

**EAST DEVON DISTRICT
COUNCIL**

**DEVELOPMENT MANAGEMENT
COMMITTEE**

HELD ON Tuesday 9 February 2010

SCHEDULE NUMBER 10 – 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

EXMOUTH TOWN
(Exmouth)

09/2346/MFUL

Applicant:

Eagle One Homes Ltd

Location:

Land Adjacent Windward Court, Shelly Road
Exmouth

Proposal:

Construction of 14 apartments at Spinnaker Court including associated works (amended scheme to planning permission 03/P3137 and resubmission of application 09/0986/MFUL)

RESOLVED

APPROVED subject to the following planning conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVES THE AMENDMENT TO THE RESERVED MATTERS application No. 03/P3137 which is pursuant to the outline planning permission reference 93/P1116 granted 19 December 1995.

This permission is subject to the Section 106 Agreement signed on 5 July 2004 relating to this site. The conditions applied to application no. 03/P3137 are, where they apply directly to the development of Spinnaker Court, applicable to this planning permission together with the additional following/amended conditions:-

2. No works for the construction of the building hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside of the following hours: 07:30 hours and 18:00 hours Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays. (This condition amends and supersedes Condition 7 of the Reserved Matters Approval 03/P3137).
(Reason - To protect adjoining occupiers from excessive noise).
3. No burning shall take place on or around the site at any time.
(Reason - To protect the amenity of adjoining occupiers and to protect the local environment).
4. Prior to the commencement of development and at all times during construction a dust suppression scheme shall be in operation.
(Reason - To protect the amenity of adjoining occupiers and to protect the local environment).
5. The ground level of the Undercroft area shall be constructed at 3.8m OD in accordance with the approved drawings and the submitted Flood Risk Assessment and shall not be amended without the express written permission of the Local Planning Authority.
(Reason - In order to limit the flood risk to the area for underground parking).
6. The submitted 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).

7. 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 elements a, b, c and d (below) 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.

a) 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'.

b) 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.

c) 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.

d) 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.

e) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years (to be agreed with the Local Planning Authority under element a), 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 conducted 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).

8. The balconies hereby permitted on the two estuary facing corners of the development, on the upper ground, and first floor and the north west corner only of the second floor shall be constructed so that they are readily dismantlable in the event of any reasonable request by either the Environment Agency (or their successor), other statutory body or by the management company which require access to the sea wall.
(Reason - To ensure safe and appropriate access to the sea wall and the estuary beyond by the statutory undertakers or the management company in the event that repairs or other access is required).
9. No development shall start until a Method of Construction Statement, to include details of parking for vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage of plant and materials, programme of works (including measures for traffic management), has been submitted to and approved in writing by the Local Planning Authority. Only approved details shall be implemented during the construction period.
(Reason - to maintain free and safe access for residents and the general public).
10. No occupation of the dwellings hereby approved shall take place until all garage and cycle parking and on site turning facilities are completed as in the attached plan.
(Reason - To minimise the extent of on street parking that may result as a consequence of the development).

Reasons for approval

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the Devon Structure Plan 2001-2016 policies ST1 (Sustainable Development), CO10 (Protection of Nature Conservation Sites and Species), CO13 (Protecting Water Resources and Flood Defence)

The proposal complies with the Adopted East Devon Local Plan 1995-2011 policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements), EN6 (Internationally Important Sites), EN7 (Nationally Important Sites – including Sites of Special Scientific Interest), TA1 (Accessibility of New Development) and TA7 (Adequacy of Road Network and Site Access).

2. The proposal is contained within the defined built-up area boundary of the settlement.
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 no harm to wildlife interest.

BUDLEIGH
(Budleigh Salterton)

09/1061/FUL

Applicant:

Mr M Farley

Location:

Kersbrook Farm, Kersbrook, Budleigh Salterton

Proposal:

Alteration and change of use of barn to form two dwellings and associated parking

RESOLVED

APPROVED subject to the following conditions:

1. TM3
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. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.
(Reason - To safeguard the architectural and historic character of the building.)
4. All new windows and doors indicated on the approved plans shall be made of timber only and no other materials, and be painted in a colour to be agreed in writing by the Local Planning Authority and maintained as such, unless the written consent of the Local Planning Authority is obtained to any variation.
(Reason - To safeguard the architectural and historic character of the building.)
5. 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:
 - Details of the species mix, planting density, plant size and numbers for the boundary hedge to the north and west boundaries.

- Details of any other proposed planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed.
- Details of any proposed walls, fences and other boundary treatment.
- Details (and where so required by the Local Planning Authority samples) of any areas of hardsurfacing.

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.)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2, Part 1, Classes A to G inclusive, for the enlargement, improvement or other alterations to the dwellings or for the provision within the curtilage of any building or enclosure, swimming or other pool, hardstanding area hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.
(Reason - The space available would not permit such additions with detriment to the character and appearance of the area.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 2 Classes A or B for the erection, construction, maintenance, improvement or alteration of a gate, fence wall or other means of enclosure or for the formation, laying out and construction of a means of access shall be undertaken without an express grant of planning permission from the Local Planning Authority.
(Reason - In the interests of the character and appearance of the surrounding area.)
8. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.0 metres back from its junction with the public highway
(Reason - To prevent mud and other debris being carried onto the public highway.)
9. Visibility splay shall be provided, laid out and maintained for that purpose at the site access where the visibility splay provides intervisibility between any points at a height of 0.9 metres above the adjacent carriageway level and the distance back from the near edge of the carriageway of the public highway shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway shall be 25 metres in a northerly direction to the existing junction of Copp Hill Lane and Kersbrook Lane.
(Reason - In the interests of highway safety.)

Reason for approval

1: C03 and C06

2: D1, D10, EN1, EN6, S5, TA7

3, 4 and 7

Potential business uses have been considered but on this occasion are not appropriate for this particular site. It is considered an economic use would not be viable in the long term and would not secure the long term viability of the barn. In addition, any business use is likely to be detrimental to the locality given the close knit nature of this hamlet.

Application was Approved contrary to officer recommendation for the following reason:

Potential business uses have been considered but on this occasion are not appropriate for this particular site. It is considered an economic use would not be viable in the long term and would not secure the long term viability of the barn. In addition, any business use is likely to be detrimental to the locality given the close knit nature of this hamlet.

NEWBRIDGES
(Dalwood)

09/0995/FUL

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

APPROVED subject to the following conditions:

Further Recommendation

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

Conditions

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 six 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: P3 and drawing number 600 96293/PHL/009 Rev:P2 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 six 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 Rev: P1 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 1011_2010_01a and the associated planting and management schedule received on 26 January 2010, shall be carried out within the first planting season following the grant of planning permission. 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. The new Devon Bank as shown on the approved plan 1011_2010_01a shall be completed by the end of September 2010. The applicant will notify the LPA at the point of commencement of the hedgebank construction, in order to allow an on-site inspection of the method of construction and to agree the dimensions of the hedgebank are satisfactory.
Upon completion of the hedgebank the applicant will notify the LPA to enable a final inspection ahead of planting (6 month settlement period before planting is considered good practice). The approved hedgebank planting shall be fully completed by the end of March 2011. All new planting to be maintained as condition 7 above.
(Reason - In the interests of the amenity to preserve and enhance the character and appearance of the area and to ensure construction method is adhered to and sufficient time for settlement is allowed ahead of planting).

9. 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 three 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).
10. 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).
11. 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).

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).

NEWBRIDGES
(Dalwood)

09/2423/FUL

Applicant: The Management Committee, Dalwood Community Shop and Post Office

Location: Dalwood Community Shop and Post Office

Proposal: Installation of 12 solar photovoltaic modules on rear south west facing tiled roof

RESOLVED

APPROVED subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. Within 6 months of the approved solar panels ceasing to be used for the production of electricity the solar panels and associated infrastructure shall be permanently removed from the site and the roof restored to its former condition.
(Reason - In the interest of the character and appearance of the Area of Outstanding Natural Beauty).

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 development shall take place until a detailed scheme and plans covering the hydro-electric (including forebay, penstock and turbine housing) element of the development proposals have been submitted to and agreed in writing by the Local Planning Authority. The development shall not proceed other than in accordance with details as may be agreed.
(Reason - In the interests of the appearance and character of the area).
5. No development shall take place until details of the roofing material and solar voltaic panels for the outbuildings hereby permitted, including construction details of the solar panels, have been 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 roof materials, including the solar panels, are as flush with the roof as possible in the interests of the character and appearance of the area).
6. Prior to the commencement of development, a 3-5 square metre sample panel of stone walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. Any such sample provided shall be agreed in writing with the Authority and any variations as to coursing, pointing and the type of stone to be used. All stone walling as may be agreed, shall be completed prior to the beneficial use of the building to which the application relates.
(Reason - In the interests of the appearance and character of the area).
7. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted.
(Reason - The annexe is not suitable for the independent residential occupation).
8. The outbuildings hereby permitted comprising garaging, storage and workshops shall only be used and operated in conjunction with, and ancillary to, the use of the dwelling hereby permitted as a single dwelling house and shall not be used as separate commercial, industrial or business purposes.
(Reason - The outbuildings are unsuitable for independent commercial use which could cause undue noise and conflict with the amenity of adjacent occupiers).
9. The process that is carried on and the machinery that is installed within the workshop hereby permitted shall be restricted to Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
(Reason - To protect adjoining occupiers from noise and disturbance).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme].
(Reason - To enable the Local Planning Authority to control extensions and alterations that would not normally require permission in the interests of the appearance of the development).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwelling house except for those shown on the approved drawings and plans or as may be agreed as part of the landscaping scheme.
(Reason - In the interests of the character and appearance of the development and its setting within the rural landscape).

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001-2016 Policies ST1 - Sustainable Development, ST5 - Development priority 2001-2016, ST16 - Local Centres and Rural Areas, CO1 - Landscape Character and Local Distinctiveness, CO6 - Quality of New Development, CO10 - Protection of Nature Conservation Sites and Species, CO11 - Conserving Energy Resources, CO13 - Protecting Water Resources and Flood Defence and TR10 - Strategic Road Network.
2. The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S5 - Countryside Protection, D1 – Design and Local Distinctiveness, D2 - Sustainable Construction, D4 - Landscape Requirements, EN6 - Wildlife Habitats and Features and TA7 - Adequacy of Road network and site Access
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 makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
6. The proposal does not cause a significant flood risk.
7. The exceptional quality and innovative nature of the design provides special justification for granting planning permission in this countryside location.
8. The dwelling has been designed at the highest sustainable rating to reflect the exemplar development in sustainability terms.

RALEIGH
(Woodbury)

09/2271/COU

Applicant:

Mr D Squires

Location:

Meadow Rise, Woodbury Salterton

Proposal:

Retrospective change of use for a gypsy site with one mobile home, a utility block, gas tank and septic tank

RESOLVED

APPROVED subject to the following planning conditions:

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

2. The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006.
(Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances).
3. No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any time.
(Reason – To define the permission, in the interests of sustainability and to protect the character of the open countryside).
4. No commercial activities shall take place on the land, including the storage of materials.
(Reason – In the interests of sustainability and to protect the character of the open countryside).

Reasons for approval

The proposal adheres to government guidance in the form of Circular 01/2006 and a permanent planning permission is considered to be justified given the lack of alternative sites within the District.

TRINITY
(Combpyne Rousdon)

09/1607/FUL

Applicant:

Rousdon Estate Ltd

Location:

Land at the Gardens, Rousdon

Proposal:

Erection of two dwellings and alterations to boundary wall

RESOLVED

APPROVED subject to the following conditions

1. The development hereby permitted shall commence before the expiration of five years from the date of this decision.
(Reason - To comply with Section 60 of the Town and Country Planning Act 1990).
2. No development shall commence until a detailed specification and schedule of works for the repair and restoration of the garden wall and associated structures (pavilions and belvederes) has been submitted to and approved in writing by the Local Planning Authority; the works shall be carried out in accordance with the approved details prior to the occupation of any part of the development hereby permitted.
(Reason - To ensure that the necessary repair works are carried out to these listed structures in the interest of their character and appearance and the appearance of the development).
3. No development shall commence until samples of all new external materials for the whole development including details of all colours and finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area and the historic walled garden).

4. No development shall commence until detailed drawings of all external joinery including windows, doors, conservatory/veranda, fascias, bargeboards and dormers have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that the detailed features are sympathetic to the character and appearance of the area and the historic walled garden).
5. No development shall commence until detailed drawings of all brick detailing for the whole development including chimneys, decorative arches and piers have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that the detailed features are sympathetic to the character and appearance of the area and the historic walled garden).
6. No development shall commence until details of the glazing to the veranda, the glazed roof panels and the rooflights have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that the detailed features are sympathetic to the character and appearance of the area and the historic walled garden).
7. No development shall commence until details of the rainwater goods including profiles have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that the detailed features are sympathetic to the character and appearance of the area and the historic walled garden).
8. No development shall commence until details of all new external vents, flues and metre boxes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that the detailed features are sympathetic to the character and appearance of the area and the historic walled garden).
9. No development shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for tree and shrub planting, hard landscaping, any walling, fencing or other boundary treatment and any external lighting. The landscaping scheme shall be implemented in accordance with the approved details within one year of the substantial completion of the buildings or each of the dwellings to which the landscaping relates if the dwellings are built at different times. Any plants or trees which, within five years from the date of the substantial completion of the dwelling(s) die, become in the opinion of the local planning authority irrecoverably diseased or damaged or are removed, shall be replaced during the next planting season with specimens of a similar size and species unless agreed otherwise in writing by the local planning authority.
(Reason - In the interests of preserving and enhancing the character and appearance of the area and the historic walled garden).
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), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:
 - i) Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse), Classes A, B, C, D, E, F, G, H.
 - ii) Schedule 2, Part 2 (Minor Operations) Class A
 - iii) Schedule 2, Part 40 (Installation of Domestic MicroGeneration Equipment) Classes A, B

(Reason - To ensure control over additions, alterations or extensions which would not otherwise require planning permission, in the interests of the appearance of the development and the setting of the site).

11. No construction work shall take place other than during the hours of 8am to 6pm on Monday to Friday and 8am to 1pm on Saturdays with no construction work taking place on Sundays or Bank Holidays.

(Reason – In the interests of the residential amenity of adjoining residents).

Reasons for approval

(Sustainable Development), C01 (Landscape Character and Local Distinctiveness), C03 (Areas of Outstanding Natural Beauty), C05 (Coastal Preservation Area), C06 (Quality of New Development), C07 (Historic Settlements and Buildings) and TR10 (Strategic Road Network).

The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003 policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), D4 (Landscape Requirements), EN1 (Development in Areas of Outstanding Natural Beauty), EN13 (Extensions, Alterations or Change of Use of Buildings of Special Architectural and Historic Interest), EN16 (Preservation and Enhancement of Conservation Areas), EN18 (Development Affecting Parks & Gardens of Special Historic Interest), and TA6 Adequacy of Road Network and Site Access).

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 proposal does not harm the character and appearance of the conservation area.

The proposal does not harm the setting of a listed building within close proximity to the site.

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

The proposal does not harm the unspoilt character and appearance of the Coastal Preservation Area.

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

The following applications were REFUSED for the reasons indicated

SEATON
(Seaton) 09/2462/FUL

Applicant: East Devon District Council, Property Services
Department.

Location: West Walk Promenade, Seaton.

Proposal: Erection of public shelter.

RESOLVED REFUSED for the following reason:

By virtue of its utilitarian design and materials, the proposed shelter is considered to be visually unacceptable in this location and would, if permitted, be detrimental to the character and appearance of the area. Therefore, the proposal is considered to be contrary to policies D1 (Design and Local Distinctiveness) and S5 (Countryside Protection) of the East Devon Local Plan and policy CO6 (Quality of new development) of the County Structure Plan.

The application was refused contrary to officers recommendation on the grounds that the proposal was considered to be inappropriate in design and in visual appearance terms.

The following applications were referred to the
PLANNING INSPECTIONS COMMITTEE

BUDLEIGH
(Budleigh Salterton)

09/2305/FUL

Applicant:

Mr & Mrs B & R Shorney

Location:

Land adjoining Summerlands
Cricket Field Lane
Budleigh Salterton

Proposal:

New Dwelling

RESOLVED

INSPECT
