

# Agenda for Development Management Committee Wednesday, 3 June 2015; 4.00pm



Members of the Committee (to be agreed at the Annual Council meeting on 27 May 2015)

**Venue:** Committee Room, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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## [Speaking on planning applications](#)

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email (approximately 9 working days before the meeting) detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation. **Please note there is no longer the ability to register to speak on the day of the meeting.**

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website

(<http://new.eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/agendas>). Applications with registered speakers will be taken first.

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Tuesday 26 May up until 12 noon on Friday 29 May by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

## [Speaking on non-planning application items](#)

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk) or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

- 1 Minutes of the Development Management Committee held on 21 April 2015 (page 3 – 11)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are **no** items that officers recommend should be dealt with in this way.
  
- 6 Application for determination:  
  
**15/0961/LBC (Minor)** (page 12 - 15)  
Exmouth Town  
War Memorial, Strand Gardens, The Strand, Exmouth

**Please note:**

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

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## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 21 April 2015**

#### **Attendance list at end of document**

The meeting started at 2.00pm and ended at 6.15pm.

#### **\*72 Minutes**

The minutes of the Special Development Management Committee meeting held on 23 March 2015 and Development Management Committee meeting held on 31 March 2015 were both confirmed and signed as true records.

#### **\*73 Declarations of interest**

Cllr Geoff Pook; 14/2695/FUL; Personal Interest (remained in the Chamber during the debate and vote); Acquaintance of the applicant.

Cllr Geoff Pook; 15/0427/FUL; Pecuniary Interest (left the Chamber during the debate and vote); Associated with the applicant.

Cllr Peter Burrows; 14/2695/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Seaton Council.

Cllr Vivien Duval Steer; Minute 77 and 15/0549/COU; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr Mark Williamson; Minute 77 and 15/0549/COU; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

Cllr David Atkins; 15/0157/FUL; Personal Interest (remained in the Chamber during the debate and vote); Clerk to Newton Poppleford and Harpford Parish Council.

#### **\*74 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning Strategy and Development Management's report setting out appeals recently lodged and five appeal decisions notified, all of which had been dismissed. Members' attention was drawn to the last two decisions listed where the Inspector had upheld reasons for refusal relating to sustainability. This supported the Council's stance of considering sustainability.

#### **\*75 Annual planning appeal status report**

The Committee considered the Service Lead – Planning Strategy and Development Management's report providing an overview of the results of planning appeals for the year from 1 April 2014 to 31 March 2015.

The Committee noted that of the 74 appeals decided in the last year (up from 57 decisions the previous year) only 23% had been allowed, compared with the national average of 35.2% (2013/14 figure). 77% of appeals had been dismissed. This figure reflected the consistency and the quality of the Council's decision making process.

The financial implications relating to cases where an application for costs had been made and granted were outlined - one partial award of costs had been awarded against the Council and one partial award of costs had been awarded in favour of the Council.

It was imperative that the Inspector's appeal decisions were constantly analysed to ensure that any changes in accordance with the National Planning Policy were implemented and decisions on planning applications were made in accordance with current Government advice.

The Chairman, echoed by the Committee, congratulated and thanked the Service Lead – Planning Strategy and Development Management and his teams for their outstanding achievement.

**RESOLVED: that the Development Management Committee notes the annual appeal status report.**

**\*76 Off-site affordable housing contribution calculator**

The Committee considered the Planning Policy Manager's report seeking endorsement for the completion and use of a trial off-site affordable housing calculator to determine the appropriate level of affordable housing contribution that should be sought where on-site affordable housing provision was not suitable or desirable.

The Committee was advised that on residential schemes, and under adopted and emerging Local Plan policy, the Council would seek to secure a proportion of the overall scheme as affordable housing. The preference was that the affordable housing was built on the site of the planning application as part of, or allied to, the overall development scheme. However, circumstances could arise where there was a need for some or all of the relevant affordable housing provision to be located off-site. In some cases, the developer might have a specific site where the affordable housing could be located, however more frequently it would be the case that the Council would need to secure a financial contribution from the developer which would be used to fund affordable housing provision off-site.

The key principle of the calculator was that the developer of a scheme should be no worse or better off financially, whether they provide the affordable housing on-site or as a commuted off-site sum - it sought to establish a cost neutral outcome for the developer. By inserting variables, including location, number of dwellings, policy compliant affordable housing requirements and the mix/form of affordable housing equivalent that was sought, the calculator generated the relevant contribution level. Members' attention was drawn to an example illustrating the basic working of the calculator within the report.

In response to questions raised by members of the Committee during discussion, the Planning Policy Manager advised:

- The calculator was a bespoke model, which built on the overarching viability assessment work of the consultants, Three Dragons;
- Further work was required to establish a strategy for expenditure of monies raised through off-site contributions. The preference would be to deliver affordable housing where it meets the need, however this was dependant on sites being available;
- Legislation set the threshold for affordable housing contributions at five dwellings and above – contributions were not sought from developments with less than five dwellings (unless they are 'exception (to normal policy) sites).
- There were a series of variables that needed to be entered into the calculator in order to generate an outcome.

**RESOLVED:**

1. **that the Development Management Committee agrees to the completion of the trial version of the off-site affordable housing calculator;**
2. **that the Development Management Committee agrees, on completion, to the adoption and use of the calculator as the Council's means to establish and negotiate for off-site affordable housing contributions;**
3. **that the Development Management Committee be regularly updated on progress in respect of developing a strategy for the expenditure of monies raised through off-site affordable housing contributions.**

**\*77 National Trust setting study for A la Ronde, Exmouth**

The Committee considered the Planning Policy Manager's report summarising the main findings of the setting study for A la Ronde produced by the National Trust and raising concerns about some of the recommendations contained within the report for the Council to action.

The Committee was advised that the National Trust had produced studies of several important heritage assets in their ownership including A la Ronde, which was located to the north of Exmouth, including Grade 1 listed buildings, together with the associated Grade 2 registered park and garden. Changes proposed to the emerging new Local Plan referred to the study and stated that it might be a material consideration in the determination of planning applications.

The conclusions and recommendation section of the report set out a series of recommended actions for the Council and were summarised within a table in the committee report along with a proposed response. Specific concern was raised in respect of two of the recommendations – these were:

- Seek Section 106 contributions to enhance the setting of and improve access to National Trust Land – It was considered that the legal tests required for seeking Section 106 contributions were unlikely to be met as any contributions would need to mitigate any adverse impact on the heritage asset (if the impact was severe the application would be refused).
- Consider use of an Article 4 direction suspending permitted development rights on properties adjoining the western boundary of A la Ronde, to enable control of highly visible changes within the identified core setting – There were significant procedural and legal obligations for removing permitted development rights and therefore it was not considered that that the study demonstrated harm caused by the exercise of permitted development rights to justify such an extreme course of action by the Council.

**RESOLVED:**

1. **that the National Trust setting study for A la Ronde and its relevance to development proposals that might affect the setting of the heritage assets concerned be noted.**
2. **that the proposed responses to the recommended 'East Devon District Council Actions' section of the report, as set out in paragraph 4 of the committee report be submitted to the National Trust.**

**\*78 New East Devon Local Plan – weight to be attributed to policies**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report seeking to advise Members of the status of the new East Devon Local Plan also provide guidance as to the weight that could be attributed to specific policies. It was intended that this information would aid the Committee in making informed decisions by affording appropriate weight to the new Plan when considering planning applications.

The report contained a list of the policies within the new Local Plan which were coloured coded, using a traffic light system, according to the weight officers felt could be attributed based on criteria set out within the National Planning Policy Framework (NPPF). The Committee was advised that although officers had provided guidance, Members as the decision makers must ultimately decide on the weight that should be attributed to each policy.

Members’ attention was drawn to Strategy 34 – District wide affordable housing provision targets. Following the Secretary of State’s decision stating he was minded to allow the appeal at Pinn Court Farm, Pinhoe, significant weight could now be given to the proportions of affordable housing sought. Because of this decision, officers were obliged to revisit applications where approval had been granted but the decision notice had not yet been issued to ensure compliance with the policy. In most cases, the proportion of affordable housing had increased and negotiations were currently taking place with the applicants. However there was a reduction to level of affordable housing provision required at the Old Park Farm (phase 2), Pinhoe application (13/001/MOUT), which had been considered by the Committee on 25 March 2014, from 40% to 25% and the Committee was asked to make a further resolution to this effect.

**RESOLVED:**

- 1. that the Development Management Committee gives appropriate regard to the policies of the new Local Plan having considered the guidance within the committee report in the decision making process;**
- 2. that the affordable housing provision in respect of approved application 13/001/MOUT (Old Park Farm (phase 2), Pinhoe) be reduced from 40% to 25% in order to comply with Strategy 34 (District wide affordable housing provision targets) of the new East Devon Local Plan.**

**\*79 Applications for Planning Permission and matters for determination**

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 13 – 2014/2015.

**Attendance list**

**Present:**

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Roger Boote

Peter Burrows

Bob Buxton

Alan Dent  
Vivien Duval Steer  
Martin Gammell  
Ben Ingham  
Geoff Pook  
Peter Sullivan  
Mark Williamson

Officers

James Brown, Principal Planning Officer  
Matt Dickins, Planning Policy Manager  
Ed Freeman, Service Lead – Service Lead - Planning and Development Management  
Henry Gordon Lennox, Strategic Lead – Legal and Democratic Services  
Nick Hill, Locum Planning Solicitor  
Paul Lowe, Housing Enabling Officer  
Gavin Spiller, Principal Planning Officer  
Graeme Thompson, Planning (Policy) Officer  
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:  
David Cox  
Paul Diviani  
Roger Giles  
John Jeffery  
Stephanie Jones  
Jim Knight  
Ian Thomas

**Apologies:**

Committee Members

Councillors:  
Mike Allen  
Geoff Chamberlain  
Mike Howe

Non-committee members

Councillors:  
Steve Gazzard  
Tony Howard  
Ken Potter

Chairman .....

Date.....

**EAST DEVON DISTRICT COUNCIL**  
**Development Management Committee**  
**Tuesday 21 April 2015; Schedule number 13 – 2014/2015**

**Applications determined by the Committee**

Committee reports, including recommendations, can be viewed at:  
<http://eastdevon.gov.uk/media/1049543/210415-combined-dmc-agenda-compressed.pdf>

Ottery St Mary Rural  
(OTTERY ST MARY) 14/2861/MRES

Applicant: Blue Cedar Homes

Location: Land North Of Eastfield, West Hill

Proposal: Reserved matters application for the erection of 25no dwellings (seeking approval of appearance, layout, scale and landscaping) pursuant to permission 13/1809/MOUT.

**RESOLVED:** APPROVED with conditions as per recommendation subject to:  
➤ Condition 3 being amended to reflect the 2015 General Permitted Development Order;  
➤ An additional condition securing details for dealing with surface water drainage

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Yarty  
(CHARDSTOCK) 15/0217/FUL

Applicant: Samuel Bellamy Property Ltd

Location: Land To Rear Of St Andrews School, Chardstock

**RESOLVED:** APPROVED (contrary to officer recommendation) with delegated authority given to the Service Lead – Planning Strategy and Development Management to impose appropriate conditions.

Members considered that Chardstock was a sustainable settlement and that the additional housing would help to support the existing services within the village.



Axminster Rural  
(AXMINSTER)

15/0424/RES

Applicant: Mr & Mrs A Moore

Location: Ashmount, Green Lane, Axminster EX13 5TD

Proposal: Construction of dwelling (approval of matters reserved under application 13/1873/OUT)

**RESOLVED:** APPROVED with conditions as per recommendation.

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Seaton  
(SEATON)

14/2695/FUL

Applicant: Mr & Mrs J Absalom

Location: Pendeen Castle Hill, Seaton

Proposal: Demolition of bungalow and construction of 3 no. flats

**RESOLVED:** REFUSED (contrary to officer recommendation) as Members felt that the proposal did not conserve or enhance the adjacent conservation area; would detract from the nearby listed building; was not in keeping with character of the area; and would have a detrimental impact on the neighbour amenity.

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Trinity  
(UPLYME)

14/2801/FUL

Applicant: LLK Property Ltd

Location: Land Adjacent Regis House (formerly Lydwell House) Lyme Road, Uplyme

Proposal: Erection of 4 no. 2 bed apartments, 2no. 1 bed apartments and 1no 2 bed dwelling

**RESOLVED:** APPROVED with conditions and subject to a legal agreement.

Ottery St Mary Town  
(OTTERY ST MARY) 14/2820/FUL

Applicant: Mr M Selley

Location: Ware Farm (Land At) Ottery St Mary

Proposal: Retention of temporary mobile home for agricultural worker

**RESOLVED:** INSPECT

Reason: To consider landscape impact resulting from the proposal of siting a temporary mobile home on the site, which is within the AONB, and to consider whether, if after three years the business was financially viable, a dwelling could be reasonably accommodated on the site.

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Exmouth Littleham  
(EXMOUTH) 15/0549/COU

Applicant: Mr I Stuart

Location: Car Park Maer Road, Exmouth

Proposal: Retention of two metal storage containers to house Exmouth Land Train (revisions to planning permission 14/0158/FUL) to allow increase in width to 4.575m

**RESOLVED:** APPROVED with conditions as per recommendation.

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Honiton St Pauls  
(HONITON) 15/0427/FUL

Applicant: Mr N Harris

Location: George Street Garages, George Street, Honiton

Proposal: Demolition of garages and erection of two storey detached dwelling and associated parking

**RESOLVED:** APPROVED with conditions as per recommendation.

Newton Poppleford 15/0157/FUL  
and Harpford  
(NEWTON  
POPPLEFORD AND  
HARPFORD)

Applicant: Mr Toby Taylor

Location: Byways Back Lane

Proposal: Construction of timber field shelter (retrospective application)

**RESOLVED:** APPROVED with conditions as per recommendation.

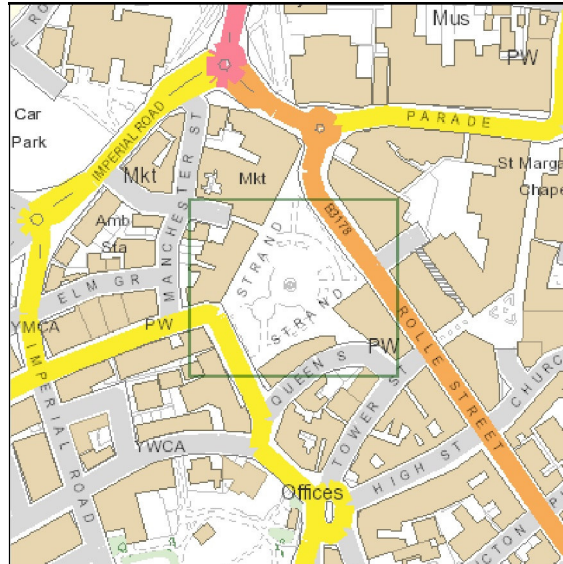
**Ward** Exmouth Town

**Reference** 15/0961/LBC

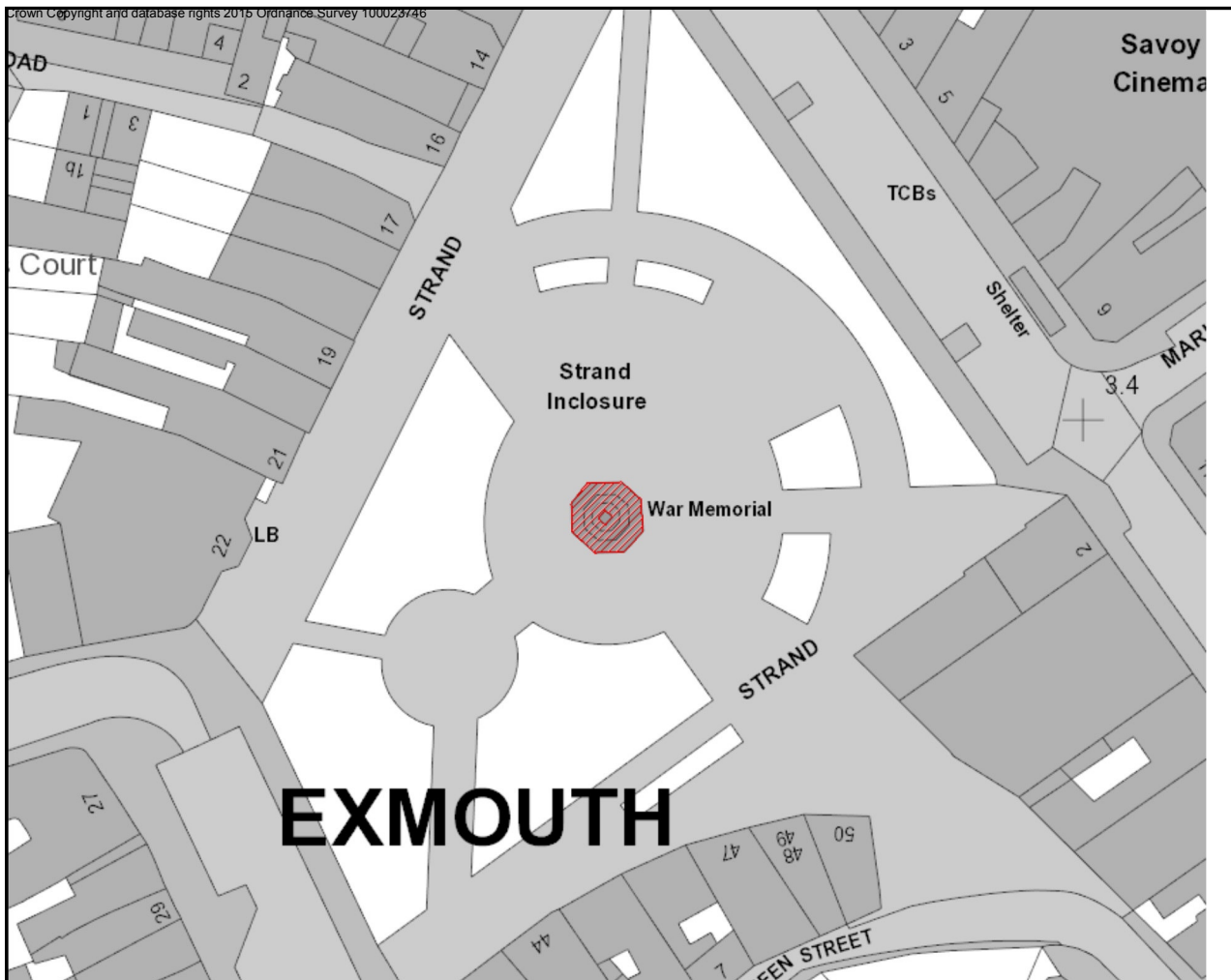
**Applicant** Mr M Williams

**Location** War Memorial Strand Gardens The Strand Exmouth

**Proposal** Laying of Victoria Cross Commemorative Paving Stone



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 03.06.2015</b>
<b>Exmouth Town (EXMOUTH)</b>	<b>15/0961/LBC</b>	<b>Target Date: 18.06.2015</b>
<b>Applicant:</b>	<b>Mr M Williams on behalf of EDDC</b>	
<b>Location:</b>	<b>War Memorial The Strand</b>	
<b>Proposal:</b>	<b>Laying of Victoria Cross Commemorative Paving Stone</b>	

**RECOMMENDATION: Approval - standard time limit**

### **EXECUTIVE SUMMARY**

**This application is before the committee as the land upon which the stone would be fixed is within the ownership of the Council.**

**The Commemorative Paving Stone will be sited at the base of the existing Memorial adjacent to the names of the fallen and will have a minimal impact on the overall character and appearance of the listed structure. The new stone will make a positive contribution to the Memorial and its witness to honour and remember those from Exmouth who were involved in the tragic events of the First and Second World War.**

### **CONSULTATIONS**

Parish/Town Council  
Meeting 05.05.15

No Objection subject to the Conservation Officer's report.

County Highway Authority  
Does not wish to comment

Other Representations  
No 3rd party representations were received

### **POLICIES**

New East Devon Local Plan Policies  
EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

### Adopted East Devon Local Plan Policies

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

The war memorial stands as the focal point at the centre of the recently redesigned Strand within Exmouth Conservation Area. The war memorial is a grade II listed structure. The listing describes the memorial as follows:

Listed Grade II: War Memorial. Granite. A four stepped octagonal stone base surmounted by chamfered granite cross on a square plinth. On the stone plinth to the base of the cross are two inscriptions:

IN 1914-19/IN MEMORY/OF OUR BRAVE MEN WHO/GAVE THEIR LIVES FOR US/"IS IT NOTHING TO YOU /ALL YE THAT PASS BY"

1939-1945/"WE WILL REMEMBER THEM"

### Proposed Development

Exmouth War Memorial is located within the centre of Strand Gardens and has a four stepped octagonal stone base surmounted by a chamfered granite cross on a square plinth. On the stone plinth to the base of the cross are two inscriptions and the names of the fallen inscribed on stone panels at the base of the memorial adjacent to the existing flower beds.

The Exmouth War Memorial is listed Grade II for the following principal reasons: as an eloquent witness to the impact of tragic world events of this community and its competent design and craftsmanship, with large chamfered granite cross.

This application relates to the laying of a Victoria Cross Commemorative Paving Stone to honour the Royal Navy Sub Lieutenant Reginald 'Rex' Warneford who was awarded the Victoria Cross in 1915. The stones are being rolled out as part of the marking of 100 years since the start of the First World War under a programme instigated by the Department for Communities and Local Government. The paving stones are to be laid in the recipients' birthplace or if born in other countries where they grew up.

In this instance the York paving stone which measures 600mm x 600mm x 50mm deep is to be laid within the current flowerbed on the North West side of the Memorial, bedded on cement, but with no other fixings. The stone will be laid in place for the 100th anniversary of the date of the action for which this particular Victoria Cross was awarded on 7th June 2015.

The proposed stone would sit alongside other commemorative stones at the base of the memorial and is considered appropriate to the continuation of the important role of the memorial while the form and design of the stone would be in-keeping with the

existing stones and the memorial itself. As a result the stone would make a positive contribution overall and is considered to be appropriate.

## **RECOMMENDATION**

APPROVE subject to the following condition:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.  
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

## NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant listed building concerns. However in this case the application was deemed acceptable as submitted.

### Plans relating to this application:

	Specifications/technical data	22.04.15
	Location Plan	22.04.15
	Proposed Site Plan	22.04.15
A, B & C	Photos	22.04.15

### List of Background Papers

Application file, consultations and policy documents referred to in the report.