Land to the Northeast, Kerswell

Proposal: Erection of two free range chicken houses, and construction of new vehicular (Agricultural) access and formation of internal access tracks.

RESOLVED APPROVED as per recommendation but with an additional condition requiring a detailed drainage scheme for any surface and foul water to be submitted in writing with the Local Planning Authority, (Environment Agency to be consulted on receipt of any written scheme and asked for their approval/comment. Approval is granted subject to the following 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. If the agricultural buildings hereby approved cease to be used for agricultural purposes within ten years of their first use for that purpose, the buildings shall be removed from the site within six months and the site levels reinstated to that previously existing, unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To protect the countryside from intrusive development in accordance with policy S5 of the adopted East Devon Local Plan 1995-2011).
3. No development shall take place until details of the species, size and number (density) of plants in the sections of the hedge-bank to be created in accordance with those marked red on approved plan 08/631/01A/B and to either side of the new vehicular access have been submitted to and agreed in writing with the Local Planning Authority, and these agreed replacement hedge-bank sections shall be planted within 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 visual amenity and no net reduction in important hedgerows or related biodiversity habitat in accordance with policy EN6 of the adopted East Devon Local Plan 1995-2011.)
4. The hedge-bank surrounding the field containing the chicken houses hereby approved shall be maintained at a height of no less than 2.0 metres (measured from the ground level within the field) for as long as the chicken houses are in place, unless otherwise agreed in writing by the local planning authority.
(Reason - In the interests of preserving and enhancing the character and appearance of the area in accordance with policy S5 and EN1 of the adopted East Devon Local Plan 1995-2011.)
5. The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.
(Reason - To avoid pollution of the water environment in accordance with policy EN15 of the adopted East Devon Local Plan 1995-2011.)
6. All foul drainage, including foul surface run-off, must be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.
(Reason - To avoid pollution of the water environment in accordance with policy EN15 of the adopted East Devon Local Plan 1995-2011.)
7. Slurry must be stored within a sealed system, which should be isolated from the main drainage system.
(Reason - To avoid pollution of the water environment in accordance with policy EN15 of the adopted East Devon Local Plan 1995-2011 and in accordance with the DEFRA 'Code of Good Agricultural Practice for the Protection of Water'.)

Note:

Notwithstanding the approved plans, this permission does not grant consent for a mobile home which was removed from the scope of the planning application as a result of the letter from the agent dated 18.03.09.

Informative:

1. The applicant is advised, with regard to Condition 2, that the Local Planning Authority has some concerns about the future viability of the type of agriculture proposed in this application due to the current recession and issues raised in letters of representation regarding contracts with Hook2Sisters being withdrawn/not endorsed. The Local Planning Authority is concerned that these buildings may fall out of agricultural use within a short

timescale of their construction. If this proves to be the case, then the Local Planning Authority considers it reasonable to require the removal of the said buildings. In implementing the permission therefore, careful consideration needs to be given as to the need for the buildings.

2. The applicant is advised that the trees indicated within the field on the plans hereby approved are not required to be planted as a condition to this approval, but can be planted without planning permission for the purposes of agriculture.
3. For the avoidance of doubt, any excess liquid from washing out of the chicken houses is regarded as foul water/slurry. It is understood from the information submitted that this shall be stored in a sealed unit (sump) and disposed of by a waste management contractor.
4. Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposed to have control over any relevant storage installation is required to serve notice on the Environment Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for keeping or storing of any relevant substance.
5. Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, the prior authorisation of the Environment Agency is required for the construction of storage installations as defined in the regulations.
6. The disposal of silage and/or slurry must be undertaken in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water". No farm effluent or contaminated surface water, including wash down water, shall be discharged into any watercourses or water sources.
7. Manure/dung heaps should be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.
8. The applicant is advised that separate planning permission would be required for the additional poultry units indicated on the submitted plans and that consent will only be granted if the Local Planning Authority is satisfied that the required measures to control pollution from the site have been adequately implemented and are being adhered to.

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001-2016 Policies (ST1, ST16, CO6, CO3)
2. The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies (D1, S5, EN1, EN6, EN15, EN17, EN21)
3. The proposal does not affect the privacy or amenity of neighbouring properties.
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
5. The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.
6. The access to serve the proposal does not prejudice highway safety.

Approved plans

08/631/01A (Location Plan) – excluding reference to mobile home
08/631/04 (Proposed Plan)
08/631/03B (Layout)

08/631/01A/B (Location Plan – additional information on gateways to be closed)
and accompanying design & access statement and supporting letters (referred to in report)

FURTHER RECOMMENDATION

Authority be granted to serve an enforcement notice requiring the residential use of the land to cease and the removal of the mobile home from the land (including the associated half-brick wall) and the restoration of the land to agricultural use. Recommended period for compliance 6 months (to allow for the family to find alternative accommodation).

TALE VALE (Payhembury)	09/0566/FUL
Applicant:	EDDC
Location:	11 Hillside, Payhembury
Proposal:	Single storey extension, parking space provision and new boundary fence

RESOLVED APPROVED subject to the following 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. Notwithstanding the proposed site layout plan as submitted, a revised site layout plan shall be submitted to and agreed in writing with the Local Planning Authority indicating the setting back of the proposed fence by a further metre to allow an element of shrub planting and landscaping between the fence and the new footpath. Landscaping to be completed within the first planting season following the commencement of development and maintained for a period of 5 years.

Reasons for Approval

The proposal complies with the Devon Structure Plan 2001-2016 Policy CO6 (Quality of New Development).

The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S4 (Development Within Built-up Area Boundaries), D1 (Design and Local Distinctiveness) and H7 (Residential Extensions).

The following application was referred to the
PLANNING INSPECTIONS COMMITTEE

OTTERHEAD
(Stockland)

08/1195/FUL

Applicant:

Mr R Bright

Location:

Broadhayes Farm, Stockland

Proposal:

Proposed expansion of workshop and machinery storage
buildings

RESOLVED

INSPECT
