

**EAST DEVON DISTRICT  
COUNCIL**

**DEVELOPMENT CONTROL  
COMMITTEE**

**HELD ON 7 September 2004**

**SCHEDULE NUMBER 4 – 2004/2005**

**APPLICATIONS DETERMINED BY THE COMMITTEE**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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

BROADCLYST  
(Broadclyst) 7/22/04/T0046/00100

Applicant: DTT CONTRACTING LTD.

Location: BROADCLYST STATION YARD.

Proposal: REDUCE HEIGHT OF CONIFER HEDGE BY APPROXIMATELY 50%.

**RESOLVED** that the works as proposed be APPROVED, subject to the following condition;

**Condition**

- 1) Before works commence, the applicant shall inform the Local Planning Authority of the date and time of the works hereby permitted

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CLYST ST GEORGE  
(CLYST VALLEY) 7/07/04/P1882/00130

Applicant: Mr & Mrs Murphy

Location: Bronte, Lower Lane, Ebford

Proposal: Erection of three care bungalows and one carer unit.

**RESOLVED** APPROVED subject to following conditions:

**Conditions**

1. Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.  
Reason - The application is in outline with one or more matters reserved.
2. The materials to be used for all external walls and for the cladding of the roof shall match the materials used for the existing care home. There shall be no variation thereto unless the prior written consent is granted by the Local Planning Authority.  
Reason: To ensure the proposed development is in keeping with the existing development.
3. Prior to the commencement of works a scaled plan indicating the existing and proposed levels on the site shall be submitted to and approved in writing by the Local Planning Authority.  
Reason - To ensure that adequate details of levels are available in the interest of the character and appearance of the locality.



EXMOUTH  
(Exmouth Halsdon) 7/01/04/P1248/06217  
(Outline)

Applicant: Mr & Mrs M Sansom

Location: 5 Seafield Avenue, Exmouth

Proposal: Detached dwelling with garage and alterations to existing access.

**RESOLVED** APPROVED subject to following grounds:

**Conditions**

1. Approval of the details of the siting, design and external appearance of the building, the means of access thereto and [the landscaping of the site] (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.  
Reason - The application is in outline with one or more matters reserved.
  2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the local planning authority and shall be carried out as approved.  
Reason - The application is in outline with one or more matters reserved.
  3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.
  4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.
  5. Prior to the commencement of the development hereby permitted details of the access to the site and the turning and parking areas within the site (including a turning head), along with their construction and surfacing, shall be submitted to and approved in writing by the local planning authority. The development shall therefore proceed in accordance with these details, with parking and turning areas retained for that purpose.  
Reason - In the interests of highway safety, and for the avoidance of doubt.
  6. No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.  
Reason - To avoid pollution of the environment and/or flooding.
  7. The scheme for the landscaping of the site required by conditions 1 & 2 above shall include provision for tree and shrub planting, hard landscaping and any walling, fencing or other boundary treatment. The landscaping scheme shall be implemented in accordance with the approved details within one year of the substantial completion of the development. Any plants or trees which, within five years from the date of the substantial of the development, die, become in the opinion of the local planning authority irrecoverably diseased or damaged or are removed, shall be replaced during the next planting season following their demise with specimens of a similar size and species unless agreed otherwise in writing by the local planning authority.  
Reason - In the interests of preserving and enhancing the character and appearance of the area.
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EXMOUTH 7/01/04/P1802/01839  
(Exmouth Littleham Ward)

Applicant: Mr & Mrs A Paterson

Location: 3 Elwyn Road, Exmouth

Proposal: Creation of additional flat

**RESOLVED** APPROVED subject to following condition:

**Condition**

1. 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.

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EXMOUTH 7/01/04/P0971/00300  
(Exmouth Littleham Ward) (Reserved Matters)

Applicant: Mr & Mrs M Veysey

Location: Herons Wood  
Foxholes Hill

Proposal: Erection of dwelling (replacement)

**RESOLVED** APPROVED the following reserved matters: siting, external appearance, access and landscaping subject to the following subject to following conditions:

**Conditions**

The following additional conditions are attached to this Reserved Matters Approval.

1. The approval hereby granted relates to the submitted details as amended by the additional details shown on drawing nos. SD111.3:5A received by EDDC on 12<sup>th</sup> July, SD111.3:2A received on 1<sup>st</sup> June 2004 and SD111.3:4B, SD111.2:8, SD111.2:10, SD111.3:9 received on 26<sup>th</sup> July 2004 insofar as they relate to the site context of the proposed dwelling.  
Reason – To define the condition.
2. Before development is commenced a schedule of materials and finishes and where so required by the Local Planning Authority, samples of such materials and finishes to be used for the external walls, roofs, doors, windows and external buildings of the proposed development 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 the materials are sympathetic to the character and appearance of the area.
3. No development shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for tree and shrub planting, hard landscaping and any walling, fencing or other boundary treatment. The landscaping scheme shall be implemented in accordance with the

approved details within one year of the substantial completion of the building. Any plants or trees which, within five years from the date of the substantial completion of the building die, become in the opinion of the local planning authority irrecoverably diseased or damaged or are removed, shall be replaced during the next planting season following their demise with specimens of a similar size and species unless agreed otherwise in writing by the local planning authority.

Reason - In the interests of preserving and enhancing the character and appearance of the area.

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OTTERY ST MARY                      7/45/04/P1654/00706  
(Ottery St Mary Town Ward)

Applicant:                              Mr K Sexton

Location:                                21A Broad Street  
(NGR: 09899539)

Proposal:                                Change of use from retail to a Mortgage shop (Class A2)

**RESOLVED**                              APPROVE

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SEATON                                    7/86/04/P1096/00078  
(Seaton)

Applicant:                                Crown Castle International

Location:                                Seaton Heights Hotel

Proposal:                                Heighten tower with addition of three panel antennas one small dish and central spike

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

**Condition**

1. The mast, installation, ancillaries and any building hereby approved shall be removed and the site restored to its former condition within 3 months of its cessation of use for public telecommunication purposes.

Reason – In the interests of the character and appearance of the area.

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SEATON                                    7/86/04/P0886/189

Applicant:                                Mr R Sawbridge

Location:                                46 Newlands Park, Seaton

Proposal:                                Single storey extensions

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



SIDMOUTH  
(Town Ward)

7/39/03/P2511/829

Applicant: S Kussman and G Ward

Location: Littlecourt, Seafield Road, Sidmouth

Proposal: Variation of Condition 2 of planning permission 99/P1552 to allow permanent residential use

**RESOLVED**

APPROVED

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SIDMOUTH  
(Sidmouth Town)

7/39/04/P0532/02145  
(RESERVED MATTERS)  
7/39/04/P1085/02145  
(RESERVED MATTERS)

Applicant: Davies Builders (Somerton) Ltd

Location: Villa Bohemia, West Park Road

Proposal: 04/P0532: Residential development of 1 flat and 7 houses and parking area  
04/P1085: Residential development of 10 houses and access road

**RESOLVED**

04/P0532 & 04/P1085 – APPROVED the following reserved matters subject to the applicant entering into a Section 106 Agreement to secure the necessary educational contributions;

**Approved Reserved Matters:**

1. Siting.
2. Design.
3. External appearance (excluding precise details).
4. Access.

**Outstanding Reserved Matters**

1. Landscape details.
2. Materials.

The following additional conditions are attached to both reserved matters approvals:

1. No development shall commence until details of the materials to be used for the external walls and roof on the development together with details of fenestration has been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.  
Reason – In the interests of the appearance and character of the area.
2. The dwellings hereby permitted shall be constructed at the finish floor levels shown on the submitted site layout plan.  
Reason – In the interests of the appearance of the development and the amenity of neighbouring occupiers.

3. No development shall commence until details of the materials for the retaining walls within the site have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.  
Reason – In the interests of the appearance and character of the development.
4. No work shall commence until details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas as been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.  
Reason – In the interests of the appearance and character of the development.
5. No development shall commence until details of the locations, height, design and materials to be used for all fences, walls and gates within the development have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. Thereafter and notwithstanding the provisions 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 other fences, gates, or walls shall be erected within the curtilage of any of the dwelling houses without the prior express permission of the Local Planning Authority.  
Reason – To enable the Local Planning Authority to control the provision of fences, walls and gates in the interests of the appearance and character of the area.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the following classes of development more particularly described in the order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:-  
  
Part 1, (Development within the curtilage of a dwelling house), Classes A, B, C, D, E and G.  
Reason – To ensure that additions, alterations and extensions which would not otherwise require planning permission do not over develop the site with consequent harm to the environment of the area.
7. During the course of and after development, steps in accordance with the District Council's Code of Practice for the protection of trees on the site, shall be undertaken, details of which shall be shown on the site plan to be agreed by the Local Planning Authority prior to the commencement of development.  
Reason – In the interests of the appearance and character of the area.

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YARCOMBE                      7/71/04/P1496/00142  
(Yarty)

Applicant:                      The Trustees of Yarcombe Estate

Location:                        Knightshayne Cottage  
   Knightshayne Farm  
   Marsh  
   Honiton

Proposal:                        New Entrance onto A303 to Serve Farm and Cottage

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

**Conditions**

1. No development shall take place until a landscaping scheme for the site had been submitted to and approved in writing by the local planning authority. The scheme shall include provision for tree and shrub planting, hard landscaping and any walling, fencing or other boundary treatment. The landscaping scheme shall be implemented in accordance with the approved details within one year of the substantial completion of the access. Any plants or trees which, within five years from the date of the substantial completion of the access, die, become in the opinion of the local planning authority irrecoverably diseased or damaged or are removed, shall be replaced during the next planting season following their demise with specimens of a similar size and species unless agreed otherwise in writing by the local planning authority.  
(Reason: In the interests of preserving and enhancing the character and appearance of the area)
  
  2. The existing vehicle access point to Knighshayne Cottage shall be blocked up before the development hereby permitted is first brought into use.  
(Reason: In the interests of highway safety)
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The following applications were REFUSED for the reasons indicated

CLYST HYDON  
(Broadclyst) 7/46/04/P0441/00077  
(OUTLINE)

Applicant: Mr & Mrs Gibbins

Location: Land at Clyst Hydon

Proposal: Erection of agricultural dwelling

**RESOLVED** REFUSED on the following grounds:

**Conditions**

1. The proposed development by reason of its failure to meet functional and financial tests within planning policy guidance (PPG7 and PPS 7) represents unnecessary, unsustainable and damaging development in the open countryside which is contrary to planning guidance, Policy H4 (Housing in rural areas) of the Devon Structure Plan First Review and Policy H8 (Dwellings for persons employed in Agriculture or Forestry) of the emerging East Devon Local Plan Revised Deposit September 2003.
2. The proposed development by reason of its siting within a prominent and elevated position would appear as a dominating and detrimental development within open countryside and is contrary to Policy C2 (Landscape Character and Local Distinctiveness) of the Devon Structure Plan First Revision and Policy d1 and Policy D1 (Design and Local Distinctiveness) of the emerging East Devon Local Plan Revised Deposit September 2003.
3. The increased use of the site access resulting from the proposed development would be likely to increase the conflict of traffic movements close to a junction contrary to Policy T19 (Access from Development onto the Highway Network) of the Devon Structure Plan First Review
4. The increased use of the access onto the public highway resulting from the proposed development would by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road and interfere with the free flow of traffic, contrary to Policy T19 (Access from Development onto the Highway Network)
5. The proposed development would be located where it is remote from adequate services, employment, education, public transport etc., and will therefore increase the need for travel by private vehicles which is non-sustainable and contrary to Policy T2 of the Devon Structure Plan First Review, Policies ST2 and TR5 of the Devon Structure Plan 2001-2016 Draft Deposit, Policy TA1 of the emerging East Devon Local Plan, and in conflict with the advice in PPG13.

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TALATON 7/68/04/P0996/00017  
(Whimble) (FULL – Variation of Condition)

Applicant: P J Skinner

Location: Lashbrook Farm, Talaton, Exeter

Proposal: Removal of agricultural occupancy condition.

**RESOLVED**

REFUSED on the following grounds:

**Conditions**

**Reasons**

1. Evidence has been provided that indicates there is an enduring justification for an agricultural tie at Lashbrook Farm. There has been and continues to be strong interest in the property from purchasers and tenants employed in agriculture. As a result, there is a realistic prospect of the property satisfying a functional agricultural need. Relaxation of the occupancy condition would, therefore, fail to satisfy the requirements of Policy H8B (Occupancy Conditions on Agricultural Dwellings) of the emerging East Devon Local Plan Deposit Draft 2003.
  2. Relaxation of the agricultural occupancy condition would also be contrary to Policy H4 (Housing in Rural Areas) and S4 (Protecting the Countryside) of the adopted Devon Structure Plan 1999 - 2011, First Review, in that such policies advise that residential development will not be permitted unless there is a proven need. The removal of the condition would result in an open market dwelling contrary to policy advice. Emerging Policy ST5 of the Devon Structure Plan 2001 – 2016 similarly advises that development in the countryside should be strictly controlled.
  3. PPS 7 Sustainable Development in Rural Areas advises that Local Authorities should be vigilant in ensuring that the agriculturally tied dwelling remain available for agriculture subject to the condition remaining relevant and valid. Evidence has been submitted which indicates that the agricultural occupancy condition is sustainable and it would be contrary to the aims of PPS7 to relax the requirement.
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The following applications were DEFERRED  
WITH POWER GIVEN TO APPROVE as set out

HONITON  
(St Paul's Ward) 7/60/04/P1359/579

Applicant: Seeability

Location: 6 Kings Road, Honiton

Proposal: 7 Single storey apartments

**RESOLVED** That the application be DEFERRED with delegated authority being given to the Head of Planning and Countryside Services in consultation with the Chairman and Ward Members to APPROVE the application subject to a Section 106 Agreement to provide a pedestrian crossing and subject to the following conditions:

**Conditions**

1. The building hereby permitted shall be used for the purposes referred to in the application and for no other purposes (including any other purpose in Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).  
Reason – To enable the Local Planning Authority to retain control over future changes of use in the interests of safeguarding the amenities of the area and maintaining highway safety).
2. No work shall be commenced until satisfactory details as to the colour and texture of the facing and roofing materials to be used in the construction of the proposed development have been submitted to and approved in writing by the Local Planning Authority.  
Reason – To enable the Local Planning Authority to consider the details of the materials to be used for the development in the interests of the appearance and character of the area).
3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; hard surfacing materials; trees and hedges to be retained together with measures for their protection in the course of development.  
Reason – In order to safeguard the character and appearance of the area.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.  
Reason – In order to safeguard the character and appearance of the area.
5. No development shall take place until details have been submitted to and approved by the Local Planning Authority of a scheme to secure the implementation of a programme of archaeological work/investigation.  
Reason – The site lies within an area of archaeological interest and the Local Planning Authority wish to ensure that adequate provision is made to investigate and record the history of the site.
6. The development hereby permitted shall be alternative to that development permitted by Notice of Decision No. 7/60/02/P1197/579. If at any time any works or operations are started

or carried out under or by virtue of that permission (in whole or in part) then the permission hereby granted shall thenceforth be void and of no effect and no works or operations of any kind may thereafter be started or carried out under or by virtue of the permission hereby granted.

Reason – To ensure that only one permission is implemented.

7. The permission hereby granted relates to the submitted application as amended by the details shown on the revised drawing no. 112/16(B) received by East Devon District Council on 25 June 2004 insofar as they relate to the modified siting of the development hereby permitted.

Reason – To define the permission.

8. No development shall take place until details of a second pedestrian access to be used and sited in conjunction with the pedestrian crossing have been submitted to and approved by the Local Planning Authority.

9. The turning head within the site shall be kept clear of parked traffic at all times.
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The following applications were referred to the  
PLANNING INSPECTION COMMITTEE

CLYST ST GEORGE  
(Clyst Valley Ward)                      7/07/04/P1671/00038/LBC  
7/07/04/P1669/00038

Applicant:                                      Mr & Mrs E Fisher

Location:                                        Fishers Bridge Mill, Topsham

Proposal:                                        Erection of conservatory, demolition of lean-to extensions and alterations.

**RESOLVED**                                      INSPECT

**Reason**

Members resolved to visit the site as they felt they needed to view the property in context with neighbouring building.

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EXMOUTH                                        7/01/04/P1494/07702  
(Exmouth Town Ward)

Applicant:                                        Mr P Fleming

Location:                                        Land rear of 17 Bicton Street, Exmouth

Proposal:                                        Demolition of garage and erection of 2 storey dwelling

**RESOLVED**                                      INSPECT

**Reason**

Some Members did not agree with the Officers' reasons for approval.

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KILMINGTON                                    7/83/04/P1692/00255  
(Newbridges)

Applicant:                                        Mr J A Youngman

Location:                                        Ruggs Farm, Gore Lane

Proposal:                                        Convert loft space above existing swimming pool to Family annex/Holiday unit.

**RESOLVED**                                      INSPECT

**Reason**

Ward Member was not happy with access arrangements.

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SEATON  
(Seaton Ward) 7/86/04/P0420/626

Applicant: Mr & Mrs A Adams

Location: Pebbles, New Beer Road, Seaton

Proposal: Change of use of land from agricultural to residential &  
retention of summerhouse and decking

**RESOLVED** INSPECT

**Reason**

Members felt that the incursion into the countryside needed to be seen.

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