

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at the Knowle, Sidmouth on Friday 22 February 2008

- Present:** Councillors:
A W J Reed (Chairman)
Mrs H E Parr (Vice Chairman)
- G P Chamberlain
I R Chubb
R G Franklin
K W George
D R A Key
J M Williamson
- Officers:** Christopher Holland, Democratic Services Officer
Andrew Seddon, Senior Solicitor
- Ward Members:** Councillors:
T J R Wood
S C Wragg
- Apologies:** Councillors:
R Bloxham
A E J Dinnis
Mrs P A Graham
Miss Randall Johnson
Mrs B O Taylor
Mrs E E Wragg

The meeting started at 2.32 pm and ended at 5.22 pm

*24 **Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 25 January 2008 were confirmed and signed as a true record.

*25 **Applications referred to the Planning Inspections Committee**

The Committee considered applications and matters referred to it by the Development Control Committee. Members of the Planning Inspections Committee along with the Development Control Manager and Democratic Services Officer had informally visited the sites earlier that day. 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) Newbridges: Application No: 07/2462/FUL – Conversion works to form two holiday let units at Old Symes, New Close, Whitford Road, Kilmington for Mr & Mrs Brennan

RESOLVED: that the application be deferred to allow consultations with the applicant to achieve the following changes to the scheme:

the receipt of amended plans to show amended barge boards, soffits, fascias, rainwater goods, appropriate materials to porch, wall adjacent to porch to be raised and adjacent courtesy light to be lowered to below height of wall,

with delegated authority being given to the Head of Planning and Countryside Services in consultation with the Chairman and Ward member to APPROVE the application subject to the following conditions:

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

- 1 The remedial works hereby approved to Unit 1 (amended barge boards, soffits, fascias, rainwater goods, appropriate materials to porch, wall adjacent to porch to be raised and adjacent courtesy light to be lowered to below height of wall.) shall be completed within 6 months from the date of the approval unless otherwise agreed in writing. No development shall commence on Unit 1 until a schedule of the proposed phasing (commencement and completion) of those works has been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that the approved works are carried out in a reasonable time frame and to enable the works to be monitored to ensure they are carried out in accordance with the approved plans in the interests of the character and appearance of the barn and Conservation Area.)

- 2 No development shall commence on Unit 2 until a schedule of the proposed phasing of the works to Unit 2 (commencement and completion) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved schedule unless otherwise agreed in writing.

(Reason: To enable the works to Unit 2 to be monitored to ensure the conversion is carried out in accordance with the approved plans in the interests of the character and appearance of the barn and Conservation Area.)

- 3 No development shall commence on Unit 1 and Unit 2 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 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 the use of sympathetic materials in the interests of the character and appearance of the barns and Conservation Area.)

- 4 No development shall commence on Unit 1 and Unit 2 until detailed drawings of all proposed new doors and windows (which shall be made of timber only and no other materials) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details

(Reason: To ensure the use of sympathetic materials and treatments in the interests of the character and appearance of the barns and Conservation Area.)

- 5 No development shall commence on Unit 1 and Unit 2 until details of all new rainwater goods, barge boards, soffit boards, fascia boards and external cladding have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details

(Reason: To ensure the use of sympathetic materials and treatments in the interests of the character and appearance of the barns and Conservation Area.)

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

6 No development shall commence on Unit 1 until a detailed drawing of the proposed alterations to the rear boundary wall and rear access area 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 and shall hereafter be maintained as such.

(Reason: To protect the amenity of adjoining occupiers.)

7 All stonework repointing and rendering shall be carried out using a lime based mix and the colour, texture, type of joint and finish shall in pointing closely match original work and there shall be no bell and render stops or metal beading to the proposed rendered areas.

(Reason: To ensure the use of sympathetic materials and treatments in the interests of the character and appearance of the barns and Conservation Area.)

8 The units of accommodation, the subject of this application, shall be for holiday accommodation only and for no other purpose including permanent residential use.

(Reason - The site is unsuitable for permanent residential occupation by virtue of the close proximity and relationship to other properties.)

9 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 or D for the enlargement, improvement or other alterations to the units hereby permitted shall be undertaken.

(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.)

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 windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the units hereby permitted.

(Reason - To protect the privacy of adjoining occupiers and the character and appearance of the barns.)

(b) Ottery St. Mary Rural: Application No: 07/2758/OUT – Erection of single storey dwelling at West Deane, West Hill, Ottery St Mary for Mr D R Griffin

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

1 Approval of the details of the Scale, Appearance, Landscaping, Access and Layout (hereinafter 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.)

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved. (Reason - To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

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

- 3 Details of the Access to be submitted as part of the reserved matters shall include the widening of the access to a minimum of 4.8metres over the first 12 metres of its length as measured from the edge of the adjoining carriageway, details of the provision of a visibility splay maximised over the available frontage of the site and a cross section to indicate existing and proposed levels of the access onto the carriageway. The proposed access shall then be constructed as approved before the remainder of the development commences, and thereafter shall be so retained such that there is no obstruction to visibility over 900 millimetres above the nearest edge of the carriageway. (Reason - In the interests of highway safety to ensure a suitably constructed and safe access is provided to serve the development.)
- 4 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority prior to the development hereby permitted first being brought into use. (Reason - To prevent discharge of surface water onto the highway)
- 5 No development shall take place until a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, in particular the treatment of the hedgerow on the northwest boundary adjoining the highway, has been submitted to, and approved in writing by the Local Planning Authority. (Reason - To safeguard the visual amenities of the area whilst providing an improved access and visibility splay for the proposed development.)
- 6 The dwelling hereby permitted shall not be occupied until a properly consolidated and surfaced parking (for two vehicles) and turning space has been constructed within the site, in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times. (Reason - To ensure adequate on-site parking facilities are provided for vehicles attracted to the development.)
- 7 Any planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. For a period of 5 years after the implementation of the planting scheme, the trees and shrubs in the hedgerow shall be protected and maintained, and any trees or shrubs therein that cease to grow, shall be replaced by tree or shrubs of similar size and species, or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority. Thereafter such planting shall be so retained, unless the written consent of the Local Planning Authority is given to any variation. (Reason - To safeguard the visual amenities of the area whilst providing an improved access and visibility splay.)
- 8 No development shall take place until details of a mechanism for the provision of formal and informal recreational facilities in Exmouth to meet the needs of the development in accordance with Policy RE3 of the adopted East Devon Local Plan 1995-2011 has been submitted to and approved in writing by the Local Planning Authority. (Reason - To ensure compliance with the requirements of Policy RE3 of the adopted East Devon Local Plan relating to the provision of adequate open space in relation to the demands generated by the development).

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

Members did not agree with Officers' recommendation of refusal as they considered that although the access is sub-standard it was similar to others in the area and was not unreasonable for this development.

- (c) Exmouth Withycombe Raleigh: Application No: 08/0022/FUL – Indoor archery centre at Exmouth Archery Club, Exmouth for Exmouth Archery Club

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 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.

- 3 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.

- 4 The building hereby approved shall be solely used for the purposes associated with indoor archery. No use other than that specifically permitted by this permission shall be undertaken from the building without the prior consent in writing of the Local Planning Authority.

Reason – The building is located within a rural environment

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

- (d) Exmouth Town: Application No: 07/2849 – Erection of two, 2 bedroom dwellings at 13 Meadow Street for Mr D Legge

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

- 1 The proposed development has inadequate and inappropriate access arrangements resulting from an enclosed, narrow pedestrian access under House 1 which then turns a sharp corner that is not conducive to safe access for all. In this regard the application is considered to be contrary to principles embodied within Policy D1 (Design and Local Distinctiveness) and Policy TA1 (Accessibility of New Development) of the adopted East Devon Local Plan 1995 – 2011, and national guidance within Safer Places – The Planning System and Crime Prevention and Secured By Design.
- 2 The proposal in particular House 2 as indicated on plan 044.L01.01 by virtue of its close proximity to surrounding properties represents a cramped form of development which is at odds with the character of the area and which is likely to be overbearing leading to problems of overlooking and loss of amenity for occupiers of the neighbouring properties. The proposal is therefore contrary to Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 1995 – 2011.
- 3 The creation of additional households on the site generates demand for additional formal and informal open space facilities in the locality. The submitted application does not include any mechanism for the provision of such services and as a result is contrary to the requirements of Policy RE3 (Open Space Provision in New Housing Developments) of the adopted East Devon Local Plan 1995 – 2011.

- (e) Exmouth Littleham: Application No: 07/1758/FUL & 07/1759/CAC – Demolition of existing building and replace with 5 town houses and 5 self contained annexes with car parking at Rocke House, Trefusis Terrace, Exmouth for Eagle One Homes Ltd.

- RESOLVED:** 1) that application 07/1758/FUL be refused for reasons to be agreed at the meeting detailed in (2) below.
- 2) that due to the complexities of the Conservation Area consent policy and procedure and in order for clear guidance to be given on how to best progress the matter, the debate on the above application be adjourned until the next meeting of the Planning Inspections Committee to be held on Friday 28 March 2008

- (f) Exmouth Littleham: Application No: 07/3421/OUT - Erection of detached dwelling at 1 Lower Knoll, Douglas Avenue, Exmouth for Mr Davey

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

- 1 Approval of the details of the scale, appearance, access, and landscaping (hereinafter 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.)

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

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 3 No development shall take place until details of a mechanism for the provision of formal and informal recreational facilities in Exmouth to meet the needs of the development in accordance with Policy RE3 of the adopted East Devon Local Plan 1995-2011 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure adequate provision of open space to meet the needs arising from the proposed development.)

- 4 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 should use guidance embodied 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.)

- 5 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 details of levels are available in the interest of the character and appearance of the locality.)

- 6 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.)

- 7 . A turning space to accommodate motor cars shall be provided within the site 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 the provision of adequate facilities within the site for the traffic generated by the development and to enable vehicles to enter and leave the site in a forward gear.)

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

- 8 The access off Douglas Avenue shall be widened to a minimum of 5.0 metres and thereafter maintained at that width.

(Reason - To allow two-way traffic at the access and to improve visibility between pedestrians and vehicles.)

Members did not agree with the Officers' recommendation of refusal as they believed that there was an acceptable level of amenity but did not agree there was an unacceptable level of overlooking.

Chairman

Date