

**EAST DEVON DISTRICT
COUNCIL**

**DEVELOPMENT MANAGEMENT
COMMITTEE**

HELD ON Tuesday 8 December 2009

SCHEDULE NUMBER 8 – 2009/2010

APPLICATIONS DETERMINED BY THE COMMITTEE

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

SIDMOUTH SIDFORD
(Sidmouth)

09/1820/MFUL

Applicant:

Devon and Cornwall Housing Association

Location:

Land off Howarth Close, Sidmouth

Proposal:

Residential development consisting of 133 dwellings to include 1 & 2 bedroom apartments and 2, 3 & 4 bedroom houses, and associated parking, highways, landscaping, open space and drainage works.

RESOLVED

that the application be **APPROVED**, subject to a legal agreement and to the setting of suggested conditions set out below being delegated to the Head of Planning and Countryside in consultation with the Chairman and Ward Members following the conclusion of further negotiations to secure necessary amendments to the proposals and the completion of an appropriate legal agreement to govern the development. The Head of Planning and Countryside Services in consultation with the Chairman and Ward Members also being given authority to amend or add any conditions as necessary.

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

The programme of archaeological work required shall take the form of a staged programme of investigations, comprising:

- The excavation of additional evaluative trenches to determine the scope and nature of any surviving archaeological deposits across the whole application area, which shall be undertaken prior to the commencement of any construction work on the site.
- The excavation of additional evaluative trenches to define the limit and nature of the *known* prehistoric settlement identified by the works undertaken in support of the planning application, which shall be undertaken prior to the commencement of any construction work on the site.
- Based on the results of the above the impact of the development will be understood and the scope of further archaeological works to be undertaken in mitigation for this impact can be determined and implemented and timetabled into the construction timetable. Further archaeological mitigation may take the form of area excavation, archaeological control of topsoil stripping in defined areas or the monitoring of groundworks associated with the construction of the proposed development, or a combination of the above.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason -To ensure that an appropriate record is made of archaeological evidence that may be affected by the development)

3. Notwithstanding the submitted details, no development shall be commenced until a detailed landscaping scheme and 20 year landscape management plan, including a mechanism for the delivery and maintenance of the landscaping, and incorporating appropriate species, locations and densities of new planting to accord with the requirements of the wildlife mitigation strategies set out in the Ecological Impact Assessment, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full specification details of, and where so required by the Local Planning Authority, samples of the following elements:
- All areas of hard surfacing
 - All fences, walls, railings and other means of enclosure to public spaces (other than those indicated on drawing no. 104 rev. A ,116-1 and 116-2)
 - All items of informal/formal play equipment
 - All structural landscape elements including bridges, walkways, seating
 - Detailed section drawings of the terraced, grassed seating area to the southeast of apartment block A.

The development shall be carried out in accordance with the scheme and management plan as approved.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area.)

4. Prior to commencement of any works on site (including demolition), 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 exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably 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 strictly observed:

(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 be 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 as part of this approval or separately 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.)

5. The proposed estate road, cycleways, footways, footpaths, verges, junctions (including traffic calming where appropriate), street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, 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, widths, 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)

6. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

(Reason - To ensure the proper development of the site)

7. No part of the development hereby approved shall be commenced until:
 - The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway, and
 - A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents)

8. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - The cul-de-sac visibility splays have been laid out to their final level;
 - The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site)

9. Prior to the commencement of the development the applicant shall:

(a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with the 'Travel Plan' document submitted in support of the application.

(b) The applicant shall then implement the approved travel plan prior to first occupation and for each subsequent occupation of the development, thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

(Reason - To promote the adoption of sustainable transportation behaviour by residents and users of the site, in accordance with national and local planning policy and guidance as set out in PPS 1 - Delivering Sustainable Development and PPG 13 - Transport, policies ST1, ST4, TR2, TR5 and TR7 of the Devon Structure Plan 2001 - 2016 and policies D1, TA1 and TA3 of the East Devon Local Plan 1995 - 2011.

10. 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 works within Schedule 2 Part 1 Classes A, B, C, D, E or F for the enlargement, improvement or other alterations to the dwellings hereby permitted, or for the erection or alteration of structures or hard surfaced areas within the curtilages of the dwellings hereby permitted, shall be undertaken.

(Reason - The private amenity space attributable to the dwellings throughout the development would not permit such additions or alterations without detriment to the character, appearance and sustainable performance of the area or to the amenities of adjoining occupiers, and in accordance with criteria set out in policies S4, D1 and D2 of the East Devon Local Plan 1995 – 2011).

11. No development shall take place until 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 boundary enclosures of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance only with the approved details, 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 in accordance with national and local planning policy and guidance as set out in PPS 1, policies CO6 of the Devon Structure Plan 2001 - 2016 and S4 and D1 of the East Devon Local Plan 1995 - 2011).

12. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999:- Sound Insulation and Noise Reduction for Builders/Code of Practice shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

13. During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

14. No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of

noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

15. No waste or other materials shall be burnt upon the land within the application site.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

16. No development shall be commenced on the site until an Ecological Impact Assessment (detailing all investigative work, analyses of findings and proposals for mitigation of impact on the wildlife resource of the site, together with a timetable for obtaining all necessary Licences within the overall phased scheduling of the construction project) has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include:

- the scope and findings of additional survey work relating to badger activity on the site, together with measures to secure adequate provision for sett location and foraging areas within or outside the site;
- a mitigation strategy to address loss of habitat for dormice within the site, and
- details of the provision of appropriate receptor locations for the translocation of the reptile population on the site.

The mitigation proposals shall be completed in full unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To secure adequate protection and mitigation measures to safeguard and encourage the bio-diversity resource of the site, in accordance with national and local planning policy and guidance as set out in PPS1, PPS3, PPS9, policies ST1, CO9 and CO10 of the Devon Structure Plan 2001 – 2016 and policies S4, D1 and EN6 of the East Devon Local Plan 1995 -2011).

SIDMOUTH
(Sidmouth Sidford)

09/2287/FUL

Applicant: East Devon District Council

Location: Lymebourne House, Lymebourne Park, Sidmouth

Proposal: Installation of air condition unit with external condenser

RESOLVED

APPROVE subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason – to comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
- 2) When the installed equipment is no longer to be used by the applicant, the air condenser unit is to be removed from the building and the property restored to the condition in which it was immediately prior to the carrying out of the permitted works.
(Reason - To safeguard the architectural and historic character of the building, this consent being considered temporary taking into account the functional needs of the applicant.)

Reasons for approval

The proposal complies with the Devon Structure Plan 2001-2016 Policy C06 (Quality of New Development), Policy CO16 (Noise Pollution) and Policy CO7 (Historic Settlements and Buildings)

The proposal complies with the adopted East Devon Local 1995-2011 Policies D1 (Design and Local Distinctiveness), S4 (Development within Built-up Area Boundaries), Policy EN15 (Control of Pollution) and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

The proposal does not affect the privacy 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 alteration to the listed building will not harm the integrity or special architectural and historic character of the building

The proposal does not harm the character and appearance of the listed building

The proposal would not generate a level of noise that would unreasonably affect the amenity of neighbouring properties.

SIDMOUTH RURAL
(Sidmouth)

09/2188/FUL

Applicant:

Mr S Jarrett

Location:

3 Millford Road, Sidmouth

Proposal:

Retention of alterations and enclosure of rear covered area

RESOLVED

Delegated to Head of Planning and Countryside Service to approve the application subject to no letters of objections being received before the expiry date of the statutory consultation period and the following condition;

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 10th November 2009. (Reason - To comply with Section 63 of the Act.)

Approved plans

2050/002 Rev P1

SEATON
(Seaton) 09/2108/FUL

Applicant: Southern Healthcare (Wessex) Ltd

Location: The Seaton Nursing Home, Fore Street, Seaton

Proposal: Demolition of existing single storey block and erection of two storey extension to provide 8 bedrooms and new lift to service block.

RESOLVED APPROVE subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building.)
3. Clean surface and roof water shall be disposed in such a way that none drains into the public foul sewer.
(Reason - To prevent overloading of the public foul sewer.)

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001-2016 Policy ST15 (Development Priority 2001 to 2016) & Policy CO6 (Quality of New Development) & Policy CO16 (Noise Pollution) & Policy TR5 (Hierarchy of Modes) & Policy TR7 (Walking and Cycling) & Policy TR10 (Strategic Road Network)
2. The proposal complies with the adopted East Devon Local Plan 1995-2011 Policy S4 (Development Within Built-up Area Boundaries) & Policy D1 (Design and Local Distinctiveness) & Policy EN15 (Control of Pollution) & Policy EN18 (Adequacy of Foul Sewers and Sewage Treatment Works) & Policy TA1 (Accessibility of New Development) & Policy TA7 (Adequacy of Road Network and Site Access) & Policy TA9 (Parking Provision in New Development)
3. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
5. The proposal is contained within the defined built-up area boundary of the settlement.
6. The access to serve the proposal does not prejudice highway safety.

Approved plans

1621/08/010 Rev A
1621/08/011 Rev A

NEWBRIDGES
(Kilmington) 09/1847FUL

Applicant: P & R Dare

Location: Coryton Lodge, Kilmington

Proposal: Variation of condition no.2 and removal of condition nos. 3 and 4 of planning permission 09/0389/FUL

RESOLVED APPROVED subject to the following conditions:

1. Conditions 3 and 4 of permission 09/0389/FUL are hereby removed.
(Reason - The proposal does not harm the character and setting of the adjoining Listed Building.)
2. Condition 2 of permission 09/0389/FUL is hereby varied as follows:
Within 2 months of the date of this decision the existing garage doors shall be clad in timber in accordance with the details shown on the approved drawing number TW08/148/1B (including the installation of the proposed ironmongery). The approved doors shall thereafter be maintained as such.
(Reason - To safeguard the architectural and historic character of the building.)

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001-2016 Policies CO4 (Areas of Great Landscape Value), CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings).
2. The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), D5 (Trees on Development Sites), EN2 (Areas of Great Landscape Value), EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) and H10 (Extensions to Dwellings in the Open Countryside).
3. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
5. The proposal does not harm the particular landscape qualities and characteristics of the landscape designated an 'Area of Great Landscape Value'.
6. The proposal does not harm the setting of a listed building within close proximity to the site.

Informatives

Approved plans:

1

TW08/148/1B

HONITON ST MICHAELS
(Honiton)

Application No. 09/2153/MFUL

Applicant:

Lidl UK

Location:

Heathpark Service Station Site, Heathpark Way

Proposal:

Demolition of petrol station & convenience store and erection of food store with associated parking and servicing

RESOLVED

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 £29,000 for infrastructure improvements at the Turks Head Junction in accordance with the requirements of the Highways Agency;

and 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. 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 and roofs 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 has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include 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. The 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.)
4. No delivery shall be taken at or despatched from the site, including waste collection, between the hours of 11pm and 6am on any day.
(Reason – To protect nearby occupiers from excessive noise.)
5. No development shall commence until details of the surface water drainage from the site 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 – To ensure satisfactory drainage of the site.)

- 6 Any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated so that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 35; as defined by BS8233:1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Service Engineers (CIBSE) Environmental Design Guide 1999. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the premises and retained thereafter.
(Reason – To protect adjoining occupiers from excessive noise.)
- 7 No development shall commence until details of an energy study for the building hereby permitted to reduce energy usage and/or provide for renewable energy production on site 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 energy efficiency/sustainability and to comply with Policy D2 of the East Devon Local Plan.)
- 8 Notwithstanding the submitted details, no development shall commence until details of all external lighting, including times of operation and luminance levels, 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. No other lighting including security lighting fixed to the building shall be erected without the prior written consent of the Local Planning Authority.
(Reason – In the interests of energy efficiency and to minimise light pollution.)
- 9 A comprehensive travel plan will be implemented for 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 prevailing policy 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 penalties to be applied in the event that the targets are not met
- (6) The mechanisms for mitigation.
- (7) The implementation of the travel plan to an agreed time scale or time table 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 6 months of the occupation of the development and on an annual basis thereafter, at the time of submission of the annual Travel Plan, report for a period of 5 years.

(Reason – In order that the development promotes public transport, walking and cycling and limits the reliance on the private car, minimising its impact on the Strategic Road Network.)

- 10 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 details of construction operation hours, construction delivery hours, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a proposal to encourage the use of multiple occupancy vehicles and non-car travel to the site by contractors' staff. The plan shall also include, for information purposes, details of construction vehicle movements, construction vehicular routes to and from site and expected number of construction vehicles per day. The development shall then be carried out strictly in accordance with the approved Construction Management Plan.

(Reason – In the interest of Highway Safety and securing the operational capacity of the trunk road network.)
- 11 Air quality monitoring shall be carried out by the applicant in accordance with a specification and schedule to be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted prior to the commencement of the development hereby permitted and shall consist of nitrogen dioxide diffusion tube monitoring at 10 positions in areas to be agreed. The results of the monitoring shall be submitted to the Local Planning Authority following completion of the assessment.

(Reason – In the interests of air quality.)
- 12 The improved southernmost site access and visibility splays shall be constructed, laid out and maintained for that purpose, in accordance with the application drawings before any other operations are commenced.

(Reason – To provide a satisfactory access to the site with adequate facilities for short term parking.)
- 13 The existing northernmost access shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the amended southernmost access is capable of use.

(Reason – To prevent use of a substandard access and to minimise the number of accesses onto the public highway.)
- 14 No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

(Reason – To ensure that adequate facilities are available for the traffic attracted to the site.)
- 15 In accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County highway.

(Reason – In the interests of public safety and to prevent damage to the highway.)
- 16 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1, 2, 3 and 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

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,
- ground waters 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'.

2. Submission of Remediation Scheme

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 historical 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 remediation.

3. Implementation of Approved Remediation Scheme

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 PPS23 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.

4. Reporting of Unexpected Contamination

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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

(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.)

Reasons for approval

The proposal complies with Devon Structure Plan 2001 – 2016 Policies:

Policy ST5 – Development Priority 2001 -2016
Policy ST15 – Area Centres
Policy C06 – Quality of New Development
Policy C015 – Air Quality
Policy C016 – Noise Pollution
Policy TR5 – Hierarchy of Modes
Policy TR7 – Walking and Cycling
Policy TR9 – Public Transport
Policy TR10 – Strategic Road Network
Policy SH1 – Shopping Facilities (Sequential Approach)
Policy SH2 – Shopping Facilities and Settlement Hierarchy

The proposal complies with the adopted East Devon Local Plan 1995 – 2011 Policies:

Policy S4 – Development Within Built-up Area Boundaries
Policy D1 – Design and Local Distinctiveness
Policy D2 – Sustainable Construction
Policy D4 – Landscape Requirements
Policy EN15 – Control of Pollution
Policy SH1 – Town Centre Shopping Areas
Policy SH3 – Large Stores Retail Related Uses in Area Centres
Policy TA1 – Accessibility of New Development
Policy TA4 – Footpath/Bridleways and Cycle Ways
Policy TA7 – Adequacy of Road Network and Site Access
Policy TA9 – Parking Provision in New Development
Policy E3 – Safeguarding Employment Land and Premises

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 this site and surrounding area.

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

The proposal includes the use of previously developed land.

The applicant has adequately demonstrated the need for the proposed retail floor space and acceptable impact on the town centre.

The applicant has reasonably demonstrated the sequential test as required by PPS6.

The proposal would not generate a level of noise that would unreasonably affect the amenity of nearby properties.

EXMOUTH HALSDON (Exmouth)	09/2199/FUL
Applicant:	Mr P Jeffs
Location:	172 Exeter Road, Exmouth
Proposal:	Siting of freestanding solar panels.

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).

Reasons for approval

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon County Structure Plan Policies
CO6 (Quality of New Development)

East Devon Local Plan Policies
D1 (Design and Local Distinctiveness)

The proposal does not adversely affect the privacy 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.

Approved plans

Location Plan (03)
Elevations (01)
Block Plan (02)

The following application was DEFERRED with delegated authority being given to APPROVE subject to such conditions as may be indicated

SIDMOUTH
(Sidmouth Sidford)

09/2288/LBC

Applicant:

East Devon District Council

Location:

Lymebourne House, Lymebourne Park, Sidmouth

Proposal:

Installation of air condition unit with external condenser

RESOLVED

DEFERRED with delegated authority to APPROVE subject to no adverse comments being received from the Conservation Officer regarding internal alterations:

- 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) When the installed equipment is no longer to be used by the applicant, the air condenser unit is to be removed from the building and the property restored to the condition in which it was immediately prior to the carrying out of the permitted works.
(Reason - To safeguard the architectural and historic character of the building, this consent being considered temporary taking into account the functional needs of the applicant.)

Reasons for approval

The proposal complies with the Devon Structure Plan 2001-2016 Policy C06 (Quality of New Development), Policy CO16 (Noise Pollution) and Policy CO7 (Historic Settlements and Buildings)

The proposal complies with the adopted East Devon Local 1995-2011 Policies D1 (Design and Local Distinctiveness), S4 (Development within Built-up Area Boundaries), Policy EN15 (Control of Pollution) and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

The proposal does not affect the privacy 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 alteration to the listed building will not harm the integrity or special architectural and historic character of the building

The proposal does not harm the character and appearance of the listed building

The proposal would not generate a level of noise that would unreasonably affect the amenity of neighbouring properties.
