

1

# EAST DEVON DISTRICT COUNCIL

## DEVELOPMENT MANAGEMENT COMMITTEE

HELD ON Tuesday 17 November 2009

SCHEDULE NUMBER 7 - 2009/2010

**APPLICATIONS DETERMINED BY THE COMMITTEE**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

BEER AND BRANSCOMBE 09/1660/OUT Target Date: (20.10.2009)  
(Branscombe)

Applicant: Branscombes Ltd

Location: Barn south west of Three Horse Shoes Farm, Branscombe

Proposal: Replacement of agricultural building with farm shop with ancillary cafe/restaurant and associated car parking bays (outline application with details of access and layout)

**RESOLVED:** APPROVE subject to conditions to be delegated to Head of Planning and Countryside in consultation with the Chairman and Ward Member.

Members resolved contrary to officer recommendation for the following reasons:

- Members considered the second reason for refusal could be subject to an appropriate planning condition.
- Secondly, Members considered that the proposal would not have a detrimental impact on the AONB.
- Members considered that no objections from the Highway Authority or statutory consultees.
- Members considered the potential beneficial impact on the rural economy.
- Conditions to be delegated to Head of Planning and Countryside in consultation with the Chairman and Ward Member. Conditions to cover the following items and any other items as necessary:-

BROADCLYST 09/0660/MFUL Target Date: (06.08.2009)  
(Rockbeare)

Applicant: M Smith-Bendall

Location: Former Nursery North and West of the Grange  
London Road  
Whimble  
Devon

Proposal: Change of use of land to form gypsy site involving 20 permanent residential pitches and ancillary day rooms and 10 transit pitches together with shower block, formation of new access road, internal driveways, vehicles parking areas, on-site sewage treatment plant and retention of associated engineering works

**RESOLVED:** 1) REFUSE for the following reason(s)

1. The number of pitches proposed exceeds the maximum size of site as recommended in government guidance without sufficient evidence of the requirement for a site of this size. In addition, the large scale of the proposed site is considered to be excessive in relation to the size of the nearest settlement of Rockbeare. The scale of the proposed site combined with the distance to the nearest village and the difficulties of accessing the village by foot is unlikely to promote social cohesion and inclusion to the detriment of occupiers of the site and local resident population.

The proposal is therefore contrary to Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites and the DCLG Designing Gypsy and Traveller Sites: Good Practice Guide (May 2008) and the East Devon Gypsy and Traveller Issues and Options Report, April 2008.

2. Notwithstanding reason 1 above, insufficient evidence has been provided as part of the application to demonstrate that the proposal would make adequate provision for the needs of the existing gypsy community including all sections of the gypsy community within the administrative district of East Devon through the provision and/or relocation of pitches to serve those families currently needing to remain within the District, in accordance with the provisions of Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites and the East Devon Gypsy and Traveller Issues and Options Report, April 2008.
3. The proposed development by reason of a lack of information fails to adequately address ecological concerns that the development will have a detrimental impact on trees on site, including a tree of high amenity importance adjacent to the access driveway, significant hedgerows (as defined by the Hedgerows Regulations) and protected species. The application is therefore considered contrary to advice contained in British Standard 5837 (2005), Planning Policy Statement 9 (Biodiversity and Geological Conservation), Policies C01 (Landscape Character and Local Distinctiveness) and C09 (Biodiversity and Earth Science Diversity) of the Devon County Structure Plan 2001 – 2016 and Policies D4 (Landscape Requirements), D5 (Trees on Development Sites) and EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 1995-2011.
4. The proposal involves the formation of a new access onto County Road C92 which in turn would necessitate the removal of a significant section of hedgerow along the frontage of that road. The combination of the opening up of the frontage and the construction of the new access road across the existing field would introduce an alien and intrusive feature into the natural landscape of the area, to the detriment of the character and appearance of the area and contrary to the provisions of Policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995–2011.
5. The nature and scale of the proposed development would result in an unacceptable sporadic and isolated development within the Green Wedge between Rockbeare and the proposed new Community of Cranbrook that has been designated to prevent their coalescence. The proposed development would therefore be contrary to Policy S6 (Development in Green Wedges) of the Adopted Devon Local Plan 1995 – 2001.
6. Insufficient information has been submitted to satisfy the Local Planning Authority that the applicant has control of the required land to form visibility splays necessary in order to provide safe and satisfactory access to the site. The proposal is therefore considered to be contrary to Policy TA7 of the Adopted East Devon Local Plan.

**2)** that the Head of Legal, Licensing and Democratic Services be given delegated powers to take enforcement action to secure any necessary re-grading and landscaping moves necessary to ensure the stability of the site is secured, the proper functioning of flood zone is protected and the landscape visual impact of the earth homes is appropriately instigated.

Compliance period - To be delegated to the Head of Legal, Licensing and Democratic Services in consultation with Natural England in order to ensure that the timing of the works does not significantly harm protected species on the site.

BROADCLYST  
(Rockbeare)

09/1107/MOUT

Applicant:

Devon County Council

Location:

Land north east M5 Junction 29 and A30 Clyst Honiton Near Exeter

Proposal:

Development of a Science Park with 76,450 sqm of B1 (A-C) uses plus:-

A 150 bedroom hotel and conference facility

Ancillary uses (A1, A3, D1 and D2)

Associated infrastructure including new highways access  
Strategic landscaping and open space

1. East Devon District Council, having considered the environmental information under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 recommends to the Secretary of State that **OUTLINE PLANNING PERMISSION BE GRANTED** subject to an amended direction from the Highways Agency regarding the Phase III link road to serve Phase II of the Science Park and the applicants entering into a Section 106 Agreement, the draft heads of terms of which are set out below, and the following conditions.
2. the Head of Planning & Countryside Services be given delegated powers to add to or amend the conditions and clauses listed below as appropriate in order to ensure consistency with the other planned large scale developments in the vicinity.

## CONDITIONS

### Reserved Matters

1. Details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- For the purpose of matters relating to a phase of development (including the approval of strategic landscaping details) the relevant phase of development shall be identified by a Parcel Group number or part thereof within the Phasing plan.

Reason: The application is in outline with one or more matters reserved. Development will progress in phases and approval of reserved matters applications will be necessary on a phased basis to allow development of the relevant phase to progress without approval of reserved matters across the whole of the site.

2. Details submitted in compliance with Condition 1 shall include finished floor levels and existing and proposed ground levels in relation to a fixed datum. Development shall then be carried out in accordance with those approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures.

3. The first application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission. All subsequent reserved matters shall be submitted to the local planning authority for approval no later than 15 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of 10 years from the date of this permission, or before the expiration of 5 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

5. The submission of all reserved matters and the implementation of the development hereby permitted shall be carried out in accordance with the cluster formations and major highway network contained in the following drawings:

- Site Application Boundary Drawing Number 2707/001
- Illustrative Masterplan Drawing Number 2707/002
- Phasing Plan Drawing Number 2707/003

Together with the information contained within the Planning Statement and Development Framework and Design Codes Report received on the 29<sup>th</sup> May 2009, or in accordance with any amendment to those drawings and/or details which may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the scope of this permission and to ensure flexibility in delivery.

### **Uses**

6. The permitted uses on Science Park shall comply with the Gateway Policy (appended) unless agreed by the Local Planning Authority. Any alternative use must demonstrate how it would be complementary to or supportive of the overall use of the site as a Science Park.

Reason: Planning permission has been granted having regard to the requirement for, and complexion of, the development as a Science Park.

### **Gross Floorspace**

7. The gross floorspace hereby consented shall not exceed 76,450 square metres of which the specific Use Classes shall not exceed the following maximum figures, unless otherwise agreed by the Local Planning Authority in writing:

- Science Park Uses (Class B1 (b) with an ancillary allowance for Classes B1(a), B1(c) and B2 subject to the requirements of Condition 6 above): 61,350 square metres.
- Class C1 (Hotel): 7,300 square metres.
- Class D1 (Creche): 500 square metres.
- Class A3 (Café/restaurant): 1,600 square metres.
- Class A1 (Retail – convenience): 1,050 square metres.
- Class D2 (Conference; health and fitness): 4,650 square metres.

Reason: To ensure the development accords with the submitted application details and environmental assessment.

### **Masterplan**

8. A detailed Masterplan for the whole site, to include strategic landscaping, green spaces and corridors to include bio-diversity links, shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any of the reserved matters pursuant to this planning permission. The development shall be carried out in accordance with the approved Masterplan, or such other Masterplan as may be agreed in writing with the Local Planning Authority.

Reason: To set out the principles of the proposal and to mitigate against loss of habitat in the interests of the biodiversity of the site.

### **Landscape Strategy/Strategic Landscaping**

9. A Landscape Management Strategy for the whole site, to include a detailed Structural Landscape Planting Plan to be implemented at an early stage in the development process in accordance with an implementation and phasing schedule and an historic landscape interpretation proposal to accompany the details, shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of any of the reserved matters pursuant to this planning permission. The Landscape Management Strategy shall subsequently be implemented in accordance with the approved details and associated phasing schedule, or such variations thereto as may be agreed in writing by the Local Planning Authority.

Reason: To mitigate the visual and landscape impact of the proposed development and to ensure that the necessary mitigation measures are implemented at an early stage in the development process.

### **Design Codes**

10. Notwithstanding the details submitted with the application, the following Design Codes, as identified in the Development Framework and Design Codes Report forming part of the application the subject of this permission, shall be submitted to and approved in writing by the Local Planning Authority:
  - Access Codes A 01 – A 05 and Parking Code P 01 prior to the submission of any of the reserved matters pursuant to Condition 1 of this planning permission;
  - Cluster Codes for Areas 01 – 06 prior to the first submission of any of the reserved matters pursuant to Condition 1 of this planning permission for the particular Cluster Coding Area.

The Design Codes shall be submitted and approved in accordance with the timescales outlined above unless agreed otherwise by the Local Planning Authority in writing.

Reason: To ensure a comprehensive and robust design framework for the preparation and submission of the reserved matters to achieve the quality of development required.

### **Signage**

11. The Design Codes shall include a Signage Strategy which shall contain details of the size, location, materials, design and appearance and, where applicable, the proposed method and hours of illumination of external signage on buildings and elsewhere within the site. For the avoidance of doubt, internally illuminated box signs or rooftop advertisements will not be permitted. No signage shall be displayed anywhere within the site unless it accords with the details approved in the Signage Strategy.

Reason: To define the details of the proposal and to ensure a high standard of design and sustainable energy use is achieved in the interests of the appearance and character of the area.

### **Materials**

12. Any reserved matters submissions shall include 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 and surface treatments of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority. The 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.

13. 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 colour of the external cladding and roofing materials of any buildings erected pursuant to this permission shall not be changed from those approved under Condition 12 above unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials are sympathetic to the character and appearance of the area.

### **Construction Environmental Management Plan (CEMP)**

14. Prior to the submission of the reserved matters for each phase of the development, a Construction Environmental Management Plan (CEMP) to manage the impacts of construction, including traffic, and to ensure minimum impediment is caused by the development shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall include:-

- i. measures to regulate the routing of construction traffic;
- ii. the times within which the traffic can enter and leave the site;
- iii. the phasing of flood alleviation measures, the importation and/or dispersal of spoil and soil on and off site;
- iv. measures to control dust from earthworks and construction activities in compliance with guidance contained in the BRE Code of Practice;
- v. a watching brief for potential munitions;
- vi. a noise control plan;
- vii. the location of the site compound(s);
- viii. specified access routes and on-site parking for vehicles associated with the construction works.

The details so approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and free-flow of traffic, to have regard for the risk of potential unexploded munitions, to protect the occupiers of buildings in the vicinity from the effects of air and to safeguard the amenities of the area.

### **Archaeology**

15. No development shall take place until the applicant, or their successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence and historic buildings that may be affected by the development.

### **Drainage**

16. Any reserved matters submission shall include details of a Sustainable Urban Drainage System (SUDS) for the disposal of the surface water from the site for approval by the Local Planning Authority. The scheme shall be carried out in accordance with those approved details and no building shall be occupied until the relevant works for the disposal of surface water have been completed.

Reason: To avoid pollution of the environment and/or flooding.

17. No oils, fuels or chemicals shall be stored on the site unless details of the storage facility, including measures for containing accidental releases to the environment, have been submitted to and approved in writing by the Local Planning Authority and until such a storage facility has been implemented in accordance with the approved details.

Reason: To protect the environment from pollution and to safeguard the amenities of the area.

18. Subject to Condition x above, any material required to raise ground levels, shall be restricted to inert and uncontaminated soil and spoil.

Reason: To prevent pollution and safeguard the amenities of the area.

19. No sewerage or trade effluent (including cooling water containing chemical additives, vehicle washing effluent, and steam-cleaning effluent) shall be discharged to the surface water drainage system.

Reason: To prevent pollution to the water environment.

20. Vehicle loading or unloading bays and storage areas involving chemicals or other polluting matter shall not be connected to the surface water drainage systems.

Reason: To prevent pollution to the water environment.

### **Contaminated Land and Remediation Measures**

21. Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions x below have been complied with. Should any contamination of soil or groundwater be discovered during development of the site, the Contaminated Land Officer of the Local Planning Authority should be contacted immediately. Site activities should be temporarily suspended until such time as a procedure for addressing such contamination is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

## Site Characterisation

22 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,
- archaeological 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'*.

## Submission of Remediation Scheme

23 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 historic 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 reclamation.

## Implementation of Approved Remediation Scheme

24 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 Planning Policy Statement 23 (PPS23) 2004 "Planning and Pollution Control" 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.

## Reporting of Unexpected Contamination

25 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 x, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition x, 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 x

### **Long Term Monitoring and Maintenance**

- 26 A monitoring and maintenance scheme to include the long-term effectiveness of the proposed remediation over a period of 15 years, 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 carried out 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.

### **Protection of the Water Environment**

- 27 No development shall commence until further studies are undertaken to accurately determine the groundwater regime within the site. These works shall consider surface water drainage and will identify and detail the mitigation and long term monitoring of impact of ground water re-charge. These mitigation and long term monitoring measures shall be incorporated within the development in accordance with details that shall be incorporated within the development in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect controlled waters.

- 28 No development shall commence until a comprehensive water features survey has been undertaken. If any sensitive water features exist then a detailed assessment shall be undertaken to determine potential impacts and identify suitable mitigation measures.

Full details of adequate buffer zones and any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. For the avoidance of doubt, there shall be no net loss of open water and associated habitat.

The works shall be incorporated within the development in accordance with the approved details.

Reason: To protect the water environment and prevent loss of wetland habitat.

29. Prior to the commencement of each phase of development approved by this planning permission, full details of a scheme to adequately deal with surface water drainage shall be submitted to and approved by the Local Planning Authority. These details shall take account of any contamination on the site (such that pollution is avoided) and be in accordance with the approved Flood Risk Assessment (prepared by Parsons Brinkerhoff) and the Environment Agency's surface water drainage design criteria. The works shall be incorporated within the development in accordance with the approved details.

Reason: To prevent flooding and pollution.

30. No infiltration of surface water drainage into the ground shall occur other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk of pollution to controlled waters.

Reason: To prevent pollution of controlled waters.

### **Foul Drainage**

31. Prior to the occupation of development approved by this planning permission, a suitable scheme to deal adequately with foul drainage shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall consider the hierarchy of sustainable drainage by first considering the possibility of connecting to the public foul sewer. Where a connection to the public foul sewer cannot be made and private foul drainage is intended, the foul drainage scheme shall include a complete Foul Drainage Assessment using the Environment Agency's 'Foul Drainage Assessment Form1'. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of controlled waters.

### **Bio-Diversity**

32. Prior to the commencement each phase of development approved by this planning permission, full details of mammal and reptile tunnels shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To mitigate against loss of habitat.

### **Landscape**

33. Prior to commencement of any works on site (including demolition) in each phase, tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837 and shall indicate how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitable qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be adhered to:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

Reason: To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area.

34. Any reserved matters application shall include a landscaping scheme showing the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment, including details of 'technical solutions' for tree pits to ensure the long-term establishment of trees to maturity. The landscaping scheme shall be carried out in the first planting season after commencement of 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.

35. 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 approved boundary treatments, walls and/or fences or other means of enclosure shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.

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

36. Any reserved matters application shall contain details of earthworks, including cross and long sections. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details prior to the occupation of the phase of development to which the works refer.

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

37. A landscape and bio-diversity management plan, reflecting the long term design objectives established in the masterplan required by Condition 8, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place prior to the commencement of development. The proposals shall be carried out as approved for the full duration of the plan.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the area.

38. Prior to the commencement of the development, a detailed phasing plan shall be submitted to and approved by the Local Planning Authority to ensure delivery of strategic landscape planting within a set timeframe, irrespective of development plots being commenced.

Reason: To protect and enhance the landscape character of the area and ensure the level of mitigation is achieved within a reasonable time period.

### **Environmental Mitigation**

39. Before the development hereby permitted is commenced, a scheme for the provision of Ecological Protection and Enhancements, in accordance with the Devon and East Devon Biodiversity Action Plans and particularly the mitigation measures required by the environmental statement, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In order to generate a net increase in biodiversity by the protection, conservation and enhancement of the landscape and ecological features within it.

### **Protected Species**

40. Before the submission of each reserved matters application, a detailed survey shall be carried out to establish any presence of protected species within the site. Should such protected species be identified, then appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those approved measures.

Reason: The review should be ongoing because the planning permission is likely to extend over a long term during which the ecology of the site could change.

### **Prevention of Light Pollution**

41. Any reserved matters submission shall include details of the design, hours of use and ongoing management of any temporary or permanent external lighting within the public realm, including signage and display lighting, floodlighting and road lighting for approval by the Local Planning Authority. The lighting shall then be installed and operated in accordance with the approved details, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the area and in the interests of air safety, having regard to the proximity of Exeter International Airport throughout the operational period of the development and not just at the initial design stage.

42. Before any works are commenced on site a Lighting Management Plan shall be prepared and submitted to the Local Planning Authority for approval.

Reason: To protect future occupiers and protected species from excessive light levels.

### **Detailed Waste Audit / Management Scheme**

43. Before any works are commenced on site, a Waste Audit / Waste Management Scheme for both the construction and operational phases of the development to include provision for internal or external refuse facilities as appropriate and suitable recycling storage facilities, shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme as agreed shall be implemented and maintained in accordance with the approved schemes or as otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the waste resulting from the development is properly handled and in the interests of local amenity, and that provision for refuse facilities and recycling storage is satisfactorily integrated into the design of the development in accordance with current sustainable practices.

### **Storage**

44. Other than the parking of vehicles in the spaces shown on plans for this purpose, no vehicles, goods, materials, machinery or waste shall be parked, stacked, stored or deposited outside the buildings except with the prior approval of the Local Planning Authority.

Reason: To protect the character and appearance of the area.

45. Any reserved matters submission shall include provision for covered external refuse and recycling storage facilities. Such provision shall be implemented in accordance with the approved plans.

Reason: To ensure this level of amenity is satisfactorily integrated into the design of the development in accordance that provision for this amenity is satisfactorily integrated into the design of the development in accordance with current sustainable practices.

### **Noise Control**

46. No development shall commence until a Noise Control Plan detailing a noise management system to be implemented during the demolition and construction phase of the development and tailored to the specific needs of the construction works, the site and the surrounding area to mitigate the effects of noise from the development is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Noise Control Plan.

Reason: To protect the occupiers of buildings in the vicinity from excessive noise.

### **External Plant or Machinery**

47. Details shall be submitted with the reserved matters to show external plant or machinery which shall not be installed on any building forming part of the site without the prior approval of the Local Planning Authority. The development shall proceed only in accordance in accordance with those approved details.

Reason: In the interests of local amenity.

### **Air Safety**

48. No part of the development shall impact upon the safety of aviation at or in the vicinity of Exeter International Airport in accordance with safeguarding criteria under the terms of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Directions 2002. For the avoidance of doubt, the information required to meet the criteria would include layout, dimensions and heights of buildings or works to which the application relates.

Reason: In order to safeguard protected airspace required for the safe operation of aircraft using Exeter International Airport.

### **Vehicle and Cycle Parking**

49. Prior to each phase of development, details of both on-street and off-street vehicle parking provision and cycle parking facilities for each phase of development are to be submitted to and approved by the Local Planning Authority and are to be provided in accordance with those approved details. The vehicle and cycle parking facilities shall be provided prior to the first occupation of any building in each phase and thereafter all off-street parking occupation shall be retained for that purpose.

Reason: To ensure required parking standards are adhered to and to achieve modal shift from private car to other forms of transport in accordance with the transport assessment.

50. Unless otherwise agreed, no part of the Science Park shall be occupied until a Car Park Management Scheme regarding the operations of the car parks have been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Scheme shall be implemented in accordance with the approved scheme.

Reason: To ensure adequate provision of car parking to serve the development.

### **Public Realm and Public Art Strategy**

51. Prior to the submission of any reserved matters application, a Public Realm and Public Art Strategy shall be submitted to and agreed in writing by the Local Planning Authority. This strategy shall:-

- i) include all street furniture including seating, bollards, lighting, litter bins, dog bins, hoardings, notice boards, etc and the treatment of open spaces and vacant plots
- ii) show how the design of the development will reflect the landscape setting and retained historic structures forming part of the former Redhayes House.

The development shall be carried out in accordance with the details contained in the approved strategy.

Reason: To ensure full and satisfactory information is provided in order to clarify the proposed appearance of the public areas within the development.

## Highways

52. 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, access, 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.

50. The occupation of any part of the development authorised by this permission shall not begin until:

- The local planning authority (in consultation with the Secretary of State for Transport) has approved in writing a full scheme of works of improvement to provide the East of Exeter Phase 2 Link Road to increase capacity at M5 Junction 29 as shown on drawing reference Figure 11.1; and
- The approved works have been completed in accordance with the local planning authority's written approval (in consultation with the Secretary of State for Transport) and have been certified in writing as complete on behalf of the local planning authority.

Reason: To ensure that a satisfactory highway access is provided to serve the first Phase of the development.

51. The sustainability strategy for this development shall be reviewed in accordance with a timetable to be agreed with the LPA and all subsequent development shall be carried out in accordance with the most up to date strategy.

## INFORMATIVE

### 1. Gross Floorspace

For the avoidance of any doubt, the gross floorspace areas identified under Condition 7 above are maxima allowed for under the planning permission subject to demonstration of an acceptable environmental impact through the details to be prepared and submitted pursuant to the permission. They should not be taken to imply a commitment to that level of floorspace under the permission since it will be incumbent on the applicants to demonstrate through the detailed design process that the site is capable of accommodating the level of development allowed for within these maximum floorspace parameters.

## 2. Noise Control Plan

In respect of Condition 43 it should be noted that, as a minimum, the Noise Control Plan should cover:-

- procedures for ensuring compliance with statutory or other identified noise control limits, with the possible production and use of a Construction Noise and Vibration Management Plan;
- procedures for ensuring that all works are carried out according to the principle of “Best Practice Means”;
- general induction training for site operatives and specific training for staff having responsibility for particular aspects of controlling noise from the site;
- a noise monitoring / auditing programme;
- liaison with the local authority and the community.

In order to demonstrate the adoption of Best Practicable Means to control noise emission from the site, the following conditions and measures are applicable:-

1. Contractors should bring to site and employ only the most environmentally acceptable and quietly operating plant and equipment compatible with the safe and efficient execution of the works.
2. Noise emitted by any plant item should not exceed the limits quoted in either the relevant EC Directive or UK Statutory Instrument and should be no greater than the relevant values quoted in the current version of BS 5228.
3. All items of plant operating on the site in intermittent use should be shut down in the intervening periods between uses.
4. Any compressors brought onto site should be silenced or sound reduced models fitted with acoustic enclosures.
5. All pneumatic tools should be fitted with silencers or mufflers.
6. The excavation and demolition of existing structures should, wherever possible, be undertaken without the use of pneumatic breakers.
7. Wherever possible, the use of hydraulic attachments or other means of crushing concrete and hard materials should be used in preference to pneumatic breakers. Where the use of impact hammers is necessary, their attachment to larger and heavier excavators often can reduce the level of vibration.
8. Care should be taken when erecting or striking scaffolds to avoid impact noise from banging steel. All operatives undertaking such activities should be instructed on the importance of handling the scaffolds to reduce noise to a minimum;
9. Deliveries should be programmed to arrive during daytime hours only. Care should be taken when unloading vehicles to minimise noise. Delivery vehicles should be routed so as to minimise disturbance to local residents. Delivery vehicles should be prohibited from waiting on the highway or within the site with their engines running.
10. No radios or music should be played on the site.

11. All plant items should be properly maintained and operated according to the manufacturers' recommendations in such a manner as to avoid causing excessive noise.
12. All plant should be sited so that the noise impact at nearby noise sensitive locations is minimised or otherwise controlled. Local hoardings, screens or barriers should be erected as necessary to shield particularly noisy activities.

NB: As an alternative to a NCP the developer may wish to consider undertaking a Section 61 agreement under the Control of Pollution Act 1964 with East Devon District Council.

### **3. Materials**

Condition 11 above requires samples of materials to be submitted and these samples must comply with the following criteria:-

#### **Materials (General)**

Prior to construction a reference panel sufficient representing the material in question should be built on site. The panel should be no less than 1 m sq in size and should be in the final proposed material, colour finish and texture including gloss factor to paint work, sprayed and powder coated materials.

The reference panel should be built on a level firm foundation in a dry location with natural daylight.

All panels should be viewable from close range and from approximately 3 metres away. All sample panels shall be viewed together to allow an assessment of the entire materials palette.

All materials should be reasonable free from damage, deformation and deflection especially edges and corners.

#### **Materials (Brickwork)**

All brickwork must be built in accordance with BS EN 771-1.

#### **Materials (Render)**

A through – render system is preferred.

### **4. Retail Uses**

For the avoidance of doubt, in respect of the submission of any full planning application within the site the subject of this outline planning permission, which would include ancillary retail use or uses, the full extent, location and floor space of any such use or uses shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Masterplan for the Science Park and that retail provision shall be limited to a scale and nature commensurate with the needs and numbers of employees on the site. This is in order to make provision for ancillary retail facilities on the site, but to prevent retail becoming a primary use of the land.

## **SECTION 106 AGREEMENT – DRAFT HEADS OF TERMS**

### **1 GENERAL OBLIGATIONS**

- (a) Parties to Agreement to be:
  - DCC (as landowner and Highway Authority)
  - Eagle One MMIII Limited (as landowner)
  - EDDC (as local planning authority).
  - Mortgagees also to be a party if applicable.
- (b) Where applicable, agreement to contain model land transfers which shall outline the terms upon which land is to be transferred to EDDC or other relevant body.
- (c) Agreement to bind successors in title.
- (d) Site wide liability clauses to be included.
- (e) Appropriate enforcement provisions where necessary allowing EDDC to perform obligations themselves in event of breach.. Appropriate security/bonds to be provided.
- (f) Index linking.
- (g) Where applicable, full servicing of sites.
- (h) Trigger points to be defined.

### **2 HIGHWAY OBLIGATIONS**

- 2.1** Land required for improvement to Junction 29 of the M5 motorway to be dedicated as highway/transferred to the Highway Authority. Occupation of Phase 1 of the Development is not to occur until the Junction 29 improvements have been completed.
- 2.2** Owners to pay financial contributions to the Highway Authority towards a number of transport measures including footway/cycleway a new east of Exeter link road and off-site minor road improvements. Occupation of Phase 2 of the Development is not to occur until the new link road has been completed.
- 2.3** Owners to provide/fund traffic signals required as part of the development.
- 2.4** Owners to fund provision and use of monitoring equipment and data collection by Highway Authority to monitor vehicle Trip Rates.
- 2.5** If Trip Rates exceed specified rate, Highway Authority shall be entitled to serve a notice upon the Owners setting out the measures reasonably required to be taken in order to reduce Trip Rates.
- 2.6** In the event that one or more Trip Rate notice(s) are served a mitigation contribution shall be payable to the Highway Authority to be applied by the Highway Authority to fund measures to reduce Trip Rates, and for such improvements to sustainable travel as required.
- 2.7** Owners to use all reasonable endeavours to secure such Traffic Regulation Orders and/or Stopping Up Orders together with any necessary associated agreements as are required in connection with the Development.

### **3 PUBLIC TRANSPORT**

- 3.1 Contribution towards provision of new bus services, and/or improvement to existing bus services.
- 3.2 Bus detection funding to be provided.
- 3.3 Contributions towards bus infrastructure including bus lane, a public transport interchange and other public transport measures as appropriate.

### **4 TRAVEL PLANS**

- 4.1 Owners enter into obligation to provide an overarching travel plan for the Science Park to achieve Trip Rates referred to in the Agreement, under which shall sit individual travel plans to be provided by occupiers of any unit within the Development. Various measures to be included within such Travel Plans which are aimed at promoting suitable transport.

### **5 OPEN SPACE**

- 5.1 Areas of open space (including a trim trail) to be located within the development and provided to the reasonable satisfaction of EDDC.
- 5.2 Owners to maintain the open space to reasonable satisfaction of EDDC. Method of adoption/maintenance to be agreed. In event of adoption by EDDC of Open Space a Commuted Sum to be paid.
- 5.3 Off site landscaping requirements - buffer to Blackhorse land.
- 5.4 Forward planting schemes to be undertaken for each phase.

### **6 PUBLIC CONVENIENCES**

- 6.1 Public Convenience Provision to be made (either as a stand alone building or as part of another building).
- 6.2 Owner to maintain public conveniences to the reasonable satisfaction of EDDC. In event of adoption by EDDC a Commuted Sum to be paid

### **7 PUBLIC REALM & PUBLIC ART**

- 7.1 Owners to submit details of proposed Street furniture in applications for reserved matters for each phase of development and shall provide those facilities in accordance with an agreed timetable. Adoption of facilities/contributions towards maintenance to be agreed.
- 7.2 Provision of/contribution towards Public Art.
- 7.3 Owner to maintain Public Art to the reasonable satisfaction of EDDC.

### **8 SUSTAINABILITY**

- 8.1 All reserved matter applications in relation to any part of the land to comply with a Sustainability Strategy.
- 8.2 No unit to be constructed unless it achieves BREEAM Excellent rating. BREEAM Certificate to be provided for each unit and given to each new owner/occupier of the relevant unit.
- 8.3 Any contractors constructing any unit to be registered on the Considerate Constructors Scheme, or similar or successor scheme.
- 8.4 Each occupant and employee within the Development to be notified of main provisions of the Sustainability Strategy and Owners to use reasonable endeavours to ensure compliance.

**8.5** On-site renewable energy should be investigated and procured where reasonably practicable. Reports of total energy consumed within the development to be provided on demand to EDDC.

**8.6** Scheme to ensure that an agreed minimum percentage of the energy consumed within the Development derives from on-site renewable energy sources.

**9 HOTEL**

**9.1** A specification of the proposed hotel to be approved prior to Commencement of Development. Owners to complete Hotel to the approved specification and retain such facilities as contained in approved specification.

**10 USES**

**10.1** Restriction on uses of units to Science Park uses (save for Management Suite, Management Facility and Hotel).

**11** The developer will make all reasonable endeavours to secure a zero carbon development on Science Park, including providing a combined heat and power source.

The above Heads of Terms are subject to detailed discussions with the Owners and shall be added to or amended where appropriate following such discussions.

EXMOUTH WITHYCOMBE  
RALEIGH  
(Exmouth)

09/1811/FUL

Target Date: 10.11.2009

Applicant: No. 10 Developments Ltd

Location: Land adjoining 55 Hawthorn Grove, Exmouth

Proposal: Construction of two storey attached dwelling

**RESOLVED:** APPROVE subject to the following planning 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 submitted details, the first floor window to the west elevation shall be obscure glazed and non-opening unless otherwise agreed in writing by the Local Planning Authority.  
(Reason – To protect the amenity of neighbouring residents)
3. 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 windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the west elevation of the new dwelling at first floor level  
(Reason - To protect the privacy of adjoining occupiers.)

#### Reasons for approval

The proposal complies with the Devon Structure Plan 2001-2016 Policies CO6 (Quality of New Development) and ST10 (Strategic Road Network).

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), TA9 (Parking Provision in New Development) and RE3 (Open Space Provision in New Housing Developments).

The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

HONITON ST MICHAELS  
(Honiton)

09/1657/FUL

Target Date: 12.10.09

Applicant:

Slades Ltd

Location:

Unit 1, 2 & 3 Heath Park Trading Estate

Proposal:

Change of use of vacant existing Class B1, B2, B8 and Builders' Merchants' to Class A1 non-food retail floorspace, erection of canopy, external alterations, garden centre, car parking and landscaping

**RESOLVED:**

that the Council is minded to APPROVE subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:  
a contribution of £10,498 for infrastructure improvements at the Turks Head junction in accordance with the requirements of the Highways Agency  
with Delegated authority be given to the Head of Planning and Countryside Services to issue the permission following the satisfactory conclusion of a Section 106 Agreement and subject to the following planning 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 A1 use class of the development hereby permitted shall be limited to the sale of non-food bulky goods to include agricultural goods (including animal feed stuffs, fertilisers, coal, paraffin, safety and protective clothing), furniture and carpets, DIY products, cycle products and vehicle accessories, garden and homewares, leisure and outdoor clothing, greeting cards, electrical goods and pet foods and products, unless otherwise agreed in writing by the Local Planning Authority. The sale of food and related goods shall be limited to a maximum of 80 square metres net within Unit 2 only. No food sales shall take place from Unit 1 without the prior written approval of the Local Planning Authority.
3. No part of the development hereby approved shall be brought into its intended use until parking facilities, commercial vehicle loading/unloading area, vehicle turning areas and cycle storage details have been provided and maintained in accordance with details that shall previously 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.)
4. A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the Travel Plan shall be agreed in writing by the Local Planning Authority and Local Highway Authority (in consultation with the Secretary of State for Transport), in advance of occupation of the development. The travel plan will need to be prepared in line with the prevailing policy and best practice and shall include as a minimum:
  - 1 The identification of targets for trip reduction and modal shift.
  - 2 The methods to be employed to meet these targets.
  - 3 The mechanisms for monitoring and review.
  - 4 The mechanisms for reporting.
  - 5 The remedial measures to be applied in the event that targets are not met.
  - 6 The mechanisms for mitigation.
  - 7 Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter.

8 Mechanisms to secure variations to the travel plan following monitoring and reviews.

A review of the targets shall be undertaken within 3 months of the occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

(Reason - In order that the development promotes public transport, walking and cycling and limits the reliance on the private car.)

5. The construction of the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Secretary of State for Transport and Devon County Council) a construction management plan. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from the site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development plan shall be carried out strictly in accordance with the approved construction management plan.

(Reason - In the interests of highway safety, the efficient operation of the local and strategic road networks, and to safeguard the amenities of neighbouring residents.)

6. The approved 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.)

Reasons for approval

The proposal complies with the Devon Structure Plan 2001 – 2016 Policies ST5 (Development Priority 2001-2016), ST15 (Area Centres), ST20 (Re-assessing and Safeguarding Employment Land), CO6 (Quality of New Development), TR10 (Strategic Road Network), SH1 (Shopping Facilities (Sequential Approach) and SH2 (Shopping Facilities and Settlement Hierarchy) and SH3 (Retail Warehousing).

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), E1 (Provision of Employment Land), E3 (Safeguarding Employment Land and Premises), SH1 (Town Centre Shopping Areas), SH3 (Large Stores and Retail Related Uses in Area Centres), TA1 (Accessibility of New Development), TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development).

The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The access to serve the proposal does not prejudice highway safety.

The proposal includes the use of previously developed land.

NEWBRIDGES  
(Shute)

09/0995/FUL

Target Date: 14 July 2009

Applicant: Candlebine BHL Ltd

Location: Shute Garage, Axminster Road, Shute, Axminster

Proposal: Change of use of garage site from a petrol filling station with car sales and vehicle repair and breaking facilities to use of site for the preparation for sale then sale of motor vehicles

**RESOLVED:** 1) APPROVE subject to the conditions set out below

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 19 May 2009.

Reason - To comply with Section 63 of the Act.

2. Within three months of the date of the grant of planning permission the reinstatement of the highway verge bordering the site along the A35(T) shall have been undertaken in accordance with the details submitted on drawing no. 60096293/PH/010 Rev: P1 and drawing number 600 96293/PHL/009P2 to the satisfaction of the Local Planning Authority (in consultation with the Highways Agency).

Reason: In the interests of highway safety and the safe and efficient operation of the A35 trunk road.

3. Within three months of the date of the grant of planning permission the highway carriageway road markings and the site access to Stockland Hill, and visibility splays shall be marked out, constructed, laid out and maintained for that purpose in complete accordance with the application drawings submitted under reference 60096293/PHL/100 Rev: P1 and drawing 60096293/PHL/101/Rev P1.

Reason: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles.

4. In accordance with the submitted and approved details forming part of this planning permission, the area shown hatched on plan no: 60096293/PHL/101 shall be kept free of parking at all times. In addition there shall be no vehicles parked for sale outside the red line boundary as shown on plan number 600 96293/PHL/002 Rev P1 at any time. No customers or staff shall park other than within the red line planning application site with no parking permitted on the highway verge at any time.

Reason: In the interests of highway safety and the visual amenities of the area

5. Notwithstanding the signage detail as shown on plan 600 96293/PHL/010 Rev P3, within 2 months of the date of the planning permission details of the proposed means of signage, including the position, style, height and means of illumination shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be erected and thereafter maintained in accordance with the approved details. There shall be no signage of any sort placed on the highway verge or not in accordance with any separate approval under the Advertisement Regulations.

Reason: In the interests of highway safety and to protect the visual amenity of the area.

6. Notwithstanding that existing on site at the present time, full details of all means of illumination, including any floodlighting and low level lighting, shall be submitted to and approved in writing by the Local Planning Authority within two months of the grant of planning permission. Such details shall include the position, height, hours of operation and luminance of the proposed lighting. The lighting shall be installed and thereafter maintained in strict accordance with the approved details. Any lighting which is not part of the approved scheme shall be removed within one month of the approval of the lighting scheme. The site shall not be illuminated outside the opening hours specified in condition 9.

Reason: In the interests of the character and appearance of this sensitive location within the open countryside.

7. Landscaping, in accordance with the plan submitted under reference E1 08C-AA-74-0010-A01 and the associated planting and management schedule received on 6 October, shall be carried out within the first planting season following the grant of planning permission i.e. by the end of February 2010. Any trees or plants which die become damaged or diseased within 5 years of planting shall be replaced with the same species (unless a written variation has been agreed with the Local Planning Authority) in the next available planting season.

Reason: In the interests of the amenity and to preserve and enhance the character and appearance of the area.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the approved landscaping, shall be submitted to and approved in writing by the Local Planning Authority within two months of the grant of planning permission. The proposals shall be carried out as approved for the full duration of the plan.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the area which is located in a sensitive open countryside location designated as an Area of Outstanding Natural Beauty.

9. The use hereby permitted shall not be open to customers outside the following times:

08:00 hours and 20:00 hours, Mondays – Saturdays and

09:00 hours and 17:00 hours Sundays

Reason: In the interests of amenity

10. The proposed security fencing shall be coloured dark green and shall match the colour and type of existing security fencing and maintained as such thereafter. Any change in fencing or its colour shall be specifically agreed in writing with the Local Planning Authority prior to its erection on the site.

Reason – In the interests of the visual appearance of the area designated as an AONB

2)that the Head of Legal, Licensing and Democratic Services be instructed to withdraw the enforcement notices issued under reference numbers EN08/024 and EN08/024A issued on 22 May 2008 once the conditions as referred to above have been discharged.

### Reasons for approval

The proposed development complies with the Devon Structure Plan 2001 - 2016 Policies ST5 (Development Priority 2001 - 2016), CO3 (Areas of Outstanding Natural Beauty), CO6 (Quality of New Development), TR1 (Devon Travel Strategy), TR5 (Hierarchy of Modes and Transport Assessment) and TR10 (Strategic Road Network and Roadside Service Areas)

The proposal complies with the adopted East Devon Local Plan 1995 - 2011 Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), EN1 (Developments Affecting Areas of Outstanding Natural Beauty), E3 (Safeguarding Employment Land and Premises) and TA7 (Adequacy of Road Network and Site Access).

SIDMOUTH TOWN  
(Sidmouth)

No. 09/F0025  
(Enforcement)

Date complaint received:  
09 January 2009

Land Occupier:

Feathers, Milton House

Location:

Feathers, Milton House, 9 High Street, Sidmouth

Alleged Breach of  
Planning Control:

Roof extension/conversion is too high and restricts neighbours' light

**RESOLVED:**

No further action is taken.

TRINITY  
(Combyne Rousdon)

09/0939/FUL

Target Date: (07.07.2009)

Applicant:

Mr and Mrs Connell

Location:

Land at the Summerhouse, Rousdon

Proposal:

Use of building as dwelling (retrospective)

**RESOLVED:**

INSPECT

**Reason:** to consider the proposal and suitability of the building for residential use.

TRINITY  
(Combyne Rousdon)

09/1222/FUL

Target Date: (29.09.2009)

Applicant:

Ms J Ellard

Location:

Middle House (former Venning House, ROUSDON)

Proposal:

Use of retained basement as underground agricultural / horticultural store including alteration works

**RESOLVED:**

APPROVE with Conditions delegated to Head of Planning and Countryside to include the following:

1. Standard time limit
2. Detailed landscaping scheme, including finished ground levels
3. Any exposed buttress walls to be faced in natural stone with sample panel area to be agreed
4. Materials for garage doors be agreed (preferably in timber)
5. Limitations on use for agricultural storage only and for no other use including any form of residential use.

Members resolved contrary to officer recommendation for the following reasons:

1. Members recognised there was a need for storage.
2. It is preferable to re-use this structure rather than provide a new building in the locality.

WOODBURY                      09/1205/COU    11.08.2009  
(Woodbury and  
Lympstone)

Applicant:                      G B House & Son Ltd

Location:                      G B House & Son, Venmore Farm, Woodbury  
(Grid Ref: 300343 86520)

Proposal:                      Retention of use of silage clamps and adjoining land for the open  
storage of boats and caravans

**RESOLVED:**                      APPROVE subject to conditions to be delegated to Head of Planning  
and Countryside to include the following:

1.        Standard time limit
2.        Detailed landscaping scheme including a new Devon bank, the implementation and maintenance of the landscaping
3.        Storage to be ground level only and all boats to have their masts stored horizontally, not vertically
4.        Storage limited to the area shown hatched on the approved plan
5.        Any other highway works as required relating to the access and roadway
6.        Visibility splay works as required.

Members resolved contrary to officer recommendation for the following reasons:

1.        Need for additional employment land in the District is well recognised.
2.        Proposal is compatible within its surroundings.
3.        The economic benefit and encouragement of rural diversification outweighs normal policy considerations.
4.        Other economic benefits to other established facilities in the area.
5.        Re-use of redundant farm courtyard considered acceptable.