

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on Friday 20 July 2007

Present:	Councillors: Mrs H E Parr (Vice Chairman in the Chair) R G Franklin (Vice Chairman for the meeting)
	G P Chamberlain I R Chubb K W George J M Williamson
Ward Members:	Councillors: P A Diviani R C Peachey T J R Wood
Apologies:	Councillors: D R A Key A W J Reed K C Potter

The meeting started at 2.00 pm and ended at 3.29 pm

- *7 Exmouth Littleham: Part demolition of existing home and construction of new nursing home at The Mulberry, 2 Isca Road, Exmouth for Eminance Care Limited

Consideration was given to the report of the Head of Planning and Countryside Services regarding the above matter which had been considered by the Committee on 13 April 2007. At that meeting it was resolved to defer the matter to seek a unilateral undertaking or Section 106 Agreement to arrange access, delivery and service arrangements for the existing and the new home, and to provide a turning area for delivery vehicles at the top of Long Lane. Members views were sought on the amended plans which had been received and in the light of comments from the Highways authority on those plans.

RESOLVED: that the application be APPROVED subject to the following conditions:

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 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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 materials are sympathetic to the character and appearance of the area.)

- *7 Exmouth Littleham: Part demolition of existing home and construction of new nursing home at The Mulberry, 2 Isca Road, Exmouth for Eminance Care Limited (cont'd)

- 3 The use of the extension hereby permitted shall be restricted only to dementia care or elderly mentally infirm care for residents of the home in accordance with the supporting information submitted with the application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.)

(Reason: In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances and to the traffic implications of the development).

- 4 The development hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, such Travel Plan to include appropriate measures and initiatives to encourage multiple occupancy journeys to and from the site and the use of alternative modes of transport to the private car, together with a timetable for the implementation of the Approved Travel Plan.

No part of the development hereby permitted shall be occupied prior to the implementation of the Approved Travel Plan for those parts of the Plan capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

(Reason: To encourage access to the site by sustainable modes of transport.)

- 5 The Travel Plan to which condition 4 above refers shall include provision for a pedestrian access formed off Long Lane and an identification of the nature and extent of the use of that access for and by staff and for servicing arrangements, together with details of methods of controls to be exercised by the applicants in terms of such use(s) of that access.

(Reason: To provide a secondary pedestrian access to the site and to secure control over pedestrian and traffic movement to the site and within the area generally).

- 6 No development shall take place until a plan showing tree protection methods and the positioning for associated fencing has been submitted to and approved in writing by the Local Planning Authority. Such protection measures shall use guidance and be in accordance with BS 5837 (2005) and must be implemented prior to any materials or machinery being taken on site. The fencing shall remain in the agreed positions until the completion of all works. No storage of materials or ground works shall take place within the fenced areas as agreed as part of the submitted plan.

(Reason: To ensure the safeguarding of protected trees and the character and appearance of the area).

- *7 Exmouth Littleham: Part demolition of existing home and construction of new nursing home at The Mulberry, 2 Isca Road, Exmouth for Eminance Care Limited (cont'd)

- 7 No development shall take place on the site until plans showing a scheme for a turning area at the top of Long Lane shall be submitted to and approved in writing by the Local Planning Authority.

(Councillor J M Williamson declared a prejudicial interest in the above application as his residence would be directly affected by the development and withdrew from the Council Chamber during discussion and voting)

- *8 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 Head of Planning and Countryside Services, 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) Newton Poppleford and Harford: Application No. 07/1052/FUL – Replace greenhouse with timber framed garage at The Gardens, High Street, Newton Poppleford

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

The proposal, by reason of the introduction of a domestic building into an area outside of the curtilage of the dwelling onto land subject to Countryside Protection Policies, to the detriment of the amenities and rural character of the area would be contrary to Policy ST1 (Sustainable Development) of the Devon Country Structure Plan (2001-2016) and Policy S5 (Countryside Protection) of the East Devon Local Plan (1995-2011)

- (b) Clyst Valley: Application No. 07/1070/FUL – Extensions and alterations to outbuilding to form ancillary residential accommodation at The Chestnuts, Old Ebford Lane, Ebford for Mr Conall-Platt

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 Purchase Act 2004.)
- 2 Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)

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Applications referred to the Planning Inspections Committee

(b) Clyst Valley: Application No. 07/1070/FUL – Extensions and alterations to outbuilding to form ancillary residential accommodation at The Chestnuts, Old Ebford Lane, Ebford for Mr Conall-Platt

- 3 Prior to the commencement of development, working drawings showing the exact elevations and floor plans as proposed together with existing elevations shall be submitted to and approved in writing by the Local Planning Authority
- 4 Condition to be imposed restricting any increase in ridge height to a maximum of 1 metre above the existing ridge height
**** **SB/MD to provide final wording******
- 5 Prior to the commencement of development, full details of the size and details of roof lights together with the means of flashing shall be submitted to and approved in writing by the Local Planning Authority

(c) Yarty: Application No. 07/0982 – Change of use of dwelling to provide education unit including the construction of dormer windows at Mourino, Goldsmith Lane, All Saints for P & C Moore

RESOLVED: that the application be APPROVED subject to the following conditions:

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 ground floor of the property and the land within the red line shall be used as an education unit operated by P and C Moore only and for no other purposes including any purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

(Reason – To clarify the extent of the current permission and because the Local Planning Authority is satisfied that the way in which P & C Moore will operate the education unit will not result in any adverse impact on the amenity of adjoining occupiers and so that the Local Planning Authority can retain control over the use)
- 3 Notwithstanding the information contained in the submitted plans and design and access statement, no more than 7 pupils shall be in attendance at the site at any one time.

(Reason – To ensure that the scale and intensity of the education use is in keeping with the residential character of the area)
- 4 The residential accommodation provided at first floor level shall only be occupied by persons employed in association with the education unit hereby permitted and shall not be occupied as a separate residential unit.

(Reason –To ensure that the scale and intensity of the occupation and use of the property is in keeping with the residential character of the area)

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

(c) Yarty: Application No. 07/0982 – Change of use of dwelling to provide education unit including the construction of dormer windows at Mourino, Goldsmith Lane, All Saints for P & C Moore

- 5 Prior to the development hereby permitted being first brought into use visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 900mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 70 metres in both directions.

(Reason - To provide adequate visibility from and of emerging vehicles)

- 6 A turning area, parking spaces and access drive thereto shall be laid out in accordance with the approved site location plan and shall be maintained for those purposes thereafter.

(Reason - To ensure the provision of adequate facilities within the site for the traffic generated by the development)

- 7 Prior to the commencement of the development hereby permitted details of the surfacing and drainage of the site access shall be submitted to and approved in writing by the Local Planning Authority and prior to the development hereby permitted being first brought into use the site access shall be hardened, surfaced, drained (to prevent surface water from discharging out on to the public highway) and maintained thereafter in accordance with the approved details 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)

- 8 Foul drainage shall be kept separate from clean surface and roof water.

(Reason – To prevent pollution of the water environment)

- 9 Before the education unit hereby permitted is first brought into use a gate shall be fitted in the existing gap in the hedgerow between the red line application site and the blue line buffer zone (as shown on the approved site location plan received 2 April 2007) in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The gate shall be erected in accordance with the approved details and shall be permanently maintained thereafter and shall be kept locked at all times when the education unit is in operation.

(Reason - To protect the privacy and amenity of adjoining neighbours and to prevent the use of the blue line land by students of the education unit)

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

- (c) Yarty: Application No. 07/0982 – Change of use of dwelling to provide education unit including the construction of dormer windows at Mourino, Goldsmith Lane, All Saints for P & C Moore

10 The existing hedgerow between the red line application site and the blue line buffer zone (as shown on the approved site location plan received 2 April 2007) shall be allowed to grow up to a height of 1.8 metres and shall be maintained in perpetuity at that height.

(Reason - To protect the privacy and amenity of adjoining neighbours)

Chairman

Date