

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 17 August 2007

Present: Councillors:
A W J Reed (Chairman)
Mrs H E Parr (Vice Chairman)

G P Chamberlain
A E J Dinnis
R G Franklin
K W George
Mrs S C J Jones
J M Williamson

Ward Members: Councillors:
Miss J M Elson
Mrs M A Hardy
J A Knight
Mrs M A Rogers
Mrs P A Stott
Mrs E E Wragg

Apologies: Councillors:
I R Chubb
Ms V B A Duval-Steer
Mrs P A Graham

The meeting started at 3.00 pm and ended at 5.10 pm

*6 Applications referred to the Planning Inspections Committee

The Committee considered applications and matters referred to it by the Development Control Committee earlier in the day, Members of the Planning Inspections Committee along with the Development Control Manager, Case Officers, and Democratic Services Officer had informally visited the sites.

The following decisions were made having taken into account the reports previously submitted to the Development Control Committee which had been brought to Members' attention, noted by them and updated during the site visits.

- (a) Exmouth Halsdon: Application No. 07/1083/OUT – Erection of two dwellings at land to the rear of 5 Seafield Avenue, Exmouth for Mr C Stone

RESOLVED: that the application be APPROVED, subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- Public open space contribution

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.)

*6 Applications referred to the Planning Inspections Committee (cont'd)

(a) Exmouth Halsdon: Application No. 07/1083/OUT – Erection of two dwellings at land to the rear of 5 Seafield Avenue, Exmouth for Mr C Stone

2. Approval of the details of the scale, layout, appearance, access and landscaping of the site (hereafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. (Reason – The application is in outline with one or more matters reserved.)
3. No development shall take place until a cross section through the existing and proposed building, indicating existing and proposed floor levels to a common datum, has 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 adequate detail of levels are available in the interest of the character and appearance of the locality.)
4. There shall be no obstruction to visibility greater than 900mm above adjoining road level, forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all time, (Reason – To provide adequate visibility from and of emerging vehicles.)
5. A turning area, parking spaces, garage/hardstanding and access thereto shall be laid out and maintained for those purposes in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The first 6.0m of access way shall be properly consolidated and surfaced (not loose stone or gravel). The gradient of the access, turning area and parking spaces shall not exceed 1 in 120. (Reason – To ensure the provision of adequate facilities within the site for the traffic generated by the development.)
6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway. (Reason – In the interest of public safety and to prevent damage to the highway.)
7. The site access road (Halsdon Lane) shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10.0 metres back from its junction with the public highway (Exmouth Road). (Reason: To prevent mud and other debris being carried onto the public highway.)

(a) Exmouth Halsdon: Application No. 07/1083/OUT – Erection of two dwellings at land to the rear of 5 Seafield Avenue, Exmouth for Mr C Stone

8. 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 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 effect the external appearance of the buildings, or for the provision within the cartilage of any building or enclosure, swimming or other pool (other than any enclosure approved as part of the landscape management scheme. (Reason – The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers.)

9. Before the development is commenced the site shall be investigated for ground conditions, soil and groundwater contamination and landfill gas in accordance with details to be submitted to and approved by the Local Planning Authority. The investigation shall be undertaken to the satisfaction of the Local Planning Authority and details of all results, assessment and measures need to render the development safe shall be submitted to and approved by the Local Planning Authority before the development is commenced or in accordance with a timetable to be agreed with the Local Planning authority. (Reason – To ensure that the site is safe for development and the end use.)

(b) Exmouth Town : Application No. 07/1357/FUL – Alterations to ground floor layout to relocate kitchen and beer store, new staircase to first floor roof terrace and alterations to existing rear first floor structure at Exmouth Arms, 21 Exeter Road, Exmouth for M Todd and L Brutti

RESOLVED: that the application be 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 Purchases Act 2004.)

2. Prior to the commencement of works, details of a scheme shall be submitted to the Local Planning Authority showing the exact location of the proposed extraction system (all extraction systems must be designed to terminate at least 1 metre above the pitch of the roof to ensure adequate fume dispersion), full technical specifications, and noise levels emitted from any extraction system. Any such scheme shall require approval in writing to be obtained from the Local Planning Authority. Any such works shall be carried out to the details of the agreed scheme, unless subsequently agreed in writing by the Local Planning Authority. (Reason – To protect the amenity of neighbouring land users.

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Applications referred to the Planning Inspections Committee (cont'd)

(b) Exmouth Town : Application No. 07/1357/FUL – Alterations to ground floor layout to relocate kitchen and beer store, new staircase to first floor roof terrace and alterations to existing rear first floor structure at Exmouth Arms, 21 Exeter Road, Exmouth for M Todd and L Brutti (Cont)

3. Prior to the commencement of works details of the insulation to the party wall between the site and 1 Sheppard's Row shall be submitted to the Local Planning authority. Any such scheme shall require approval in writing to be obtained from the Local planning authority. Any such works shall be carried out to the details of the agreed scheme, unless subsequently agreed in writing by the Local Planning Authority. (Reason – To protect the amenity of neighbouring land users.)
4. Prior to the commencement of works details of the Ambulant stairs shall be submitted to the Local Planning Authority. Any such scheme shall require approval in writing to be obtained from the Local planning Authority. Any such works shall be carried to the details of the agreed scheme, unless subsequently agreed in writing by the Local Planning Authority. (Reason – To provide access to the first floor for all customers of the public house.)
5. Prior to the commencement of works a scheme shall be submitted to the Local Planning Authority showing details of the finishes, materials, and window formats. Any such scheme shall require approval in writing to be obtained from the Local Planning Authority. Any such works shall be carried out to the details of the agreed scheme, unless subsequently agreed in writing by the Local Planning Authority. (Reason – To preserve the character and appearance of the public house and immediate area.)
6. That a glass screen to be erected along the southern boundary of the first floor boundary wall fronting Shepperd's Row, the details of which to be submitted to and agreed in writing with the Local Planning authority.(Reason – To further insulate noise and contain the use.)
7. That the use of the first floor roof terrace and shelter shall cease at 11.00pm. (Reason – To provide access to the first floor for all customers of the public house.)

(c) Exmouth Town: Application No. 07/0877/FUL – Conversion of terrace house to two flats at 11 Lawn road, Exmouth for Mr Yolland

RESOLVED: that the application be REFUSED for reasons relating to the following:

1. The inappropriate and inappropriate access arrangements with inadequate lighting. The narrow access lane is not conducive to access for all, which will be hampered further by the use of the lane for refuse bins.
2. The proposed rear access would also not be in accordance with the principles either laid out in Government Guidance, Safer Places (The Planning System and Crime Prevention) and Secured by Design.

(d) Trinity: Application No. 07/1017/FUL Conversion of barns to form storage/packing warehouse and office and extended holiday letting unit at Hartgrove Hill Farm, Trinity Hill Road, Axminster for J W Duncan

RESOLVED: that the application be REFUSED for the following reasons:

- 1 In the opinion of the Local Planning Authority, the building is not of a form, bulk or design that is in keeping with its surroundings, local building styles or materials that would justify retention for re-use/conversion purposes. As a consequence, the proposal would be contrary to the provisions of Policy D10 (Re-use of Rural Buildings Outside Settlements) of the adopted East Devon Local plan 1995 – 2011.
2. In the opinion of the Local Planning Authority, the building to be converted is not capable of conversion without the need for significant alteration and reconstruction. As a consequence, the proposal would be contrary to the provisions of Policy D10 (Re-use of rural Buildings Outside Settlements) of the adopted East Devon Local Plan 1995 – 2011.
3. The increased use of the farm access onto the public highway likely to result from the proposed development would, by reason of the limited visibility from and of vehicles using the access, and the substandard geometry/surface of the access, be likely to result in additional dangers to all users of the road contrary to the provisions of Policy TR10 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 1995 – 2011.
4. The achievement of visibility splays to the required standard at the access to the site would necessitate the removal of a significant length of hedgerow that would be to the detriment of the rural landscape character and natural beauty of the area, which is designated an Area of Outstanding Natural Beauty. As a consequence, the proposal would be contrary to the provisions of Policy CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan 2001 – 2016 and Policies S5 (Countryside Protection) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan 1995 – 2011.

(e) Seaton: Application No. 07/1327/OUT New dwelling at 26 Barnards Hill Lane, Seaton for Mr and Mrs F Shackleford

RESOLVED: that the application be REFUSED for the following reasons:

- 1 The proposed site forms part of an important open and undeveloped area of land in a prominent location which enhances the environment of the area. The development of the site with a detached dwelling would result in a cramped form of development, out of keeping with the pattern of development in this area and result in a prominent and incongruous development to the detriment of the spacious environment of the locality. The proposed development would, therefore, be contrary to policies S4 and D1 of the adopted East Devon local Plan 1995 – 2011 and policies ST1 and C06 of the Devon Structure Plan 2001 -2016.
- 2 The proposal does not provide a mechanism for the provision of formal and informal recreational facilities in the settlement to meet the needs of the development. The proposal is therefore contrary to Policy RE3 of the adopted East Devon Local Plan 1995 – 2011.

Chairman

Date