

Date: 8 July 2011
Contact number: 01395 517543
E-mail: cholland@eastdevon.gov.uk



To: Members of the Development Management Committee
Ward Members (Agenda & Ward applications only)

For information:

Head of Economy
Interim Development Manager
Senior Solicitor
Planning Policy Manager

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551
Fax: 01395 517507

www.eastdevon.gov.uk

Dear Sir/Madam,

**Development Management Committee
Tuesday 19 July 2011 at 2.00 pm**

The above meeting will be held in the Council Chamber, Knowle, Sidmouth, to consider the matters detailed on the agenda below. Ward Members are reminded that they are entitled to speak on any application within their own Ward but are not permitted to vote.

Yours faithfully,

MARK WILLIAMS

Chief Executive

Members of the public are welcome to attend and speak at this meeting. If you wish to speak on a particular application, simply enter your name on the sheets located near the entrance to the Council Chamber, in the corresponding section which indicates whether you are a supporter or objector. There is no requirement or facility to record the details of the speaker before the day of the meeting.

- The relevant Officer will introduce and outline the item to be discussed. The public will then be able to speak on that matter only.
- All individual contributions will be limited to a period of 3 minutes – **where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.** Extra papers and/or handouts **cannot** be circulated at the meeting. There is a timing clock to assist you.
- Speakers should restrict their comments to planning considerations only.
- The Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time.
- Speakers are asked not to come to the microphone if their points have already been covered.
- After the public speaking period has finished the consideration of reports will begin and the public will take no further part in the meeting.
- All attendees at the meeting are asked to offer all speakers the courtesy of listening to others' points of view, even if they do not agree with it.
- The Chairman will not tolerate any interruptions from the public and is entitled to exclude people from the meeting if the business of the committee cannot be carried out effectively

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

A G E N D A

Page/s

- 1 To confirm the minutes of the meeting of the Development Management Committee held on 14 June 2011. 4 - 46
- 2 To receive any apologies for absence.
- 3 To receive any declarations of interests relating to items on the agenda.
- 4 To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
(Note: such circumstances need to be recorded in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).
- 5 To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way).

Matters For Decision

- | | | | |
|---|--|-----------------------------|---------|
| 6 | Planning Appeal Statistics | Interim Development Manager | 47 – 50 |
| 7 | Annual Update on Section 106 Planning Obligations | Section 106 Officer | 51 - 62 |
| | To consider the matters to be determined by the Development Management Committee | Interim Development Manager | |

(For this agenda, these are listed in Reverse District Ward order):

	<u>District Ward</u>	<u>Ref.</u>	<u>Location</u>
8	Woodbury and Lympstone	11/0880/FUL	18 Churchill Court, Lympstone
9	Seaton	11/0175/FUL	Gazebo Highcliffe Close, Seaton
10	Raleigh	10/2287/MFUL	Ladram Bay Holiday Centre, Otterton
11	Exmouth Town	11/0946/FUL	Dive Club, Royal Avenue, Exmouth
12	Budleigh Salterton	11/1182/FUL	1 Swains Road, Budleigh Salterton
13	Axminster Town	11/0143/MFUL	Land at Dukes Way, Axminster

Members please note:

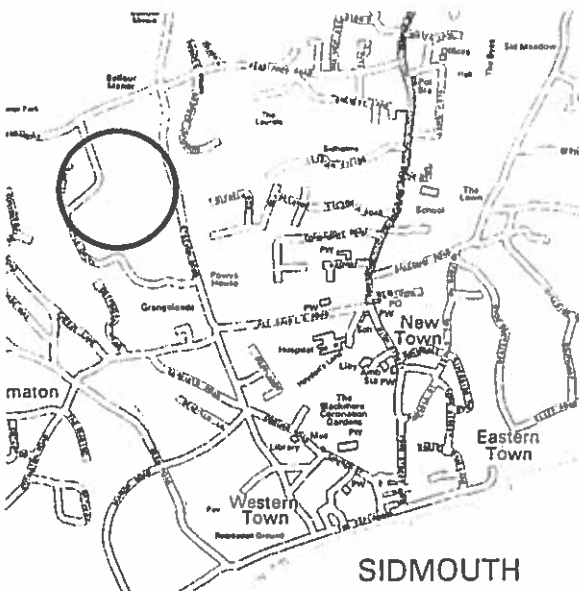
Plans and all supporting documentation for each application can be viewed via Planning Online by viewing: <http://planning.eastdevon.gov.uk/online-applications>
Plans will also be displayed electronically at the meeting in the Council Chamber. This presentation can be viewed online with this agenda.

The Chairman requests that wherever possible, where a site is visible from the public highway and other public vantage points, Members in the locality should familiarise themselves with the site before the meeting to help prevent any unnecessary site inspections.

Would those Members who sit on the Planning Inspections Committee **please retain their planning application report papers** for use on any subsequent site visits.

- You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Poppleford – 157

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

- From Exeter – 52A, 52B**
- From Honiton – 52B**
- From Seaton – 52A**
- From Ottery St Mary – 379, 387**

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users. The doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time. A hearing loop system will be in operation in the Council Chamber.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 14 June 2011

Present: Councillors:
Mark Williamson (Chairman)
Helen Parr (Vice Chairman)
Derek Button
Alan Dent
Vivienne Duval Steer
Anthony Howard
Mike Howe
Stephanie Jones
David Key
Geoffrey Pook
Ken Potter
Peter Sullivan
Phil Twiss
Steve Wragg

Ward Members: Councillors:
Peter Bowden
David Chapman
Martin Gammel
Douglas Hull
Jim Knight
Andrew Moulding
Phillip Skinner
Tim Wood

Also Present: Councillors:
David Atkins
Bob Buxton
Iain Chubb
Graham Godbeer
Ian Thomas

Officers: Ed Freeman, Development Manager
Christopher Holland, Democratic Services Officer
Kate Little, Head of Planning Services
Andrew Seddon, Senior Solicitor

Apologies: Councillors:
Peter Burrows
Geoff Chamberlain
Trevor Cope
Jill Elson
John Jeffery
Ben Ingham

The meeting commenced at 2.00 pm and ended at 9.45 pm

***1 Chairman's Welcome**

The Chairman, Councillor Mark Williamson, welcomed all Members to the first meeting of the Development Management Committee since the Local Elections on May 5 2011

***2 Minutes**

The minutes of the meeting of the Development Management Committee held on Tuesday 3 May 2011 were agreed and signed as a true record.

***3 Exmouth Town Centre and Seafront Masterplan**

The Committee considered the report of the Interim Development Manager which was updated by the Head of Economy at the meeting. Members noted that the Exmouth Town Centre and Seafront Masterplan had been prepared to provide a template for the regeneration of Exmouth which it was hoped would be realised chiefly through private investment in the town. The document was key to the future development of the town; it was important that the community was appropriately consulted on the proposals to ensure that it had input into the document. Feedback needed to be fully considered before the document was finalised and adopted by the Council.

Councillor Tim Wood, Member Champion for Exmouth stressed that the methodology to be used to consult the public would engage all of the different sections of the community. The Consultation period would be 12 weeks. The document would then be amended as appropriate and a final draft reported back to Development Management Committee for endorsement.

RESOLVED: that the Exmouth Town Centre and Seafront Masterplan be endorsed for consultation with all of the Exmouth Ward Members, Exmouth Town Council, relevant statutory consultees, community groups and the community of Exmouth.

***4 Planning Appeal Statistics**

The Committee received and noted the report of the Interim Development Manager setting out appeals recently lodged and recent appeal decisions notified.

***5 Applications for Planning Permission and matters for determination**

RESOLVED: that the applications before the Committee be determined as set out in Schedule 1 – 2011/2012 (attached).

Councillor Button requested that his vote against the resolution to approve the application at Broadclyst Baptist Church (11/0364/FUL) be recorded.

Councillors Button and Key requested that their vote against the resolution to refuse the application at Willow View Park (11/0249/COU) be recorded.

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Ref. / Site	Type of interest (action taken)	Nature of interest
Councillor Derek Button	General declaration	Personal (remain in Chamber to speak and vote)	Councillor was associated with Communities Before Developers as detailed in the Members' Register of Interests.
Councillor Derek Button	10/2184/MOUT Hayes Farm (Land at) Clyst Honiton	Personal (remain in Chamber to speak and vote)	Councillor was Chairman of Local Traffic Group

*5 **Applications for Planning Permission and matters for determination
(cont'd)**

Councillor/ Officer	Ref. / Site	Type of interest (action taken)	Nature of interest
Councillor Stephanie Jones	09/0019/MFUL Land adjacent Harbour Road, Seaton	Prejudicial (spoke as a member of the public then left Chamber during discussion and voting)	Councillor's property overlooks site
Councillor Phil Twiss	11/0598/VAR Cuckoo Down House, Cuckoo Down Lane, Honiton	Personal (remained in Chamber but took no part in voting or discussion)	Councillor was acquainted with applicant
Councillor Stephanie Jones	11/0459/FUL Harbour Road Car Park, Harbour Road, Seaton	Personal (remained in Chamber to speak and vote)	Councillor had been involved in discussions with applicants

Chairman

Date

**EAST DEVON DISTRICT
COUNCIL**

**DEVELOPMENT MANAGEMENT
COMMITTEE**

HELD ON Tuesday 14 June 2011

SCHEDULE NUMBER 1 – 2011/2012

APPLICATIONS DETERMINED BY THE COMMITTEE

Axminster Rural
(AXMINSTER)

10/0132/MFUL

Applicant:

Wainhomes (SW) Holdings Ltd

Location:

Land Opposite Millbrook Farm (Gill Land) Chard Road

Proposal:

Development of 98 two and three storey dwellings, access road and associated works (Phase 3).

RESOLVED: Delegated authority be given to the Head of Economy to APPROVE the application subject to the Section 106 legal agreement to secure the requirements of affordable housing, formal and informal recreation, public art, education, sewerage system investigation and improvements as well as monitoring and legal fees (as applicable) and subject to the following:

- No objections being received from Natural England to the further survey/mitigation details due to be submitted
 - Receipt of amended plans dealing with the required revisions to the landscaping proposals and amendments to the surface water drainage layout to tie in with the revised layout plans
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 development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
 3. No development shall commence until a phasing programme for the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any the written approval of the Local Planning Authority is given to any variation. (Reason - To ensure the proper development of the site in the interests of the amenity and character of the area and the amenity of adjoining residents and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
 4. 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 in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

5. A sample panel of stonework shall be constructed and approved by the Local Planning Authority prior to the construction of any stone walls which shall be built in accordance with the sample panel approved.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

6. The landscaping scheme set out on approved drawing numbers [TBC] received [TBC] 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 and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to accord with Policy TR10 (Strategic Road Network) of the Devon Structure Plan and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

8. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

(Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site and to accord with Policy TR10 (Strategic Road Network) of the Devon Structure Plan and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan

9. The garages and car parking spaces shown on the approved plans shall be kept available for the parking of cars at all times.

(Reason - To ensure that adequate garaging/parking provision remains available at all times in the interests of road safety and the amenity of future occupiers and to accord with Policies CO6 (Quality of New Development) and TR10 (Strategic Road Network) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness), TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan.)

10. The development shall be carried out in accordance with the provisions of the Flood Risk Assessment dated January 2010.

(Reason – To address the potential flood risks of the development and to accord with Planning Policy Statement 25)

11. No development shall commence until a detailed scheme for surface water attenuation, including all capacity calculations, required flow control devices and the design and construction of any attenuation feature(s), has been submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the related attenuation is fully installed in accordance with the approved details. The approved attenuation shall be fully maintained at all times.

(Reason - To address the potential flood risks of the development and to accord with Planning Policy Statement 25)

12. No development shall commence until details of the provision to be made for foul water drainage and the disposal of sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

(Reason - To ensure adequate foul drainage provision and to accord with Planning Policy Statement 23)

13. Prior to the commencement of development, a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during the development and managed/maintained over the longer term
- details of any bridges, footpaths, fencing, lighting etc.
- details of the phasing and protection of the buffer zone during construction

(Reason: In the interests of protecting and maintaining the ecological value of the watercourse and the adjacent SAC and SSSI and to accord with Policy CO10 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan and Policy EN4 (Nationally Important Sites including Sites of Special Scientific Interest) of the East Devon Local Plan).

14. No development shall commence until details of the position and specification of all proposed street lighting has been submitted to and approved by the Local Planning Authority. The approved lighting, only, shall be installed.

(Reason - In the interests of the visual amenity and character of the site and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and to accord with Policy CO8 (Archaeology) of the Devon Structure Plan and Policy EN8 (Proposals affecting sites which may potentially be of archaeological importance) of the East Devon Local Plan.)

16. No construction or demolition works associated with the development hereby permitted shall take place outside the hours of 8am to 6pm Monday to Friday, and 8am to 1pm on Saturdays. No works shall be carried out on Sundays or Public Holidays.

(Reason: To protect the amenities of local residents from noise and dust and to accord with Policy CO16 (Noise Pollution) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

17. All plant or other noisy installations and activities associated with the construction of the site shall be designed, installed and operated so that the specific noise levels do not exceed the pre-existing background noise levels at the site boundary by any more than 10dB at any time. The applicant shall submit and agree a Noise Management Plan prior to commencement of the development. No reversing alarms shall be allowed on site which is audible beyond the site boundary.

(Reason: To protect the amenities of local residents and to accord with Policy CO16 (Noise Pollution) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

18. There shall be no burning on the site at any time.

(Reason: To protect the amenities of local residents from smoke nuisance and to Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

19. Dust suppression measures shall be employed as required during construction.
(Reason: To protect the amenities of local residents from smoke nuisance and to Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)
20. Notwithstanding the provisions of Class B 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 dormer windows [other than those expressly authorised by this permission] shall be constructed.
(Reason - To protect the privacy of adjoining occupiers and to accord with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
21. The development shall be carried out in accordance with the measures set out in the Schedule of Energy Conservation and Renewable Features submitted 28 April 2011.
(Reason – To enhance the sustainability of the development in accordance with Policy ST1 (Sustainable Development) of the Devon Structure Plan and Policy D2 (Sustainable Construction) of the East Devon Local Plan)

Delegated authority to be given to the Head of Economy to add to and vary the above mentioned conditions as required in consultation with the Chairman of Development Management Committee.

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

ST1 (Sustainable Development)
ST5 (Development Priority 2001 to 2016)
ST18 (Affordable Housing)
ST18A (Mix and Type of Housing)
CO4 (Areas of Great Landscape Value)
CO6 (Quality of New Development)
CO7 (Historic Settlements and Buildings)
CO8 (Archaeology)
CO10 (Protection of Nature Conservation Sites and Species)
CO13 (Protecting Water Resources and Flood Defence)
CO16 (Noise Pollution)
TR2 (Co-ordinating Land Use/Travel Planning)
TR7 (Walking and Cycling)
TR10 (Strategic Road Network)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)
S7 (Infrastructure Related to New Development)
D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)

D6 (Public Art)
EN2 (Areas of Great Landscape Value)
EN4 (Nationally Important Sites including Sites of Special Scientific Interest)
EN6 (Wildlife Habitats and Features)
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)
H2 (Residential Land Allocation)
H3 (Range and Mix of New Housing Development)
H4 (Affordable Housing)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments /Travel Plans)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)
RE3 (Open Space Provision in New Housing Developments)
EN15 (Control of Pollution)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm the setting of a listed building within close proximity to the site.
5. The proposal does not harm the particular landscape qualities and characteristics of the landscape designated an Area of Great Landscape Value.
6. The proposal does no harm to wildlife interest.
7. The proposal does not harm an identified archaeological site or deposit.
8. The proposal does not harm the conservation objectives of an SSSI, County Wildlife Site or Local Nature Reserve.
9. The proposal does not harm or give rise to a perceived threat from important trees on or adjacent to the site.
10. The proposal is contained within the defined built-up area boundary of the settlement.
11. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
12. The proposal does not cause a significant flood risk.
13. The access to serve the proposal does not prejudice highway safety.
14. The proposal would not generate a level of noise that would unreasonably affect the amenity of neighbouring properties.

15. Note to applicant:

This permission should be read and implemented in conjunction with the associated Section 106 Legal Agreement.

16. Additional notes to applicant:

Buffer Zone:

The buffer zone required by Condition needs to be at least 7 metres wide measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal land levels. This zone should be without structures, hard standing, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character and where necessary planted with locally native shrubs and grasses, of UK genetic provenance.

Protected Species:

A Natural England European Protected Species Licence may be required before any development takes place.

Axminster Town
(AXMINSTER)

11/0362/RES

Applicant: Mr & Mrs Mellor & Reaney

Location: Blueberry Chard Road

Proposal: Approval of reserved matters for the construction of 2 no. detached dwellings and associated access works (pursuant to outline application 08/2304/OUT).

RESOLVED: APPROVED subject to the following conditions:

1. East Devon District Council as Local Planning Authority hereby approve the following reserved matters of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice: -
 - a) Appearance
 - b) Means of Access
 - c) Layout
 - d) Scale

This reserved matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref no. 08/2304/OUT) granted on 1st October 2008

The following reserved matter has yet to be approved for this site: None

The following conditions attached to the outline planning permission referred to above are discharged: 2

The following conditions attached to the outline planning permission referred to above remain to be complied with: 1, 3, 4, 5

The following additional conditions are attached to this reserved matters approval:

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 in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
3. Notwithstanding the details indicated on the submitted plans the following windows shall be fitted with obscure glazing and fixed shut below a level of 1.7 metres above the respective internal floor heights of the rooms that they serve and permanently maintained as such:
Plot 1 - first floor window on southwest elevation serving bedroom 2
- first floor windows on northeast elevation serving bedroom 3, bathroom and ensuite to master bedroom
Plot 2 - first floor windows on southwest elevation serving ensuites to bedrooms 2 and 3 and secondary window to master bedroom
- first floor windows on northeast elevation serving ensuite to master bedroom and master bedroom itself.
(Reason - In the interests of residential amenity and to accord with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan)
4. The development shall be carried out in accordance with the recommendations of the submitted ecological survey, prepared by Richard Green Ecology Ltd. and as submitted with the application.
(Reason - In the interests of the continued protection of protected species and to accord with policies EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and Planning Policy Statement 9 (Biodiversity and Geological Conservation).)

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies
CO6 (Quality of New Development)

TR10 (Strategic Road Network)

East Devon Local Plan Policies
D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

D5 (Trees on Development Sites)

TA7 (Adequacy of Road Network and Site Access)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The access to serve the proposal does not prejudice highway safety.
5. The proposal does no harm to wildlife interest.

Axminster Town
(AXMINSTER)

11/0543/COU

Applicant:

Mr & Mrs R Loveridge

Location:

Lower Wyke Farm Wyke

Proposal:

Conversion of outbuilding to create annex for use in association with main dwelling.

THIS APPLICATION WAS WITHDRAWN BY THE APPLICANT.

Axminster Town
(AXMINSTER)

11/0509/VAR

Applicant:

Messrs FC, MF & TF Jessopp

Location:

Land At Milbrook Valley Stoney Lane

Proposal:

Variation of Condition 11 of planning permission 92/P0998 as varied on appeal (T/APP/U1105/A/99/1026929/P7) to enable construction of Phase 1B (18 houses) without improvements to Stoney Lane.

RESOLVED:

APPROVED

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies
TR10 (Strategic Road Network)

East Devon Local Plan Policies
TA7 (Adequacy of Road Network and Site Access)

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

Broadclyst
(CLYST HONITON) 10/2184/MOUT

Applicant: Church Commissioners For England

Location: Hayes Farm (Land At) Clyst Honiton

Proposal: Intermodal freight facility and freight distribution centre; 65,757 square metres of warehousing (B8); landscaping and ancillary works (Exeter Gateway). Amended proposal and updated Environmental Statement. (Renewal of permission 00/P1394)

RESOLVED: that the Head of Economy, in consultation with the Chairman and Ward Members, be given delegated authority to APPROVE the application subject to no objections from Natural England, a variation of condition 42 and GRIP 4 report to be submitted within 2 years of first occupation of any part of phase 1.

This application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 00/P1394) granted on 21 December 2007.

RESERVED MATTERS

1. Prior to the submission of each of the reserved matters and as necessary, a Phasing Plan which shall detail the area of each proposed phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. (Reason – To clarify the order of the progress of the development on the site.)
2. In respect of each phase of development, approval of the details of the siting, design, scale and external appearance of the buildings, the means of access thereto and the landscaping of the relevant part of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced on each phase and that development shall be carried out in accordance with those approved details. (Reason – The application is in outline with one or more matters reserved.)

3. Details submitted in compliance with condition 1 shall include finished floor levels and existing and proposed ground levels in relation to a fixed datum. Development shall then be carried out in accordance with those approved details.

(Reason – To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures.)

4. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 7 years from the date of this permission.

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

5. The development hereby permitted shall be begun either before the expiration of 12 years from the date of this permission, or before the expiration of 7 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

6. MASTER PLAN and DESIGN GUIDE and A SUSTAINABILITY STRATEGY

Notwithstanding the details of the Illustrative Masterplan submitted with the outline application, a Masterplan and Design Guide and a Sustainability Strategy setting out the principles of good design and sustainable development, including use of renewable energy on site, how rail users will be attracted to the facility and how the amount/proportion of goods coming in and out by rail will be monitored, shall be submitted to and approved in writing by the Local Planning Authority before any reserved matters application is submitted. The details in the reserved matters applications shall then accord with the approved Masterplan and Design Guide and the Sustainability Strategy.

(Reason - To define the details of the proposal and to ensure a high standard of design and sustainable development is achieved in the interests of the appearance and character of the area and to meet the current sustainability targets.)

7. SIGNAGE

The Design Guide shall provide details of the size, location, materials, design and appearance and, where applicable, the proposed method and hours of illumination of external signage on buildings and elsewhere within the site. For the avoidance of doubt, internally illuminated box signs will not be permitted. No signage shall be displayed anywhere within the site unless it accords with the details approved in the Design Guide.

(Reason - To define the details of the proposal and to ensure a high standard of design and sustainable energy use is achieved in the interests of the appearance and character of the area.)

8. MATERIALS

Any reserved matters submission shall include 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. 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.)

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) the colour of the external cladding and roofing materials of any buildings erected pursuant to this permission shall not be changed from those approved under Condition 7 above unless otherwise first agreed in writing by the Local Planning Authority.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)

10. ARCHAEOLOGY

No development shall take place on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority for the relevant phase.

(Reason - In the interests of archaeology.)

11. Access shall be given at all reasonable times to any archaeologist nominated by the Local Planning Authority. The archaeologist shall be allowed to observe the excavations and record items of interest and finds.

(Reason - In the interests of archaeology.)

12. DRAINAGE

Any reserved matters submission shall include details of a Sustainable Urban Drainage System (SUDS) for the disposal of the surface water from the relevant phase for approval in writing by the Local Planning Authority. The scheme shall be carried out in accordance with those approved details and no building shall be occupied until the relevant works for the disposal of surface water have been completed.

(Reason - To avoid pollution of the environment and/or flooding.)

13. Any reserved matters submission shall include details of the foul drainage system for the relevant phase for approval in writing by the Local Planning Authority. The scheme shall be carried out in accordance with those approved details and no building shall be occupied until the relevant foul drainage works have been completed.

(Reason - To avoid pollution of the water environment.)

14. No oils, fuels or chemicals shall be stored on the site unless details of the storage facility, including measures for containing accidental releases to the environment, have been submitted to and approved in writing by the Local Planning Authority and until such a storage facility has been implemented in accordance with the approved details.
(Reason – To protect the environment from pollution and to safeguard the amenities of the area.)
15. Subject to Condition 2 above, any material required to raise ground levels, shall be restricted to clean, inert, uncontaminated soil and spoil.
(Reason – To prevent pollution and safeguard the amenities of the area.)
16. No sewage or trade effluent (including cooling water containing chemical additives, vehicle washing effluent, and steam-cleaning effluent) shall be discharged to the surface water drainage system.
(Reason – To prevent pollution to the water environment.)
17. Vehicle loading or unloading bays and storage areas involving chemicals or other polluting matter shall not be connected to the surface water drainage systems.
(Reason – To prevent pollution to the water environment.)

18. CONTAMINATED LAND and REMEDIATION MEASURES

Each phase of development shall not commence until a scheme to assess the presence and/or concentration of any contamination of the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The investigation must satisfy the Local Planning Authority that ground conditions are suitable for the intended use of the development and identify the measures required to avoid unacceptable risks to the public, site operatives and environment, during and following development.

Each phase of development shall not commence until a remediation scheme that fully considers all aspects of environment harm and human health risk for the relevant phase has been submitted to and approved in writing by the Local Planning Authority.

If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposal.

Following completion of the relevant phase, a completed remediation statement must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

The remediation statement shall record:-

- a) The things that are being, or have been, done by way of remediation in the particular case, including results of validation testing where required.
- b) The name and address of the person who is doing or has done each of those things.
- c) The periods within which each of those things has been or is being done.

And if remediation measures include the use of imported topsoil:-

d) Evidence to demonstrate that imported topsoil is free from contamination.

(Reason – To ensure that contamination of the site is corrected prior to development and to ensure the safety of site workers and future occupiers or users of the site.)

19. PROTECTION OF THE WATER ENVIRONMENT

No development shall commence until further studies are undertaken to accurately determine the groundwater regime within the site. These works shall consider surface water drainage and will identify and detail the mitigation and long term monitoring of impact on groundwater recharge. These mitigation and long term monitoring measures shall be incorporated within the development in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

(Reason – To protect controlled waters.)

20. No development shall commence until a comprehensive water features survey has been undertaken. If any sensitive water features exist then a detailed assessment shall be undertaken to determine potential impacts and identify suitable mitigation measures. The survey and assessment shall take into account the potential cumulative impact associated with the construction of the Clyst Honiton Bypass. The mitigation measures shall be incorporated within the development in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

(Reason – To protect water interests.)

21. No development on the area within the site used for landfill shall commence until an investigation has been carried out to establish the likely presence, type, volume and extent of waste materials within the landfill area at this site. Before any development works are commenced, an investigation shall also be carried out to consider the potential impact of contaminated soils and groundwater at the site on controlled waters. The investigations shall include:-

- A desk study.
- The development and refinement of a conceptual model.
- A Risk Assessment that includes the consideration of impacts (from the viewpoint of both during and post construction works) on environmental and human receptors
- Remediation proposals.
- A Method Statement.

This work shall be carried out in accordance with current good practice and in a phased approach with each phase informing and determining the need to carry out later phases.

Impacts identified in the Risk Assessment shall inform remediation proposals which in turn, shall include consideration of measures to minimise impacts on ground and surface waters and to mitigate the potential exposure to contaminative materials within the restored landfill area.

The Method Statement shall detail remediation requirements.

The results of all the above work shall be submitted to the Local Planning Authority for approval prior to agreed remediation being carried out and the works shall then be carried out in accordance with those approved details.
(Reason – To prevent pollution of controlled waters.)

22. LANDSCAPE

Any reserved matters submission for each phase of the development shall include a landscape scheme showing 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 approved 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 unless the subject of the relevant clauses in the Section 106 Agreement referring to the off-site planting and the "Green Area". 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.)

23. Paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of completion of construction works.

(a) No trees, hedges or shrubs which are shown as being retained on the approved plans shall be removed or pruned other than in accordance with the said plans without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998: 1989 (Recommendations for Tree Work) unless covered by the Land Management Plan in the Section 106 Agreement.

(b) If any trees, hedges or shrubs shown as being retained are removed, replacements of a similar size and species shall be planted at the same locations. The replacements shall be planted at such a time as may be specified in writing by the Local Planning Authority.

(Reason – To ensure the retention of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area.)

24. No development on each phase shall take place until details of earthworks for the relevant phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, including cross and long sections, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details prior to the occupation of the development.

(Reason - In the interests of preserving and enhancing the character and appearance of the area.)

25. Any reserved matters applications shall indicate the positions, designs, materials and type of boundary treatment to be constructed. The boundary treatment shall be completed in accordance with the approved details before the development hereby granted outline permission is occupied, and shall be retained thereafter without alteration or addition.
(Reason - In the interests of preserving and enhancing the character and appearance of the area.)
26. In respect of each phase, prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS583:2005 and shall indicate how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.
(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area.)

27. ENVIRONMENTAL MITIGATION

In respect of each phase, before the development hereby permitted is commenced, a scheme for the provision of Ecological Protection and Enhancements, in accordance with the Devon and East Devon Biodiversity Action Plans and mitigation measures required by the Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

(Reason – In order to generate a net increase in biodiversity by the protection, conservation and enhancement of the landscape and ecological features within it.)

28. Any reserved matters in respect of each phase shall include details for approval of mitigation measures identified in the Environmental Statement to cover the following matters (insofar as they are not dealt with by separate conditions):-

Geology and contamination, soils and agriculture, water resources, landscape and visual, ecology, transport, air quality, noise and vibration, cultural heritage, society and economy, energy and resource use and waste management.

For the avoidance of doubt, the submitted details shall include a scheme for Ecological Protection and Enhancement including details of management options and financial contributions towards monitoring, reviewing and repairing. The mitigation measures shall be carried out in accordance with the approved details.

(Reason – In the interests of nature conservation and in order to provide clarity on the process of approval for the nature conservation, compensation and mitigation schemes.)

29. PROTECTED SPECIES

Before the submission of each reserved matters application, a detailed survey shall be carried out to review the mechanism of the Environmental Statement in establishing the presence of protected species within the site.

(Reason – The review should be ongoing because the planning permission is likely to extend over a long term during which the ecology of the site could change.)

30. PREVENTION OF LIGHTING POLLUTION

Any reserved matters submission shall include details of the design and ongoing management of any temporary or permanent external lighting, including floodlighting and road lighting. The lighting shall then be installed and operated in accordance with the approved details, unless otherwise first agreed in writing the Local Planning Authority.

(Reason – To safeguard the amenities of the area and in the interests of air safety, having regard to the proximity of Exeter International Airport throughout the operational period of the development and not just at the initial design stage.)

31. PROVISION FOR REFUSE STORAGE

Any reserved matters submission shall include provision for refuse and recycling storage facilities. Such provision shall be implemented in accordance with the approved plans.

(Reason – To ensure this amenity is satisfactorily integrated into the design of the development in accordance with current sustainable practices.)

32. RAIL

No more than 50,000 sq m of warehouse floorspace shall be occupied at the site until the developer has undertaken to the satisfaction of the Local Planning Authority in consultation with Network Rail (or any successor with equivalent powers) a detailed feasibility study to assess the soundness of the proposed railway works. This will include an assessment of timetabling to demonstrate the capability of the network to accommodate additional services without materially detracting from existing service commitment.

(Reason – In order to demonstrate that the proposals are feasible, capable of being accommodated on the network, compatible with existing services and would not compromise Network Rail's current contractual commitments.)

33. No more than 50,000 sq m of warehouse floorspace shall be occupied at the site until the completion of the full provision of the railhead, and a fully signalised rail junction with the Exeter to Salisbury main railway line is provided that maintains access to the Intermodal Freight Facility and Distribution Centre at all times. Such provisions shall remain in place indefinitely.

(Reason – To ensure that the rail facilities and ancillary areas are fully provided and ready for operation before the occupation or use of any warehouse in the interests of sustainability in freight distribution by ensuring that access to rail is available at the earliest possible time and to encourage the use of alternative means of transport.)

34. No more than 50,000 sq m rail sidings, security fencing, stacking areas and necessary office management facilities are to be completed and ready for operation prior to the first occupation of any building to be used for any purpose within Class B8 of the Town and Country Planning (Use Classes) Order 1987 and shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall remain in place indefinitely.

(Reason - To ensure that the rail facilities and ancillary areas are fully provided and ready for operation before the occupation or use of any warehouse in the interests of sustainability and to encourage the use of alternative means of transport.)

35. CONSTRUCTION ENVIRONMENTAL and MANAGEMENT PLAN

In respect of each phase of development prior to the submission of the reserved matters, a Construction Environmental and Management Plan (CEMP) to manage the impacts of construction, including traffic, and to ensure minimum impediment is caused by the development shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall include measures to regulate the routing of construction traffic and the times within which that traffic can enter and leave the site. The development shall then be carried out in accordance with those approved details.

(Reason - To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area.)

36. SCHEDULE OF PHASING OF ROAD, SERVICES and FACILITIES

No more than 37,000 square metres of warehouse floor space at the site shall be occupied until such time as the proposed Clyst Honiton Bypass and associated improvements to the A30 trunk road at Airport Junction, have been constructed and are open for use.

(Reason – In the interests of the free-flow of trunk road traffic.)

37. In accordance with Condition 1 above, before implementation of any part of the scheme (whether before or after the construction of Clyst Honiton Bypass) detailed proposals for the access to the development shall be submitted to and approved in writing by the Local Planning Authority. The access to the site that is implemented shall be that approved under the planning permission for the Clyst Honiton Bypass in all its details.

(Reason – To ensure that appropriate access is provided and in the interests of highway safety.)

38. DETAILED WASTE MANAGEMENT AUDIT

In respect of each phase, before any works are commenced on site, a Waste Audit/Waste Management Scheme for both the construction and operational phases of the relevant phase shall be submitted to and approved in writing by the Local Planning Authority.

(Reason – To ensure that the waste resulting from the development is properly handled and in the interests of local amenity.)

39. The development hereby permitted shall be limited to the handling of unitised freight for transshipment in containers, swap bodies or utilising other intermodal technology and shall not be used in connection with special waste or radioactive material unless otherwise agreed in writing by the Local Planning Authority.

(Reason – In the interests of the amenities of the area.)

40. USES

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 use of the warehouses comprising the Intermodal Freight Facility and Distribution Centre hereby permitted shall be restricted to use for storage and distribution in accordance with Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 only and for no other purpose, except for any uses within Class B1 which are ancillary to the continuing primary use of the buildings for Class B8 uses. For the avoidance of doubt, there shall be no ancillary retail sales.

Notwithstanding the provisions of Class B of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no such change of use referred to therein shall take place without planning permission having been granted expressly by the Local Planning Authority.

(Reason – To ensure that the land uses on the site are wholly related to the transfer and handling of freight in the interests of the amenities of the area and in the interests of the safe and free flow of traffic.)

41. No containers shall be stored on the site except in locations details of which have been agreed in writing by the Local Planning Authority and which, unless otherwise agreed, have first been screened in accordance with details which have been submitted to and agreed in writing by the Local Planning Authority.
(Reason – In the interests of the amenities of the area.)

42. NOISE POLLUTION MEASURES

The reserved matters in respect of each phase shall include a full noise study which shall be carried out and submitted and agreed by the Local Planning Authority which details:-

1. Predicted noise level from all heavy plant to be used during earthworks and construction phase at the nearest residential property. The report must detail all prior notifications and measures that shall be taken to reduce noise levels if required.

2. All noise levels during the construction stage shall comply with BS5228 Code of Practice for Noise and Vibration Control on Construction and Open sites, and with BS4142 or the appropriate European standard thereafter (as agreed by the Local Planning Authority). The report shall show evidence of compliance.

3. Written evidence of all noise monitoring programmes and all predicted audits of noise emissions during operational phase.

Details of noise mitigation measures shall be identified and agreed in writing before any buildings are occupied/works are commenced on site. The agreed mitigation measures shall then be implemented and thereafter monitored in order to ensure continuing compliance with the agreed scheme.

(Reason – To protect the occupiers of buildings in the vicinity from excessive noise.)

43. No works for the construction of the development hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside the following hours:-

0700 hours and 1800 Mondays to Fridays

0730 hours and 1300 on Saturdays.

(Reason – To protect adjoining occupiers from excessive noise.)

44. No movements / operations of heavy goods vehicles (HGVs) shall take place at, to or from the site between 2100 hours and 0700 hours Mondays to Fridays inclusive and after 1300 hours on Saturdays or at any time on Sundays or Public Holidays except in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority.
(Reason – To protect the occupiers of buildings in the vicinity from excessive noise.)

45. With the exception of necessary audible hazard or warning systems, no development on the site shall have amplified personnel address or other external loudspeaker or sound systems, except in accordance with details that shall first have been submitted to and agreed in writing by the Local Planning Authority.

(Reason – To protect the occupiers of buildings in the vicinity from excessive noise.)

46. AIR QUALITY

The reserved matters in respect of each phase shall include a detailed report which details all methods of prior notifications and action plans for dust control during earthworks and construction phases and all activities that coincide with development of the Clyst Honiton Bypass. The agreed mitigation measures shall then be implemented and thereafter monitored in order to ensure continuing compliance with the agreed scheme.

(Reason – To protect the occupiers of adjoining buildings in the vicinity from the effects of air pollution.)

47. EXTERNAL PLANT OR MACHINERY

Details shall be submitted with the reserved matters to show external plant or machinery which shall not be installed on any building within the site without the prior approval of the Local Planning Authority. The development shall proceed only in accordance with those approved details.

(Reason – In the interests of local amenity.)

48. PUBLIC REALM

No buildings shall be erected within 7 metres of the water main that is routed through the site or as shall otherwise have been agreed in writing with the Local Planning Authority.

(Reason – In the interests of public safety.)

49. In respect of each phase and prior to the commencement of the development, details of ground gas protection measures shall be submitted to and approved by the Local Planning Authority. These measures shall be implemented in accordance with the approved details.

(Reason – To prevent gas pollution of the environment.)

50. AIR SAFETY

No part of the development shall impact upon the safety of aviation at or in the vicinity of Exeter International Airport in accordance with safeguarding criteria under the terms of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Directions 2002. For the avoidance of doubt, the information required to meet the criteria would include layout, dimensions and heights of buildings or works to which the application relates.

(Reason – In order to safeguard protected airspace required for the safe operation of aircraft using Exeter International Airport.)

NOTE FOR APPLICANT

1 INFORMATIVE:

A. South West Water has advised:-

(i) The provision of foul drainage must be discussed with South West Water prior to the development proposals being finalised.

- (ii) The provision of water supply will need to be agreed.
- (iii) Any SUDS arrangements for surface water will need to remain totally private.

B. Condition 7 above requires samples of materials to be submitted and these samples must comply with the following criteria:-

Materials (General)

Prior to construction a reference panel sufficiently representing the material in question should be built on site. The panel should be no less than 1 square metre in size and should be in the final proposed material, colour finish and texture including gloss factor to paint work, sprayed and powder coated materials.

The reference panel should be built on a level firm foundation in a dry location with natural daylight.

All panels should be viewable from close range and from approximately 3 metres away. All sample panels shall be viewed together to allow an assessment of the entire materials palette.

All materials should be reasonably free from damage, deformation and deflection especially edges and corners.

Materials (Brickwork)

All brickwork to be built in accordance with BS EN 771-1.

Materials (Render)

A through render system is preferred.

C. Condition 30 above requires details of external lighting to be submitted and these details must comply with the following criteria:-

External Lighting

The applicant shall submit in writing and with drawn information the following:-

1:100 plans and elevations showing the mounting position of all externally sited luminaries.

Target illuminance levels – why and with reference to what guidance (i.e. BS 5489 etc.)

A strategy to minimise lightspill/trespass and skyglow

Distance from area to be illuminated to adjoining buildings or spaces

Full luminaire specification (inc. lamp spec, lamp wattages and all accessories - glare shields, baffles, louvres, colour and finish etc.)

Lighting plots (numeric and contour, contours to be at no greater interval than 5m) including max/min/ave illuminance + maintained illuminance

Details of maintenance factors used and what this is based on (dirt, cleaning, pollution, lamp depreciation etc.)

Details of maintenance regime (refer to maintained illuminance above)

Note: The use of bulkhead type luminaires is discouraged. All luminaires shall control the light output using either flat glass, full horizontal cut-off luminaires, baffles, louvres and/or mounting position and aiming angle.

Broadclyst
(BROADCLYST) 11/0364/FUL

Applicant: Mr D Squires

Location: Broadclyst Baptist Church Broadclyst

Proposal: Conversion of chapel into 3no residential flats, with
 construction of porches and 4no. dormer windows and
 installation of rooflights

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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details and prior to the commencement of the development hereby approved details of an external bin store to serve the three units shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be made available in accordance with the approved details prior to the first occupation of the units hereby permitted and shall be retained as such thereafter without alteration.
(Reason - To ensure that an appropriate location for refuse storage is used which would prevent any impact on the amenity of neighbouring residents in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995 - 2011).
4. Notwithstanding the submitted details and prior to the first occupation of the units hereby permitted the store window of unit 2 and bathroom window of unit 1 on the lower ground floor in the north west elevation, the store window of unit 2 in the north west elevation and the kitchen window of unit 1 on the upper ground floor in the south west elevation of the building shall be fitted with obscure glazing and shall be non-opening unless any variation is agreed to in writing by the Local Planning Authority.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995 - 2011).

5. 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 windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the south west or north west elevations of the building unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995 - 2011).
6. No construction machinery shall be operated outside of the following hours - 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays and not at all on Sundays or public holidays.
(Reason - To protect the amenity of neighbouring residents in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995 - 2011).
7. Prior to the commencement of development full details of any new windows to be installed in the south east elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include cross-sections at a scale of 1:10 or 1:20, dimensions, the materials to be used and the finish. The development shall only be carried out in accordance with the approved details.
(Reason - To ensure that the replacement windows are appropriate in terms of their design and appearance in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995 - 2011).

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

RE3 (Open Space Provision in New Housing Developments)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The proposal does not prejudice highway safety.

4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
5. The applicant is advised that this planning permission is accompanied by a unilateral undertaking which requires the payment of a financial contribution towards public open space provision in accordance with Policy RE3 of the Adopted East Devon Local Plan 1995 - 2011 on first occupation of the units hereby permitted.

Coly Valley
(COLYTON)

11/0947/TCA

Applicant:

Mr H Johnson

Location:

3 Sunnyside South Street

Proposal:

Fell 1 Pittosporum within rear garden

RESOLVED:

APPROVED subject to the following conditions:

1. The works hereby consented to shall be carried out within a period of 2 years from the date of this decision notice.
(Reason - To ensure that the works are carried out within a reasonable period of time.)

NOTE FOR APPLICANT

1. Wildlife - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from the English Nature Bat Line on 08708 339213. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).
2. British Standard BS 3998:2010 Tree Work - Recommendations came into effect on 31 December 2010 and supersedes BS 3998:1989 which is withdrawn. Before carrying out the works to which this notice applies, any person involved with the works should ensure they are fully aware of the contents of the new standard. A copy of the standard is available for inspection at the Council Offices, Knowle, Sidmouth or can be purchased from the BSI Shop on the website www.bsigroup.com/shop.

Exmouth Brixington
(EXMOUTH)

11/0192/FUL

Applicant: Miss N Callister

Location: 1 Cheriswood Avenue Exmouth

Proposal: Construction of two storey detached dwelling (amended application to 10/0726/FUL)

RESOLVED: INSPECT

Reason: to consider impact on adjacent dwellings and the street scene.

Exmouth Littleham
(EXMOUTH)

11/0270/CAC

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Location: Seacroft, Bonville, Fulford, Courtney 8 Douglas Avenue

Proposal: Demolition of all buildings and structures

RESOLVED: APPROVED

Members resolved to APPROVE the application against the Officers' recommendation because they considered the benefits of the development in terms of the provision of badly needed extra care facilities outweighed the loss of Seacroft which in their opinion did not contribute positively to the Conservation Area.

Exmouth Littleham
(EXMOUTH)

10/2530/MFUL

Applicant:

McCarthy & Stone Retirement Lifestyles Ltd

Location:

Seacroft, Bonville, Fulford, Courtney 8 Douglas Avenue

Proposal:

Demolition of existing buildings and construction of 51 care assisted apartments for the elderly including communal facilities, associated car parking and landscaping.

RESOLVED:

that the Head of Economy be given delegated authority to APPROVE the application and draft appropriate conditions and a S106 agreement to secure contribution to sewerage system improvements.

Members resolved to APPROVE the application against the Officers' recommendation because they considered the benefits of the development in terms of the provision of badly needed extra care facilities outweighed the loss of Seacroft which in their opinion did not contribute positively to the Conservation Area.

Honiton St Pauls
(HONITON)

11/0598/VAR

Applicant:

Mr Geoffrey Wilmot

Location:

Cuckoo Down House Cuckoo Down Lane

Proposal:

Removal of Condition 2 of planning application 01/P1695 to allow unrestricted accommodation of headmaster's house.

RESOLVED:

that the application be APPROVED subject to the following conditions:

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

East Devon Local Plan Policies

H9 (Occupancy Conditions on Agricultural / Forestry Dwellings.)

S5 (Countryside Protection)

PPS7 (Sustainable Development in Rural Areas)

Newbridges
(KILMINGTON)

11/0199/FUL

Applicant: Rev Darrell Holmes

Location: Land South Of The A35 Gammons Hill

Proposal: Construction of church building and associated works.

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

1. The proposal site occupies a prominent positioning on the edge of the village on part of an open and undeveloped field that acts as a buffer between the A 35 main road and the main core of the village. The development of this site would adversely affect the character and appearance of the area and be detrimental to the conservation and enhancement of the surrounding designated Area of Outstanding Natural Beauty contrary to policy CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan 2001 – 2016 and policy EN1 (Development in Areas of Outstanding Natural Beauty) of the East Devon Local Plan.
 2. The proposed design would result in a building that by virtue of its height, form, massing and detailed design would be out of scale with its context and surrounding buildings and inappropriate in relation to its rural setting within a designated area of outstanding natural beauty. As such the proposal would be contrary to policies CO3 (Areas of Outstanding Natural Beauty) and CO6 (Quality of New Development) of the Devon Structure Plan 2001 – 2016 and policies D1 (Design and Local Distinctiveness), EN1 (Development in Areas of Outstanding Natural Beauty) and C2 (Local Community Facilities) of the East Devon Local Plan.
 3. The proposal would result in the loss of the entire hedgerow along the western boundary of the site with George Lane and the protected Oak tree within that hedgerow. The hedgerow is identified as important in the submitted Wildlife Survey Report, prepared by Acorn Ecology Ltd. and dated 6th December 2010 and its removal is considered to be insufficiently justified both in ecological and amenity terms in relation to the impact of its removal on the protected landscape, As such the proposal would be contrary to Planning Policy Statement 9 (Biodiversity and Geological Conservation); policies CO3 (Areas of Outstanding Natural Beauty) and CO10 (Protection of Nature Conservation Sites and Species) of the Devon Structure Plan 2001 – 2016 and policies D5 (Trees on Development Sites), EN1 (Development in Areas of Outstanding Natural Beauty) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.
 4. The proposed development would be likely to lead to an unacceptable increase in conflicting vehicular movements into and out of George Lane (a narrow road without footways) which would be prejudicial to existing conditions of highways safety, contrary to policy TA7 (Adequacy of Road Network and Site Access) of East Devon Local Plan.
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Newton Poppleford
And Harpford 11/0068/FUL
(NEWTON
POPPLEFORD AND
HARPFORD)

Applicant: Mr J Cole & Ms R Hancock
Location: Land East Of Hoppins Farm Southerton
Proposal: Siting of mobile home for horticultural business

RESOLVED: REFUSED for the following reasons:

1. The site is in the open countryside where the presumption is against the development of new dwellings unless an agricultural need can be proven. The Local Planning Authority is not satisfied by the evidence submitted that the functional needs of the horticultural enterprise requires an on-site presence and that the holdings needs could not be satisfied by an existing dwelling in the area suitable for occupation by an agricultural worker. The proposed mobile home would therefore be contrary to Policies ST1 (Sustainable Development) and ST5 (Development Priority 2001 – 2016) of the Devon County Structure Plan 2001-2016 and Policies S5 (Countryside Protection) and H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the Adopted East Devon Local Plan 1995-2011 and advice and guidance contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing and Planning Policy Statement 7: Sustainable Development in Rural Areas.
 2. In the absence of a functional need for a temporary agricultural workers dwelling on the site and the proposed location of the mobile home in the field, the mobile home represents an unnecessary and inappropriate development in the AONB to the detriment of the visual amenity and conservation of the natural qualities of this rural location. The proposal is therefore contrary to Policies ST1 (Sustainable Development), CO3 (AONB) and CO6 (Quality of New Development) of the Devon Structure Plan and Policies S5 (Countryside Protection), EN1 (Development affecting Areas of Outstanding Natural Beauty) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan.
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Seaton
(SEATON) 09/0019/MFUL

Applicant: Tesco Stores Ltd

Location: Land Adjacent Harbour Road, Seaton

Proposal: Application for APPROVAL of details reserved by condition 6 on planning permission ref 09/0019/MFUL requiring the submission and approval in writing by the Local Planning Authority of a revised Construction and Environment Management Plan (CEMP).

RESOLVED: APPROVED

Seaton
(SEATON) 11/0459/FUL

Applicant: Tesco Stores Ltd

Location: Harbour Road Car Park Harbour Road

Proposal: Provision of public realm to include hard and soft landscaping and the provision of street furniture and lighting (in conjunction with Tesco development).

RESOLVED: that the Head of Economy in consultation with the Chairman and Ward Members, be given delegated authority to either:

- 1) APPROVE the application subject to consideration of street furniture design and the conditions below, or;
- 2) if the decision of the Council on 15 June 2011 is to retain the existing public toilets, to seek a redesign of the public realm.

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 development hereby approved shall be carried out in accordance with the submitted flood risk assessment prepared by Jubb Consulting Engineers Ltd. and dated March 2011.
(Reason - In the interests of flood prevention and in accordance with the requirements of Planning Policy Statement 25 (Development and Flood Risk))
3. No development shall commence until a scheme for the provision of electrical hook-up points within the development site has been submitted to and approved in writing by the Local Planning Authority. The electricity points shall be provided prior to the space being first brought into use following the completion of the works hereby permitted.

(Reason - In the public interest and to ensure that the public realm is fully functional as such and available for use to support a variety of community events in accordance with policy S7 (Infrastructure Related to New Development) and C3 (Shared Community Facilities) of the East Devon Local Plan.

4. The landscaping scheme hereby approved, as indicated on drawing nos. 4027/ASP3/SLD rev. B and 4027/ASP4/SLD rev. B, 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 in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
5. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)
ST21 (Regeneration Priority)
TA4 (Footpaths, Bridleways and Cycleways)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
LSE 1 (Seaton Regeneration Area)
S4 (Development Within Built-up Area Boundaries)
S7 (Infrastructure Related to New Development)
D6 (Public Art)
C3 (Shared Communal Facilities)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm or give rise to a perceived threat from important trees on or adjacent to the site.

5. The proposal does not cause a significant flood risk.
 6. The proposal will provide an important link between the existing town centre and the wider regeneration area and will provide a public space for community events and activities.
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Seaton
(SEATON) 11/0416/FUL

Applicant: East Devon District Council

Location: West End Of Seaton Seafront (West Walk) Castle Hill

Proposal: Construction of public shelter

RESOLVED: APPROVED

Sidmouth Rural
(SIDMOUTH) 10/2237/FUL

Applicant: Mr D Monro Higgs

Location: Mincombe Post Farm Mincombe Post

Proposal: Installation of two 11 kw Gaia wind turbines mounted on a 18m lattice tower on a 25sqm base

RESOLVED: that the Head of Economy be given delegated authority to APPROVE the application 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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
(Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy CO8 (Archaeology) of the Devon Structure Plan and Policy EN7 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan.)

4. In the event that the wind turbines become inoperative for a period of six months, they and associated works shall be removed and the site returned to an appropriate condition unless otherwise agreed in writing with the Local Planning Authority.
(Reason - In the interests in the character and appearance of the area.)
5. No development shall start until a Method of Construction Statement, to include details of a programme of works, including measures for construction and delivery traffic management.
(Reason - In the interest of public safety and to preserve the free flow of traffic and to prevent damage to the highway in accordance with Policy TA7 of the East Devon Local Plan.)

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

- ST5 (Development Priority 2001 to 2016)
- ST1 (Sustainable Development)
- CO3 (Areas of Outstanding Natural Beauty)
- CO6 (Quality of New Development)
- CO12 (Renewable Energy Developments)

East Devon Local Plan Policies

- C6 (Renewable Energy)
- S5 (Countryside Protection)
- D1 (Design and Local Distinctiveness)
- EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
- EN6 (Wildlife Habitats and Features)
- TA12 (Aerodrome Safeguarded Areas and Public Safety Zones)

2. There would be some limited impact on the natural beauty of the AONB but any impact would be outweighed by the benefits of the renewable energy produced by the proposed development.
3. The proposal does no harm to wildlife interest.

The plans relating to this application are listed below:

GAIA WIND DATA	General Correspondence	09.11.10
A TO L	Photos	23.12.10
GAIA WIND DATA	General Correspondence	06.12.10
	Location Plan	06.12.10
	Location Plan	06.12.10
	Design and Access Statement	09.11.10

Members resolved to APPROVE the application against the Officers' recommendation because they considered that the impact on the AONB would not be significant and that any impact would be outweighed by the benefits of the renewable energy produced by the proposed development.

Sidmouth Sidford
(SIDMOUTH)

10/1821/MFUL

Applicant: Mr I Rance

Location: Land West Of Combe Hayes Sidmouth

Proposal: Proposed residential development - 21 units including 8 affordable dwellings and associated access and landscaping works.

RESOLVED: APPROVED subject to a legal agreement and to the suggested conditions set out below, be delegated to the Head of Planning and Countryside

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 proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995 - 2011.)
3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing. The main access to the whole of the site for construction purposes should be from the west to Howarth Close.
(Reason: To ensure the proper development of the site and to minimise the use of the access by construction and contractor's vehicles using the road network to the east of the site and in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995 - 2011)

4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- (A) The cul-de-sac carriageways including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - (B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - (C) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - (D) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - (E) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- (Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site and in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995 - 2011)
5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
(Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy CO8 (Archaeology) of Devon Structure Plan 2001 - 2016 and Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological Importance) of the East Devon Local Plan 1995 – 2011)
6. Notwithstanding the submitted details, 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 in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design

and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

7. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed as part of this approval or separately in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area and in accordance with Policy D5 (Trees on Development Sites) of the East Devon Local Plan 1995 - 2011)

8. No development shall take place 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, roofs and boundary enclosures of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance only with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with national and local planning policy and guidance as set out in PPS 1, policies CO6 of the Devon Structure Plan 2001 - 2016 and S4 and D1 of the East Devon Local Plan 1995 - 2011).

9. During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

(Reason - To ensure that the development does not damage the amenity of occupiers of adjoining residential properties, in accordance with national and local planning policy and guidance, as set out in PPS 23 - Planning and Pollution Control, and policy D1 of the East Devon Local Plan 1995 - 2011.)

10. No development shall be commenced on the site until an Ecological Impact Assessment (detailing all investigative work, analyses of findings and proposals for mitigation of impact on the wildlife resource of the site, together with a timetable for obtaining all necessary Licences within the overall phased scheduling of the construction project) has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include:
- the scope and findings of additional survey work relating to badger activity on the site, together with measures to secure adequate provision for sett location and foraging areas within or outside the site;
 - a mitigation strategy to address loss of habitat for dormice within the site, and
 - details of the provision of appropriate receptor locations for the translocation of the reptile population on the site.
- The mitigation proposals shall be completed in full unless otherwise agreed in writing by the Local Planning Authority.
(Reason – To secure adequate protection and mitigation measures to safeguard and encourage the bio-diversity resource of the site, in accordance with national and local planning policy and guidance as set out in PPS1, PPS3, PPS9, policies ST1, CO9 and CO10 of the Devon Structure Plan 2001 – 2016 and policies S4, D1 and EN6 of the East Devon Local Plan 1995 - 2011).
11. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

INFORMATIVES

1. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
 2. The proposal does not harm or give rise to a perceived threat from important trees on or adjacent to the site.
 3. The proposal is contained within the defined built-up area boundary of the settlement.
 4. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
 5. The proposal does no harm to wildlife interest.
 6. The access to serve the proposal does not prejudice highway safety.
 7. The density of the development is at the highest level possible compatible with the area.
 8. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
 9. The proposal does not cause a significant flood risk.
-

Tale Vale
(PAYHEMBURY)

11/0319/OUT

Applicant:

Mr & Mrs M Granger

Location:

Tale Head Farm Payhembury

Proposal:

Construction of agricultural workers dwelling/farmhouse

RESOLVED:

REFUSED for the following reasons:

1. In the absence of an established functional need arising from the agricultural activities at the holding or accounts to demonstrate that the activity has been operating for 3 years and been profitable for at least 1 it is considered that to approve a permanent agricultural workers dwelling to serve this holding would be contrary to national and local policy. The proposal is therefore contrary to Policies ST5 (Development Priority 2001 - 2016) of the Devon Structure Plan 2001 - 2016 and Policies S5 (Countryside Protection) and H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the East Devon Local Plan 1995 - 2011 and the general guidance in PPS7 - Sustainable Development in Rural Areas.
2. In the absence of a proven agricultural need for the proposed permanent dwelling the location of the proposed development is likely to create the need for additional travel by private vehicles due to its remote rural location and the lack of suitable access to alternative means of travel and there is no overriding justification for the development to be in this location. The proposal is therefore contrary to Policies ST5 (Development Priority 2001 - 2016), TR2 (Co-ordinating Land Use / Travel Planning) and TR5 (Hierarchy of Modes and Transport Assessment) of the Devon Structure Plan 2001 - 2016 and Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan 1995 - 2011 and the general guidance in PPS7 - Sustainable Development in Rural Areas.

Trinity
(COMBPYNE
ROUSDON)

11/0379/CAC

Applicant:

Rousdon Estate Limited

Location:

Former Groundsman Stores Rousdon

Proposal:

Demolition of buildings.

THIS APPLICATION WAS WITHDRAWN BY THE APPLICANT.

Trinity
(COMBPYNE
ROUSDON)

11/0380/FUL

Applicant:

Rousdon Estate

Location:

Former Groundsman Stores Rousdon

Proposal:

Demolition of existing buildings, removal of storage areas and construction of low-carbon dwelling, together with associated external works.

THIS APPLICATION WAS WITHDRAWN BY THE APPLICANT.

Whimble
(WHIMPLE)

11/0249/COU

Applicant:

Willow View Park

Location:

Willow View Park Whimble

Proposal:

Erection of 13 additional park homes and garages

RESOLVED:

REFUSED for the following reasons:

1. The proposal would result in the creation of new dwellings outside of a designated settlement boundary (as defined by the East Devon Local Plan 1995-2011) in open countryside where, in the absence of any proven agricultural, forestry or horticultural need there is a policy presumption against such development. Furthermore, it would be located remote from adequate services, employment, education, public transport etc. and would therefore increase the need for travel by private vehicles. As such, the proposal would be contrary to the provisions of Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan 1995-2011 and Policies ST1 (Sustainable Development), ST5 (Development Priority 2001 to 2016) and TR2 (Co-ordinating Land Use/Travel Planning) of the Devon County Structure Plan 2001-2016.
 2. The proposal fails to provide a mechanism for the provision of open space in Whimble and Talaton to meet the needs generated by the development and is therefore contrary to the provisions of Policy RE3 (Open Space Provision in New Housing Developments) of the Adopted East Devon Local Plan 1995-2011.
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**East Devon District Council
List of Planning Appeals Decided**

Ref: 11/0237/FUL **Appeal Ref:** 11/00016/HH
Appellant: Mr C Bonner
Appeal Site: 63 York Crescent Feniton Honiton EX14 3DQ
Proposal: Proposed extension to side and front of property
Decision: **Appeal Dismissed** **Date:** 27.05.2011
Procedure: Householder appeal
Remarks: Delegated refusal. Amenity reasons upheld. (EDLP Policy D1).
BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/D/11/2150818

Ref: 10/1193/FUL **Appeal Ref:** 11/00009/REF
Appellant: J A Wilkinson
Appeal Site: 17 Byron Way Exmouth EX8 5SE
Proposal: Attached two storey dwelling
Decision: **Appeal Dismissed** **Date:** 06.06.2011
Procedure: Written representations
Remarks: Delegated refusal. Amenity reasons upheld. (EDLP Policy D1).
BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/A/11/2147299

Ref: 11/0265/FUL **Appeal Ref:** 11/00021/REF

Appellant: Miss J Mear
Appeal Site: 2 Lynhayes Kilmington Axminster EX13 7SR
Proposal: Construction of single storey pitched roof extension with dormer windows

Decision: **Appeal Allowed (with conditions)** **Date:** 07.06.2011

Procedure: Householder appeal

Remarks: Delegated refusal. Amenity reasons overruled. (EDLP Policy D1).
The Inspector concluded that the effect of the proposal on the living conditions of the occupiers of the adjoining properties would be limited and that subject to conditions, the proposed development would comply with Policy D1 of the East Devon Local Plan.

BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/D/11/2151584

Ref: 10/0948/FUL **Appeal Ref:** 11/00011/REF

Appellant: Mr. M. Cottrell & Miss. M. Andrews
Appeal Site: James Barn Kerswell Cullompton EX15 2ES
Proposal: Erection of one free-range chicken house (House 5)
Decision: **Appeal Dismissed** **Date:** 08.06.2011
Procedure: Written representations

Remarks: Officer recommendation to refuse. Committee refusal.
Countryside protection and environmental amenity reasons upheld. (DSP Policies ST1 & CO15 and EDLP Policies S5 & EN15).

BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/A/11/2148793/NWF

Ref: 10/0952/FUL **Appeal Ref:** 11/00012/REF
Appellant: Mr. M. Cottrell & Miss. M. Andrews
Appeal Site: James Barn Kerswell Cullompton EX15 2ES
Proposal: Erection of one free-range chicken house (House 6)
together with construction of access track
Decision: **Appeal Dismissed** **Date:** 08.06.2011
Procedure: Written representations
Remarks: Officer recommendation to refuse. Committee refusal.
Countryside protection and environmental amenity reasons
upheld. (DSP Policies ST1 & CO15 and EDLP Policies S5 &
EN15).
BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/A/11/2148788/NWF

Ref: 07/F0390 **Appeal Ref:** 11/00023/ENFAPP
Appellant: Mr & Mrs Stroud
Appeal Site: 3 Woodcote Court Culvery Close Woodbury Exeter Devon
Proposal: Appeal against an enforcement notice served in respect of
the construction of a boundary wall.
Decision: **Appeal Dismissed** **Date:** 20.06.2011
Procedure: Written representations
Remarks: Enforcement Notice upheld. Conservation reasons upheld.
(DSP Policy CO7 & EDLP Policy EN11).
BVPI 204: No
Planning Inspectorate Ref: APP/U1105/C/11/2143781

Ref: 11/F0012 **Appeal Ref:** 11/00029/ENFAPP
Appellant: Mr M Hiscox
Appeal Site: Lower Wadden Colyton EX24 6RY
Proposal: Appeal against an enforcement notice served in respect of
the change of use of land to use as a caravan site for the
stationing of four mobile homes.
Decision: **Appeal Dismissed** **Date:** 23.06.2011
Procedure: Written representations
Remarks: Enforcement Notice upheld. Policy and landscape reasons
upheld (DSP Policies CO3 & TO3 and EDLP Policies EN1,
S5 & TO4).
BVPI 204: No
Planning Inspectorate Ref: APP/U1105/C/11/2147444

**East Devon District Council
List of Planning Appeals Lodged**

Ref: 10/2278/OUT **Date Received** 01.06.2011
Appellant: Mr D Rodway
Appeal Site: 3 Ashley Brake West Hill Ottery St Mary EX11 1TW
Proposal: Construction of detached single storey dwelling
Planning APP/U1105/A/11/2154081/NWF
Inspectorate
Ref:

Ref: 10/2471/FUL **Date Received** 17.06.2011
Appellant: Mr & Mrs N C Gaywood
Appeal Site: Knapp Cottage Lower Broad Oak Road West Hill Ottery St
Mary EX11 1XH
Proposal: Erection of single, detached carbon neutral dwelling
Planning APP/U1105/A/11/2155249/NWF
Inspectorate
Ref:

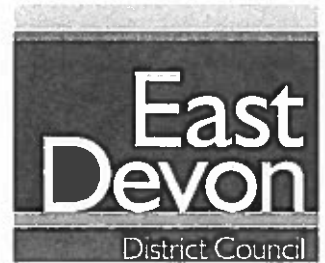
Ref: 11/0673/FUL **Date Received** 23.06.2011
Appellant: Mr P Fudge & Mr R Rixson
Appeal Site: 22 & 23 Sid Vale Close Sidford Sidmouth EX10 9PH
Proposal: Construction of pair of garages
Planning
Inspectorate
Ref:

Agenda Item 7

DM Committee

July 2011

SAT/KAL



Annual Update on Section 106 Planning Obligations

Summary

The report provides a summary of all new signed planning obligations and unilateral undertakings registered in the last financial year, an overall summary of receipts and where any contributions have been spent.

Recommendation

For the contents of this report to be noted

a) Reasons for Recommendation

To inform Cabinet of the progress made on Section 106 matters between April 2010 and March 2011.

To ensure that the Council is operating a transparent and comprehensive framework for monitoring financial obligations.

b) Alternative Options

N/A

c) Risk Considerations

The risk associated with not monitoring legal agreements relating to planning applications is that the Council could be criticised for not operating a transparent and comprehensive framework for monitoring such financial and non-financial obligations.

Without adequate co-ordination Commuted Sums could be spent on inappropriate schemes and not on priorities identified within the Council's various plans and strategies. Without an adequate and co-ordinated system for monitoring Section 106 Agreements and any subsequent Commuted Sums it is possible that should deadlines expire, Secured sums would have to be returned (plus interest) to the developers and required community facilities / affordable housing would not be provided.

d) Policy and Budgetary Considerations

The improvement of the Section 106 Agreement system forms part of the Development Control Improvement Plan adopted in September 2004 and agreed with the former Office of the Deputy Prime Minister. It also assists in delivering the Council's priorities such as the provision of affordable housing and other community infrastructure.

e) Date for Review of Decision

June 2012

1 Background

- 1.1 This report relates to the management and allocation of resources accrued through planning obligations. The last annual report to Committee was in June 2010.
- 1.2 Planning Obligations, commonly known as Section 106 Agreements, were introduced following the Town and Country Planning Act 1990. Section 106 Agreements are legal agreements and are negotiated between a local authority and developers, and are intended to make a development proposal acceptable that in the absence of such an agreement would not allow planning permission to be granted. A planning obligation may only constitute a reason for granting planning permission for a development if the obligation is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale to the proposed development and should only be used where planning conditions attached to a planning permission would not provide an alternative approach.
- 1.3 Most Section 106 Agreements result in projects being implemented directly by the planning applicant or developer or the provision of a financial sum (a commuted sum) for a project to be implemented directly by the Council.
- 1.4 The information used in this report is taken from statutory information held by Land Charges and from financial records held in Finance. The Land Charges list contains details of all planning obligations and unilateral undertakings signed under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

2.0 Current Position and Update

- 2.1 Since the last report, 197 new planning obligations and unilateral undertakings have been signed. They cover a range of purposes from affordable housing, to open space payments and highway works, as well as restrictions on the use of land or buildings.
- 2.2 For a number of reasons developers do not implement all planning permissions and therefore if a planning permission is not implemented the associated Section 106 Agreement will also not be implemented. In addition we require a unilateral undertaking to be submitted prior to a planning application being decided and some of the 197 agreements will fall away if permission is refused or dismissed on appeal.
- 2.3 Not all of the agreements have financial implications, nor are all the payments due on signing of the obligation. In some cases, phased payments of the commuted sum have been negotiated and are not due until certain triggers have been met.
- 2.4 During 2010/11 the Council received an income of £767,419.46 from Section 106 Agreements in order to implement specific projects defined in the Agreements. This income does not necessarily relate to the 197 Section 106 Agreements agreed in 2010/11. It could relate to Agreements made in earlier years that have been triggered in 2010/11.

2.5 Overall Section 106 Capital Receipts held 31st March 2011

Categories	Resources held at 31.3.11
Affordable Housing	60,000.00
Education	223,846.18
Public Open Space - Play Capital - Sports Capital	526,796.01 353,875.12
Transport Related	29,000.00
Honiton Community Centre	500,000.00
Ottery Bridge and Cycle Route	257,179.00
Miscellaneous	45,000.00
Total	1,995,696.31

2.6 In addition, revenue receipts totalling £198,500.45 are held for the purposes of maintenance, monitoring, administration and to cover the costs of delivering participatory budgeting exercises. The Open Space maintenance balance of £135,225.64 is released over a ten year period from the capital project delivery to ensure maintenance of the new equipment.

3.0 Planning Obligation Expenditure – Capital Schemes

3.1 In the last financial year a total of £542,813.15 of Section 106 resources have been used for capital schemes with a revenue spend of £6,349.44, therefore a combined total of £549,162.59. This has been for a wide range of purposes including travel planning and access improvements, affordable housing, community centre build, new play areas and even a new bridge and cycle route.

3.2 In some cases, schemes have been wholly implemented using one or more Section 106 contributions, whilst in other cases, the Section 106 contribution has enabled match funding to be secured. For example the new play area at Millwey Rise in Axminster was developed with £47,000.00 Section 106 play capital, £40,000.00 grant funding (Playbuilders) and £1000.00 local fundraising by the Residents association.

4.0 Update on enhancing Section 106

4.1 During 20010/11 positive steps have continued to be made to implement the Audit Recommendations 2009/10 including:

- A new Open Space Policy is in the drafting stages following input from Town and Parish Councils across East Devon, this will allow a new Open Space Calculator to be developed and a wider area of spend.
- All of the historical Section 106 Agreements have now been scanned and are in the process of being converted into appropriate document types and entered into the Section 106 database. This will allow for quicker and more effective monitoring and spend.
- Additional Risks relating to Section 106 have now been added to the Corporate Risk Register in order to provide a more robust system of internal control.

5.0 The future of Section 106

5.1 The Coalition Government has committed to the continued introduction of the Community Infrastructure Levy (CIL). Alongside new incentives this provides a potentially powerful mechanism for ensuring the timely provision of infrastructure to support development.

5.2 The Community Infrastructure Levy came into force in April 2010. It allows local authorities in England to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, district heating schemes, green spaces and leisure centres.

5.3 Presently the introduction of the Levy is discretionary, it becomes mandatory in 2014. The introduction of the Levy would remove the flexibility of site by site negotiations that the current Section 106 regime affords. Further work will need to be undertaken to get an operational Levy in place for the whole of East Devon District and to decide on which elements are still considered to be site specific and therefore remain a part of the traditional Section 106 negotiations.

Legal Implications

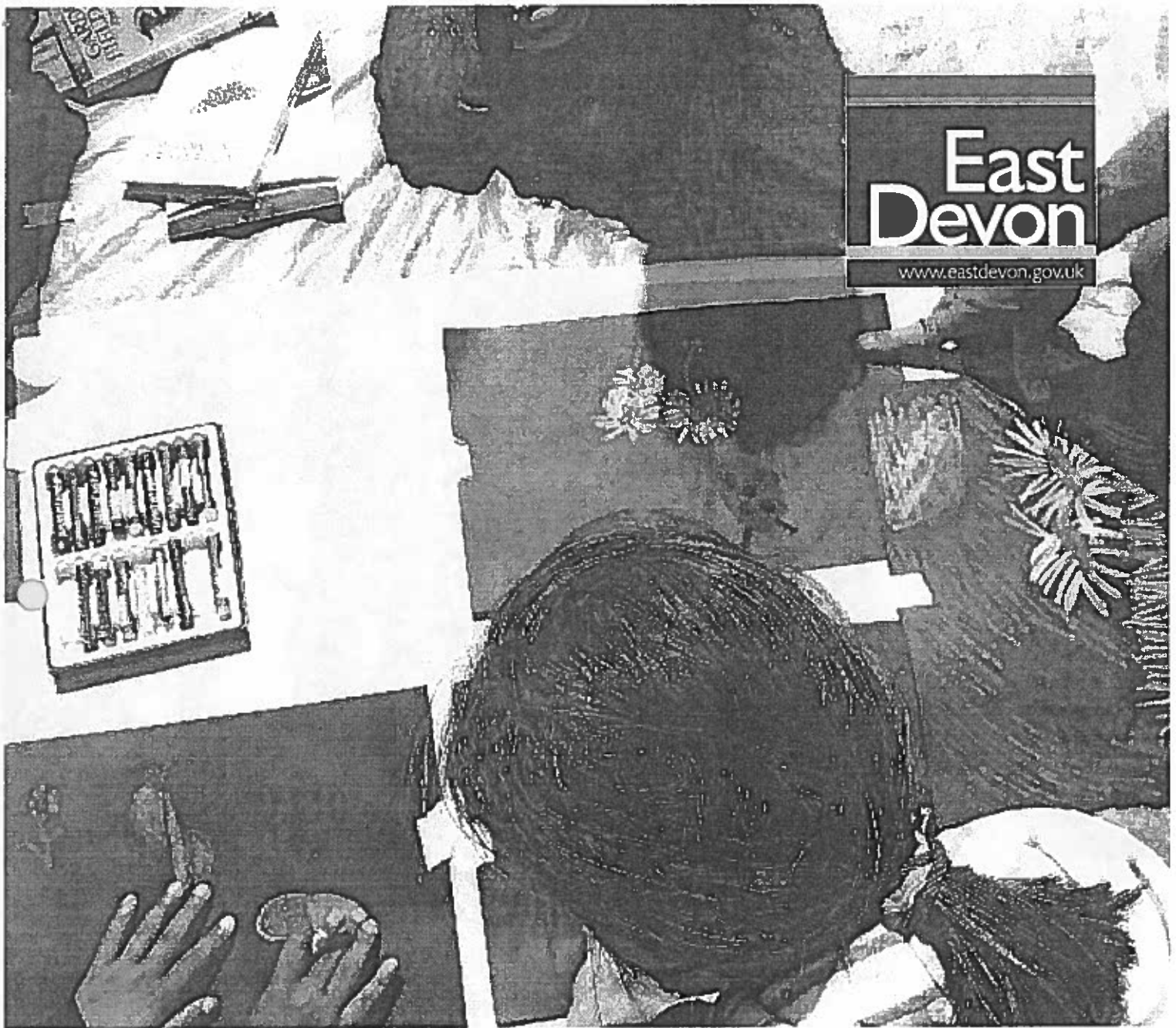
The report contains a summary of the statutory framework and the effect of the introduction of Community Infrastructure Levy.

Financial Implications

The financial implications are included in the report.

Background Papers

- Circular 05/2005: Planning Obligations (ODPM, 2005)
- Planning Obligations: Practice Guidance (Department of Communities and Local Government, 2006)
- Section 106 Annual Report 2009/10



East
Devon

www.eastdevon.gov.uk

A guide for Town and Parish Councils

Local children designing the
play equipment that they
wanted St Sevens, Exmouth

Imagine the possibilities ...

How consultation and Participatory Budgeting
can access Section 106 funds to enrich communities
in East Devon



EDDC Countryside Ranger James Chubb with local children at the Section 106-funded play area at The Maer, Exmouth

Participatory Budgeting enables people to become involved with setting priorities and deciding the way some services and projects are delivered in their neighbourhood

What is Participatory Budgeting?

PARTICIPATORY BUDGETING is a process of democratic decision-making where residents are involved in deciding how to allocate part of a public budget, in this case funds resulting from a Section 106 Agreement. Its aims are twofold:

- to make local government more accountable, transparent and understandable to local people
- to create social inclusion by encouraging involvement from all parts of the community.

This enables people to become involved with setting priorities and deciding the way some services and projects are delivered in their neighbourhood.



What is a Section 106 Agreement?

SECTION 106 of the Town and Country Planning Act 1990 allows a local planning authority (LPA) to enter into a legally-binding agreement or planning obligation with a landowner as part of the granting of planning permission. The obligation is termed a Section 106 Agreement.

These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.

East Devon District Council (EDDC) places a charge on developers depending on the size and number of dwellings being built and this money is used to develop facilities to support the additional residents living in the community. Funding for sports and play facilities is the topic we are looking at in this leaflet. The average charge EDDC makes per dwelling in most cases is £3,700, with roughly 50 per cent allocated to fund sport and 50 per cent for play.

Money from charges made to developers is used to develop facilities such as sports and play to support the additional residents living in the community

Why sport and play?

Under the existing policy for smaller developments we ask for contributions for sport and play, but we are working closely with town and parish councils to write a policy that expands what EDDC can ask for.

The Community Infrastructure Levy (CIL) is due to be in place by spring 2014. This means that developers' contributions could be used for facilities like community buildings, roads, hospitals, etc., with a proportion specifically set aside for communities to decide upon.

Children and young people will have their chance to vote for the projects that they want

How does this work in East Devon?

THE COUNCIL has a dedicated Section 106 Officer whose job it is to oversee the collection and allocation of the above funds. She liaises with developers over their Section 106 contributions and works closely with EDDC's Planning team and with town and parish councils, to identify how and where the money will be spent.

Once the funding has been agreed, the Council's Community Engagement Officer will become involved in the whole process of asking local people what sort of play and sports facilities they would like and, in particular, to make sure that children and young people in the area have their chance to vote for the projects that they want.

So how do we access and allocate Section 106 money?

THERE are a number of important procedures that need to be followed to ensure that you are allocated your funds. If you get in touch with the Section 106 Officer, she will be able to tell you how much money is available.

By following the process outlined below, you can ensure the funds are allocated correctly and speedily:

■ An initial meeting should be held involving the Section 106 Officer, Community Engagement Officer and Town and Parish Council (TPC) representatives. Attendees at the meeting should look carefully at the process and decide what work the TPC is willing and able to do to ensure the funds are spent appropriately. A schedule of future face-to-face meetings also needs to be agreed. The Section 106 Officer and/or Community Engagement Officer will write up an action plan outlining what will happen and when, and who is responsible for each stage of the process. The relevant East Devon District Councillors should be made aware of the process and invited along to meetings where appropriate.

■ A Steering Group should be set up between TPC representatives and other relevant organisations to move the project forward. This Steering Group should ensure that local people know what is happening and the Town and Parish Council newsletters are a good way to do this.

■ The Section 106 and/or Community Engagement Officers are able to advise, or be involved in, every stage of planning events and activities to publicise the projects. They are a very useful resource and are happy to help. However, if the Steering Group decides not to ask them to get actively involved, then it must make sure that the Section 106 and/or Community Engagement Officers are kept fully informed of any activities or events that are planned before any action is taken.

■ The Council's Communications Officer will be able to offer support with publicity for your events. The Steering Group, the Section 106 Officer and/or Community Engagement Officer should make sure that they are aware of any planned activities well in advance. This is a valuable resource, as the Communications Officer has a comprehensive list of media contacts and will be able to issue press releases or statements on your behalf. Budgets are always under pressure and using this way to gain free publicity is the ideal approach.

Play and recreation is most relevant to children and young people, so their votes on projects need to be actively sought

■ Children and young people must be given an opportunity to vote on the projects. Play and recreation is most relevant to them so their votes need to be actively sought. If this is to be done by the Steering Group, the advice of EDDC's Community Engagement Officer must be sought on how to do this most effectively and in line with child protection guidance.

PLAY

1 Look at how much money is available for play and where it could be spent. This is within 600 metres of the development the Section 106 contribution has come from, but the Section 106 Officer may be able to negotiate with the developer.

2 Look at the Parish Plan if you have one. This is a useful starting point and may help you decide where to put a new play area.

3 Carry out consultation with local children on what they do and don't like about play areas and what the important activities are in a play area e.g. sliding, climbing, rather than ask them to select specific pieces of equipment. This ensures that the play companies have some flexibility and can perhaps put in new and exciting pieces of equipment the children may not know about.

4 Send a selection of play companies (at least five) a tender document detailing what you want them to provide and what your budget is. If it is an EDDC owned play site, then we will do this for you. If it's owned by a Parish Council or the community then we can help you with this process if you would like us to.

5 The Steering Group should discount any of the designs that come back and don't meet the brief and/or the budget. They should end up with a shortlist of about three designs for the community to vote on.

6 Plan and hold a play event, encouraging children and young people from within the Parish to come along and vote for the play area they want. This could include face painting, games, circus skills, etc.

There is an amount of Section 106 funding set aside to pay for consultation. The voting could be held as part of a local event, for example a village fete.

Consulting with local children about what they would like to see in a play area coming to their neighbourhood



7 Whichever play area design receives the most votes is the one that will happen.

8 The Section 106 Officer reports the results to the East Devon District Council's Senior Management Team for approval, and the Steering Group reports to the Parish/Town Council.

A contract must be signed with the play company, and a legal contract must be set up by EDDC between the landowner of the site and EDDC.

9 The play area is built and an opening event is organised. Members of the community, Councillors, developers whose money contributed to the play area, and the local media should be invited.

10 The Town/Parish Council pass received invoices onto the Section 106 Officer to be reimbursed.

SPORT

1 Look at how much money is available for sport. The definition of a 'sport' is provided by Sport England. Visit their website at www.sportengland.org/about_us/recognised_sports.aspx to find out more.

2 Look at the Parish Plan if you have one. This is a useful starting point and may help you decide what sports provision your parish needs and where it could go.

3 Invite your local community to submit their proposals on how this money could be spent. This should be done through a publicity campaign in the media, through posters etc. This can be done for very little, if any, cost by involving EDDC.

4 After initial ideas for projects have been submitted by the community, these must be passed to the Section 106 Officer. A meeting should be held at which the town or parish council and Section 106 Officer are present to discuss the initial project ideas to ensure they fit the Section 106 funding criteria. Anyone who has submitted a project must be notified whether it is eligible for consideration or not.

5 All the eligible proposals should be taken out to the community for their votes. This voting must be well publicised. Age brackets and postcodes of voters should be collected to ensure all ages and geographical locations within the Parish are fairly represented. The voting is

most successful when held in places where people are already gathering, for example at Farmers' Markets, Christmas Fayres, local cafes, etc.

6 The most popular project should be the one that gets the pot of money. If there is any money left over after this project



EDDC staff with local young people discussing design options for a skate park facility

is funded it should go to the second most popular project, and so on. By allocating funds in this way, it ensures the most popular projects actually happen. The results will be kept on file and if additional Section 106 money becomes available that would be spent on the next most popular project.

7 The Section 106 Officer reports the results to EDDC's Senior Management Team for approval, and the Steering Group

reports to the Parish/ Town Council. A legal contract must be set up by EDDC between the landowner of the site and EDDC.

8 Organise an opening event at the finished sports facility, making sure that members of the community, Councillors, developers whose money

contributed to the sports project, and the local media are invited.

9 The Town/Parish Council or other organisation pass received invoices onto the Section 106 Officer to be reimbursed.

10 In the unlikely event of any discrepancies, the final decision as to which project(s) are supported lies with EDDC and Ward Members as custodians of Section 106 monies.

Some examples in East Devon where Participatory Budgeting and Section 106 have worked

■ The Maer Play Trail

Tuesday 1 June 2010 saw the official opening of a new nature Play Trail, specifically designed for The Maer in Exmouth.

The play equipment is made of natural materials and there are some amazing creatures to crawl about on, slide down, climb up and generally explore. These were inspired by residents, whose views were sought at a play consultation event at The Maer in September 2009.

Children were asked if they preferred swinging, jumping, bouncing or spinning and, because The Maer is a nature reserve with a wide diversity of wildlife, we asked them what type of animals or insects they would like to see on the site.

Children in Exmouth were asked to vote on what they did and didn't like about play areas



■ Seaton: sport

A major consultation exercise has taken place to spend Section 106 money on sport in Seaton. Seven projects put forward by the community were identified as fitting the criteria set by the Section 106 programme.

To ensure the age profile of the town's residents was fully represented, a number of engagement events and activities took place. Officers attended a weekly Farmers' Market and a street fair on the seafront to ask residents to vote for the projects they most wanted to see in the town. In addition, a Seaton Town Councillor sat in on a young people's library group and two officers attended the Council's Wet and Wild weekend on the Axe Valley Marshes.

To make sure the younger population of Seaton was properly represented, children's groups, such as the Scouts, were also given a specific opportunity to have their say. At the end of the consultation, a total of 500 people had voted on the projects. Seaton Town Council, EDDC and the proposers of the projects are working hard to make them happen as quickly as possible.

■ Millwey Rise Play Area

The relocation and improvement of a play area at Millwey Rise in Axminster was prioritised by local residents when £47,000 of Section 106 funding became available. Council Officers and a local residents group then successfully bid for £40,000 of matchfunding from Playbuilder, a central government-funded scheme to transform local areas into innovative and adventurous play spaces.

To begin the consultation process, a steering group of local people was formed and visits to local schools were arranged to seek the children's opinions. Incorporating these opinions into three different designs, a community voting event took place where the children chose which one of the three they liked best. The project has been very well received by the whole community and the play area is now open.

There are many innovative ways to involve all the different groups of people who need to be consulted on how the Section 106 funds are to be spent. The Council's Community Engagement Officer has a wealth of experience in running a variety of consultation activities to make sure that everyone's views are captured. Do use this to inform your own schedule of planned activities.

■ Norman's Crescent Play Area

On 6 April 2010, a new play area was opened at Norman's Crescent in Budleigh Salterton. Developers of the housing around the site entered into a Section 106 Agreement with the Council which meant that funds were available for play facilities in the central part of the development.

Council officers visited a local primary school to talk to children about how they like to play. They also knocked on the doors of every single house in the development, asking residents to fill in some questionnaires about the type of play area they would like to see on the site. Any residents who weren't in when officers called were left a questionnaire to return to the Council. Young people were invited to a play event on the site to decide on which play area they wanted.

Opening of the Millwey Play Area – a project where the community was involved right from the start



Some useful EDDC contacts

Sulina Tallack, Section 106 Officer
Email: stallack@eastdevon.gov.uk
Direct dial: 01395 571549

Jamie Buckley,
Community Engagement Officer
Email: jbuckley@eastdevon.gov.uk
Direct dial: 01395 517569

Nick Stephen,
Communications Officer
Email: nstephen@eastdevon.gov.uk
Direct dial: 01395 517559

Ward Woodbury And Lymstone

Reference 11/0880/FUL

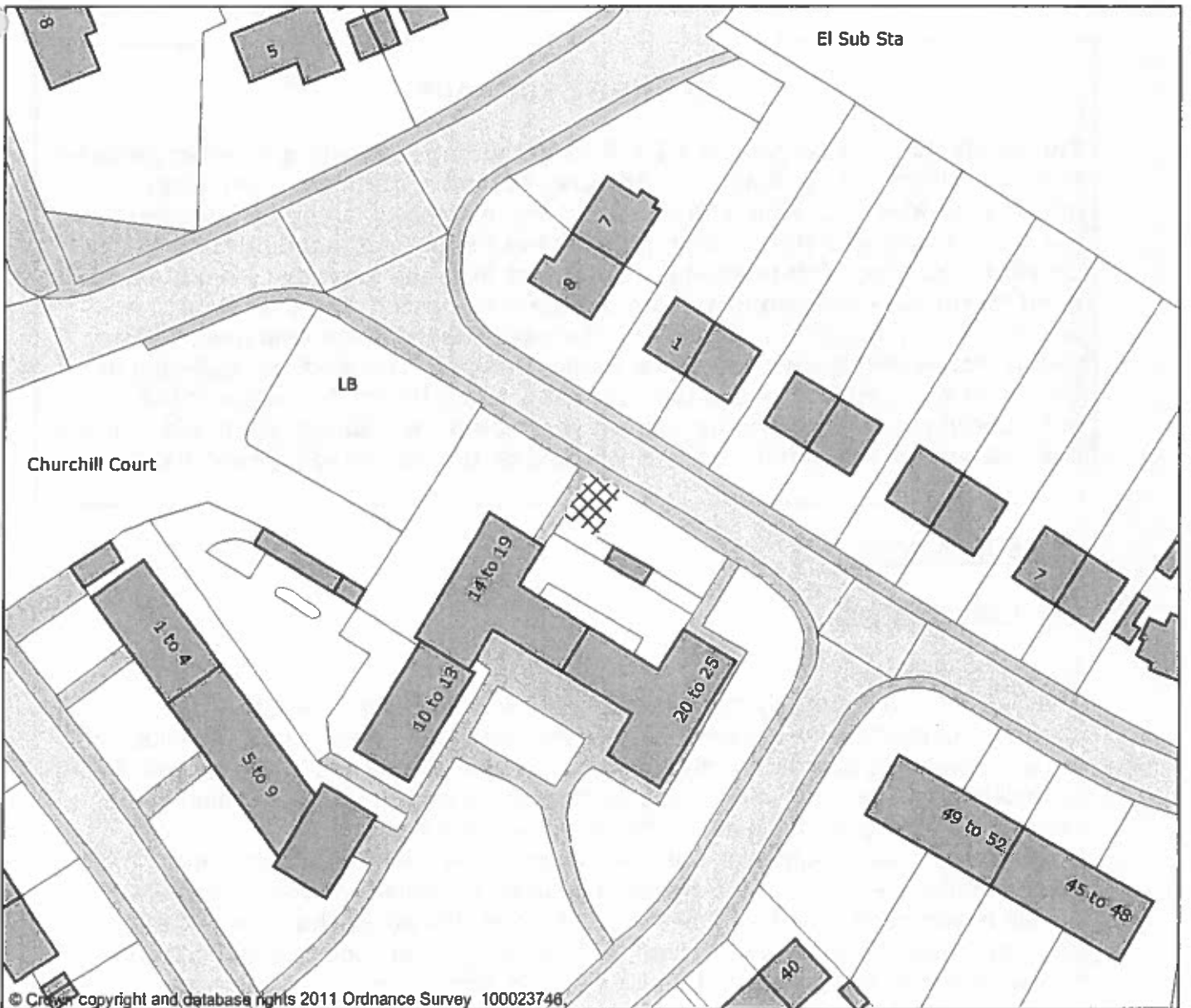
Applicant Mr M Stone

Location 18 Churchill Court Lymstone Exmouth
EX8 5JB

Proposal Change of use of amenity land to parking



RECOMMENDATION: Approval with conditions



		Committee Date: 19.07.2011
Woodbury And Lympstone (LYMPSTONE)	11/0880/FUL	Target Date: 09.06.2011
Applicant:	Mr M Stone	
Location:	18 Churchill Court, Lympstone	
Proposal:	Change of use of amenity land to parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is to create an area of hardstanding measuring 6m x 5m adjacent to Churchill Court in Lympstone. The area of land is currently used as an informal parking area which has resulted in the amenity land becoming bare as the grass has died away. The proposal is to provide hardstanding for the parking area which will represent a departure from the amenity land and tarmac used for the new development sited to the north west of Churchill Court. A condition is therefore recommended to ensure that grasscrete is used which would also reflect the wishes of the Parish Council. The area is residential in character with vehicle speeds typically low. A number of driveways in the surrounding area require vehicles to reverse onto the highway so in this context it is not considered that the proposal would be prejudicial to highway safety.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council strongly recommends that this application is deferred 1, to enable a comprehensive review of parking provision in the area. EDDC is requested to take a proactive approach in this matter to co-ordinate the needs and wishes of all occupiers with a view to one planning application for parking provision being made rather than this matter being dealt with on a piecemeal basis.

2 The Parish Council suggests that if and when this or other applications are approved, the area should be surfaced in a suitable material such as 'grasscrete' to enable a hard parking surface that will help to retain the green character of the area. Details of materials to be used in the final finishing surface should be submitted to and approved by the District and Parish Councils before any work commences.

Other Representations

3 letters received from 2 local residents raising the following points:

- Permission should not be granted for one resident to make use of public space
- The parking should be limited to cars only
- The tree adjacent to the site should be retained
- How would the space be managed and retained solely for the applicant
- If the application is approved it will set a precedent for further such proposals
- Additional spaces in this position will prohibit parking on the road

Technical Consultations

County Highway Authority
Standing advice

POLICIES

Devon Structure Plan Policies
CO6 (Quality of New Development)

TR10 (Strategic Road Network)

East Devon Local Plan Policies
S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TA7 (Adequacy of Road Network and Site Access)

Supplementary Planning Guidance
SPG12 (Lympstone Village Design Statement)

Site Location and Description

The application is to the north east side of Churchill Court; a group of flats arranged around parcels of open amenity land within the Lympstone village boundary. A recent development for 9 residential units on the largest patch of open space to the north west of Churchill Court has now been built-out.

Proposed Development

The proposal is for the creation of a parking area measuring 6m x 5m. The grassed area would be excavated to allow for hardcore to be laid with kerb stones arranged on three sides. The application has been brought before the Development Management Committee because East Devon District Council is the landowner.

The main issues to consider are the implications for traffic safety and the implications for the character and appearance of the area.

ANALYSIS

Impact on Highway Safety

Although the size of the parking area would not provide for off-street turning, the site is located away from any road junctions and on a lightly trafficked route. Vehicle speeds are typically low and the surrounding area exhibits a number of driveway parking areas which require vehicles to reverse onto the highway. Due to the presence of open land either side of the parking area, visibility is also reasonable. In the light of this existing situation it is not considered that the proposal would be prejudicial to highway safety.

Impact on the Character and Appearance of the Area

The submitted details show that the parking area would be finished with hardstanding which would be a departure from the grassed amenity areas and the tarmac used for the new development of nine units. The Parish Council has commented that grasscrete should be used which would relate more sympathetically to the character of the area. Although much of the grass has died due to the parking of cars on this land, it is considered that grasscrete would be a more appropriate finish in this context. A condition is therefore recommended to ensure that this material is used unless otherwise agreed by the Local Planning Authority.

Further Considerations

A number of further issues were raised in the representations received including the potential impact on a tree but the specimen close to the site is a young tree which would not be worthy of protection. In any event the site is 5 metres from this tree which, given its young age, would have only a limited root protection area which would not be significantly compromised by this development. There have also been issues raised regarding land ownership but the Local Planning Authority can only consider the impacts of the development. The Parish Council suggested that the proposal should be deferred to allow time for East Devon District Council to come up with a comprehensive parking scheme for the whole site. Although it is acknowledged that there may be merit in this approach, the Local Planning Authority is obliged to determine the application on its own merits.

RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)

3. Notwithstanding the submitted details, the parking area hereby approved shall only be finished in grasscrete unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the parking relates sympathetically to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995 - 2011.)

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

TR10 (Strategic Road Network)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TA7 (Adequacy of Road Network and Site Access)

2. The proposal does not harm the visual amenity of the site and surrounding area.
3. The proposal does not prejudice highway safety.

Approved Plans

Location Plan	14.04.11
Site Plan	26.04.11

List of Background Papers

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



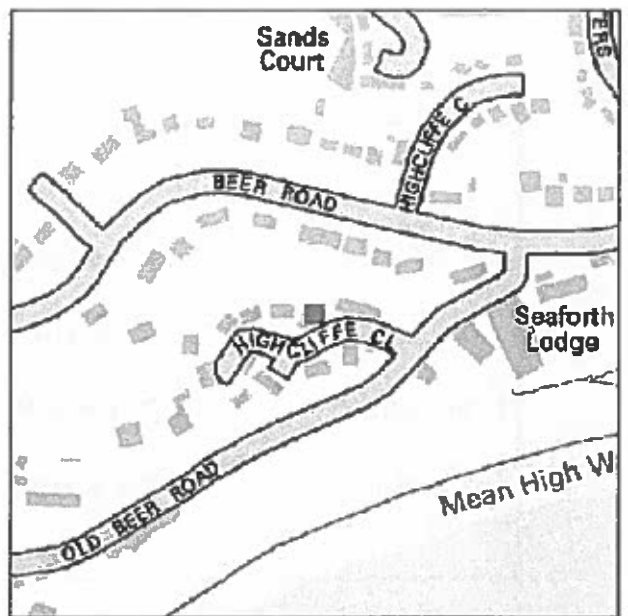
Ward Seaton

Reference 11/0175/FUL

Applicant Mr D Turner

Location Gazebo Highcliffe Close Seaton EX12 2QA

Proposal Construction of 2 storey extension including raising of roof



RECOMMENDATION: Approval with conditions



		Committee Date: 19 July 2011
Seaton (SEATON)	11/0175/FUL	Target Date: 25.05.2011
Applicant:	Mr D Turner	
Location:	Gazebo Highcliffe Close	
Proposal:	Construction of 2 storey extension including raising of roof	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application proposes raising the height of the main ridge of the bungalow and adding an extension to the northernmost part of the existing building utilising the drop in levels. The unusual angle of extension has been arrived at to take into account three evergreen trees subject to a TPO.

Taking into account the materials, and design it is considered the proposal is acceptable in terms of the character of the area, and the amendments have removed officers concerns, so that the proposal is not over bearing towards the immediate neighbouring dwelling to the west, nor allow scope for overlooking.

The application is recommended for approval subject to conditions on tree protection during works, removal of permitted development rights for windows and openings within the west elevation of the building, thereby protecting the amenity of the neighbouring property, and a matching materials condition.

CONSULTATIONS

Local Consultations

Seaton - Cllr P Burrows

Original Plans

Suggested Action: Object to the application

In the event my recommendation and that of the planning officer differs, I wish the application to be referred to the Development Control Committee: Yes

Reasons For Action:

This application is a clear case of overdevelopment and will seriously effect the neighbouring property. In the unlikely event of this not being rejected I will comment in more detail at the Development Control Meeting

Amended Plans

Suggested Action: Object to the application

In the event my recommendation and that of the planning officer differs, I wish the application to be refered to the Development Control Committee: Yes

Reasons For Action:

I have looked at the amended plan and I see very little difference except the roof is slightly lower. To me the same objections apply.

In the event that this application comes to Committee, I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

In the case of Enforcement action the Ward Member should indicate if they are in support of such action: Yes

Parish/Town Council

Members resolved to recommend refusal on the grounds of overdevelopment and contrary to the Seaton Design Statement regarding the retention of large gardens. Members commented the secured window could be undone later.

Other Representations

One letter has been received from the occupants of Penhorwood, the property to the immediate west raising objections on grounds of over development, overlooking and that the proposal is overbearing, and the capacity of the foul drainage serving the site.

Technical Consultations

County Highway Authority

Does not wish to comment

POLICIES

Devon Structure Plan Policies

CO6 (Quality of New Development)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

Site Location and Description

The dwelling is a single storey bungalow located in the residential western part of Seaton with an integral garage sited on the eastern side of the building. Development in the locality is mainly a mixture of styles but not exclusively from the 1960s onwards. The actual dwelling is located towards the rear of its plot with one neighbouring dwelling to the west, built on higher ground. There is a small space between the two dwellings, filled at the moment with timber sheds and a pathway around the building. There is a group of 4 macrocarpa trees growing to the north east of the existing dwelling which are protected as part of a group Tree Preservation Order covering this garden and neighbouring plots. The land slopes significantly from north west to south east.

Proposed Development

The application proposes the construction of a 2 storey extension by removing the garaging and raising the height of the building from single storey with roofspace to a ground floor and gallery along the rear part of the dwelling, and a full two storey extension to the front right hand side utilising the natural land levels on site.

Further amended plans have been received from the applicant in response to concerns raised by officers, which remove the rear gable of the proposed extension so that the existing position of the roof plane remains. In addition a west facing rooflight has been moved to reflect the change in the roof arrangement.

ANALYSIS

Considerations and Assessment

The following issues are relevant to the consideration of this application:

- assessment of any harm to the trees to the north of the dwelling
- the design and materials proposed
- an assessment of any amenity impact to the neighbouring property to the west and others
- an assessment of any changes to the character and appearance of the area from the proposal
- any harm from the loss of the existing garage

Trees

A tree survey has been submitted following BS5837. The EDDC arboricultural officer has given pre application advice to the applicant and has no objection to the proposals subject to any permission being conditional on tree protection works.

Design and Materials

The works proposed utilise materials to match the existing building with a render finish for the walling over a brick plinth and concrete tiles for the roof; windows would be in uPVC. Taking into account the existing style of the bungalow, and the

character of the surrounding area, it is considered that the use of matching materials is appropriate under the circumstances.

In terms of the design of the proposal, an existing sunroom on the south elevation would have a pitched roof added to replace a flat version. The main changes however are to the rear and side, with a 'gallery' added at first floor level running along the back of the building, and a proposed full two storey extension, angled away from the existing main north east / south west axis.

The overall scheme is considered acceptable as although not subservient to the existing height of the dwelling, the resulting appearance would not be out of keeping with the area. The proposed angled design offers an interesting and alternative method of extending the dwelling.

Neighbouring Amenity

Save for the neighbour to the west no other neighbouring building would be affected by the proposal. The main extension features a picture window which has views to the east. These would be over some communal garaging and eventually to the western part of the dwelling, 'High Cliff Lodge'; however there is a good distance between the proposal and this neighbouring dwelling sufficient to protect the amenity of both buildings from any overlooking.

In terms of the neighbour to the west, 'Penhorwood', there are two elements of the proposal to consider; firstly the raising of the roof height along the existing main roof axis by approximately 500mm and by approximately 1.3m overall and secondly the position of windows. Considering the distance from the neighbouring property boundary to the ridge of about 7m and about 12m to the closest part of the extension, the higher level on which the neighbouring property sits, and the limited number of windows on the neighbouring gable it is not considered that this element alone would be sufficiently harmful to the amenity of the neighbouring property.

The proposed gable at the rear of the new gallery and extension has now been removed, the amended design keeping the original angle of roof plane so that when viewed from the neighbouring property the roof is angled away. It is considered that the ingress of light into windows within the end gable of this neighbouring property would not be significantly affected. The southernmost of these windows is within a room which is also served by a larger window in the south facing elevation. There is also a smaller window towards the northern end of the side flanking wall of Pentonwood which is closer to the proposal for the higher ridge but considering the distance between properties it is not considered there would be a significant effect.

In terms of the grounds of objection raised by the occupants of Penhorwood, it is considered that although the height of the dwelling would be increased, there is a reasonable distance between this neighbour and the site, so that the proposal is not considered overbearing or dominant towards it. The plans have now been amended following the concerns of officers to remove the rear facing gable element and also reposition the rooflight on the west facing elevation so that the height from floor level to the bottom of this rooflight is approximately 1.8m thereby limiting the scope for overlooking to the garden of Pentonwood.

In terms of the concerns raised regarding the capacity of the foul sewer this is not regarded as a material planning consideration as it is dealt with under Building Regulations legislation.

Street scene

Although concern has been raised about the principle of extending this property into 3 levels, there is nothing in planning policy that would prevent this in principle provided the proposal would not be considered over development or out of character with the area. It is acknowledged that the dwelling would be different from others in the immediate area, however the sloping levels within the site would allow for extending the property onto 3 levels without significantly altering the character of the area or over developing the site.

Parking and access arrangements

Although the garage would be lost in the proposed conversion, there would remain space for parking within the overall site although some existing grassed areas may have to be changed to hardstanding, but this would not necessarily require planning permission.

RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. Prior to commencement of development or other operations being undertaken on site in conjunction with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete

accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme.
- b) Implementation, supervision and monitoring of the approved Tree Work Specification.
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.
- d) Timing and phasing of Arboricultural works in relation to the approved development.

(Reason - To ensure the continued well being of the trees and amenity of the locality in accordance with Policy D5 (Trees on Development Sites) of the East Devon Local Plan.)

5. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification/Method Statement for the construction of the extension shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

(Reason - To ensure the continued well being of the trees in the interests of the amenity of the area in accordance with Policy D5 (Trees on Development Sites) of the East Devon Local Plan.)

6. (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
 - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

(Reason - To ensure the continued well being of the trees in the interests of the amenity of the locality in accordance with Policy D5 (Trees on Development Sites) of the East Devon Local Plan.)

7. 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 windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the western elevation of the building at first floor level. (Reason - To protect the privacy of adjoining occupiers in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1(Design and Distinctiveness) of the East Devon Local Plan .)

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm or give rise to a perceived threat from important trees on or adjacent to the site.

Approved Plans

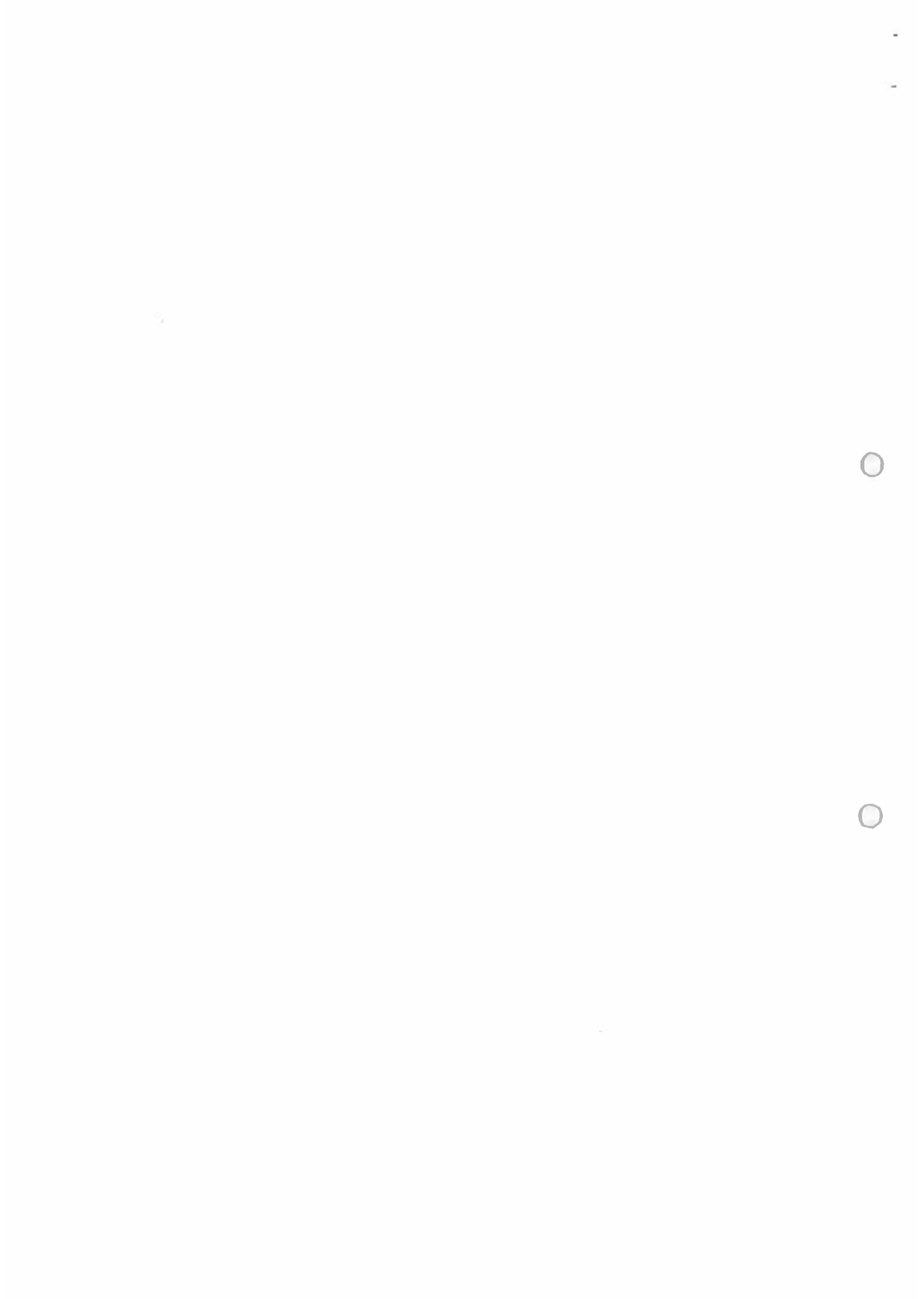
TW10/57/4	Location Plan	26.01.11
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TW/10/57/2A Amended Plans 18.05.11

TW/10/57/3A Amended Plans 18.05.11

List of Background Papers

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



Ward Raleigh

Reference 10/2287/MFUL

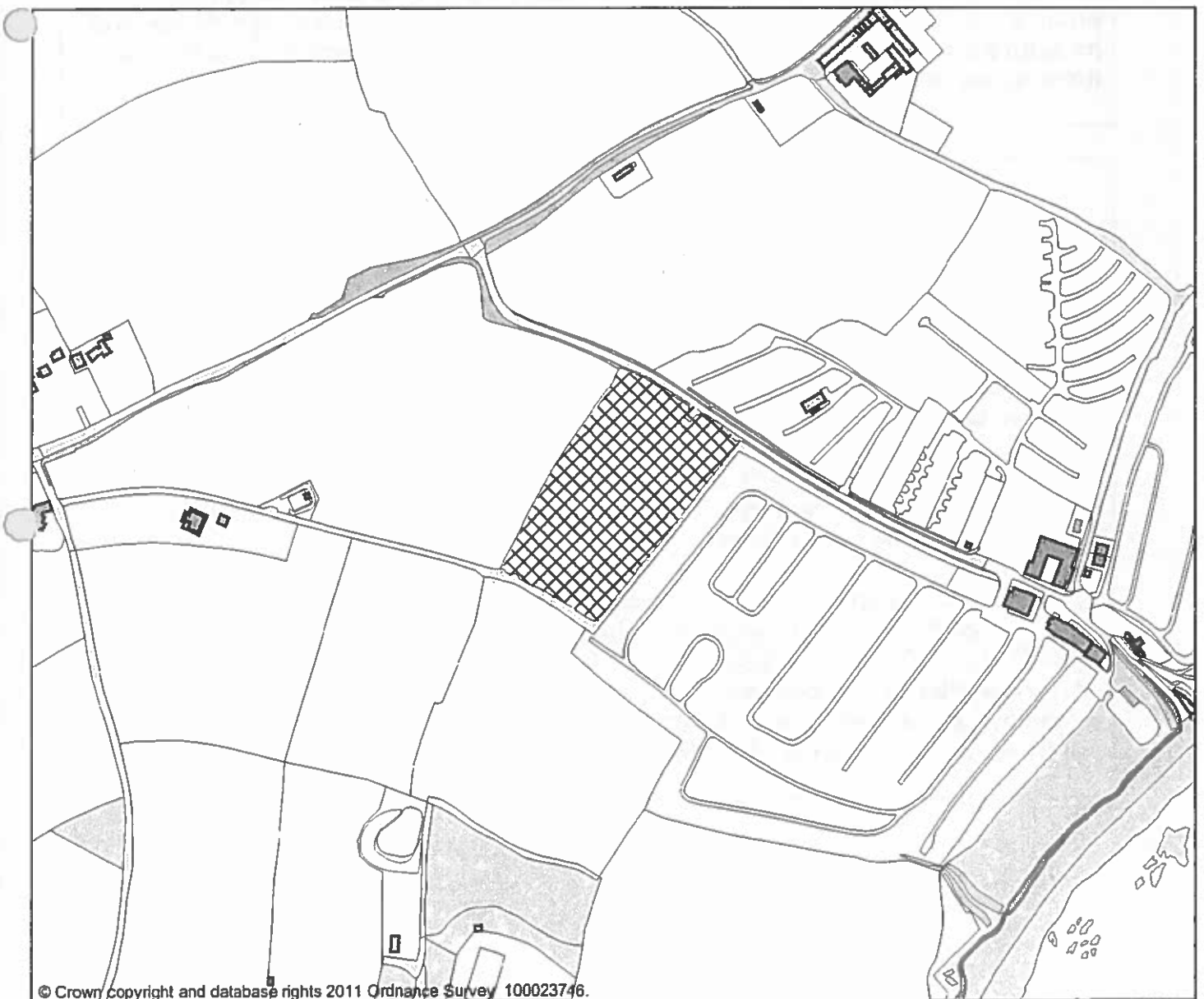
Applicant Zoe House & Robin Carter - FWSC
(Ladram) Ltd.

Location Ladram Bay Holiday Centre Ladram Bay
Otterton EX9 7BX

Proposal Change of use and regrading of field to
accommodate static caravans for holiday
use with provision of new access and
landscaping works



RECOMMENDATION: Approval with conditions



		Committee Date: 19.07.2011
Raleigh (OTTERTON)	10/2287/MFUL	Target Date: 06.06.2011
Applicant:	Zoe House & Robin Carter - FWSC (Ladram) Ltd.	
Location:	Ladram Bay Holiday Centre, Ladram Bay	
Proposal:	Change of use and regrading of field to accommodate static caravans for holiday use with provision of new access and landscaping works	

RECOMMENDATION: Approve with conditions subject to S106 being first entered into securing the implementation of a detailed landscaping scheme and its future management and provision of suitably coloured caravans within the most sensitive parts of the application site

EXECUTIVE SUMMARY

An EIA application, this proposal seeks planning permission for the reprofiling of a field to the north west of the existing caravan park at Ladram Bay and for the stationing of 42 static caravans on the site. The site which was previously refused permission for change of use for touring caravans and tents and had a subsequent appeal dismissed, is prominent within the landscape forming the elevated upslope area of a natural bowl feature within the landscape. As a protected landscape (AONB), and affecting the setting of the Coastal Preservation Area and the World Heritage Site, the site is extremely sensitive with great care being required in respect of the impact on the character and appearance of the environment.

Extensive landscaping has been proposed which recognises the natural contours of the site. This together with appropriate and judicious planting on and off site helps to minimise the likely harm. Coupled with justification in terms of the benefits to the local economy as well as the benefits that the scheme would allow the park itself to enjoy (in terms of future enhancement work), the application is on balance considered to be acceptable.

CONSULTATIONS

Local Consultations

Parish Council

The Parish Council's views were then and still are that the proposal submitted does not change their previously stated opinions. It will certainly increase the spaces for the van occupiers but does not overcome the problems foreseen by the Parishioners of Otterton.

The Council hopes that as the Planning Authority, East Devon District Council will listen sympathetically to these views especially in light of the Government's wishes that local peoples' opinions should have more influence in such matters.

Original comments:

Following a Planning Meeting held in Otterton Village Hall on 26th February 2011, the Councillors were unanimous in their request that the following comments should be noted when the above application comes before you.

This application has aroused considerable concern within the village, and a large number of residents attended either the Council Planning meeting, or an earlier presentation by the applicants or both.

The Council notes that a very similar application for the development of this field had been submitted in 2004, when it was refused and then rejected, on appeal to the Planning Inspectorate, on environmental grounds.

The concerns over the application fall into two categories - environmental and logistic.

Ladram Bay is a notable beauty spot, being part of the Heritage Coast and within the AONB. Any development of this field will be visible from the Cliff Path, from High Peak, from Mutters Moor, and from the sea. The Council notes that the developers intend to install static vans which by their very size are intrusive in the landscape. Although they intend to paint them green and intend to plant belts of trees along the perimeter, it was felt that the site would, for many years, still be very visible and that this would detract from the intrinsic beauty of the location.

The villagers were also concerned over the significant increase in the number of caravans on the site and the pressure that this would entail on the local infrastructure. The potential increase in population is considerable and this would lead to a substantial increase in both residential and service traffic through the village and along the very narrow access road to the site. Many residents drew attention to the hazards of walking along this road, which at places is so narrow that large vehicles touch both sides of the hedgerow. The Council does not accept the claim by the developers that there would be little increase in traffic, because the use of static vans in the place of tents and mobile vans would be likely to extend the season of usage and accommodate greater numbers. The Council also notes that

the planned site is only currently used as an overflow camping area, which, if used at all, would only be during a very short season.

The Council also questions whether the sewage facilities will be adequate for increased numbers. The developers drew attention to a letter from South West Water claiming that the existing system was sufficient. However, the writer of this letter seemed unaware of the difficulties experienced over the last two years, during which there have been at least two emergency repairs to the main outfall and there are continuing complaints about foul smells in both Ladram Road and Bell St. The Council considers that this may well be due to a defective main sewer, but that the present system already appears inadequate for the size of the existing camp.

The usage of the Ladram Bay Camp has been increasing for some years and the Parish Council has on the whole been sympathetic to improvements in the available facilities. However, approval of this application would substantially increase the numbers using the camp, push the acceptable limits for maintaining the natural beauty of the area too far and place too great a load on the infrastructure of this small village.

Other Representations

12 letters of representation have been received raising the following objections to the proposed development:

- The policy in Dorset is to actively discourage caravan sites on the Heritage Coast
- The natural beauty of this section of coastline within the AONB and adjacent the World Heritage Site is outstanding
- Preservation of the wider landscape must be given priority over unsightly caravans.
- If the inherent beauty of the area is diminished many other local businesses would suffer
- The development does not preserve or enhance the AONB
- Development would result in the loss of a further green field
- Difficulties of traffic within the village would increase with the expanded site area
- Narrow lanes approaching Ladram Bay would not cope with the additional static caravans proposed - even now adjacent banks are being damaged by the movement of traffic
- Highway safety risks to pedestrians dogs and horses alike would rise as the road has no footway
- Highway disruption through the centre of the village of Otterton
- It is considered that the highway figures provided are an underestimation of the likely vehicle movements as no traffic survey has been undertaken.
- There are ongoing problems with drainage from the site (particularly smells) and this is likely to be exacerbated by an increase in static caravans
- Vibrations in the old buildings in Otterton from passing traffic - particularly caused by the delivery of heavy static caravans which would be made worse
- Concern about the potential of crime from resulting holiday makers

- Ladram Bay is out of scale with the adjacent village of Otterton
- Appearance of the site and care of previous planting schemes fails to live up to the aspirations of the applicants for a high quality site

2 letters of representation have been received raising the following points of support to the proposed development:

- There has been a recent decline in the number of bed spaces available in the local area and therefore additional development should be supported
- Development will help local businesses
- A diverse range of accommodation is important for the District

Technical Consultations

County Highway Authority

The proposed development is supported by a full Transport Statement prepared by consultants Clarkebond after discussions and a lengthy site inspection and considerations with an officer of the Highway Authority.

The content of the Transport Statement, particularly the conclusions drawn, are not disputed by the highway authority. The Transport Statement has considered fairly the suitability of the highway infrastructure to accommodate the potential traffic generated by the site both currently and following the development, if permitted.

The proposals will not materially affect the adjoining highway network and could well reduce the number of touring caravans visiting the site, due the alteration of the balance of facilities provided on the site as part of the proposals.

I have read the representations that have so far been sent to the planning authority and noted the concerns raised but, on balance, the highway authority does not wish to object to the proposals as outlined in the application.

English Heritage

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice

Environment Agency

We have recently visited the site to review the foul drainage arrangements. While we still have no objections to the proposed development and foul drainage, we would like to advise as follows:

There may be occasions when the wet well fills with sewage odour. This could rise via the site's foul drainage system to the top of the hill and cause a problem to some of the locals living near to the top of Ladram Road (on a warm still summers day for

example). This issue could be resolved if required by introducing some form of venting system on the higher ground above the caravan site.

The proposed increase in caravans will cause more road use and therefore more wear to the road surface. This, in turn, means that there will be a greater risk of reoccurrence of collapse of the public foul drainage system.

Given the above, your Council may wish to discuss such issues with South West Water.

Economic Development Officer Nigel Harrison

The Department for Culture, Media and Sport recently published a statement of Government policy for tourism: Government Tourism Policy, March 2011. The statement reflects on the need to boost spending on domestic holidays:

"Britain usually runs a large tourism trade deficit because we are far more likely to travel abroad for our holidays than most other countries. Currently, less than 40% of our total holiday spending goes on domestic tourism - roughly a 2:1 trade deficit.

There will be big variations from year to year but, over time, our goal should be to persuade more of us to holiday at home. In measurable terms we should increase the proportion of UK residents who holiday at home to match those who holiday abroad each year. For longer stays (4 nights or more) this would mean 29% of travellers holidaying in Britain rather than just 20% today (creating 4.5 million domestic trips each year, £1.3 billion more spend and 26,000 new jobs.

The Government is focused on securing economic growth and even though the Tourism Industry is the 5th of the 6th biggest sector of our economy, there is still plenty of untapped potential. Of course the industry is, like most others, affected by micro economic factors such as fluctuating exchange rates which are beyond the scope of government intervention. But nonetheless government can help tackle the barriers to growth.

Where the Strategy addresses policies under the responsibility of other Departments across Whitehall, for example, on transport and regulation, the Government will feed the concerns of the Tourism industry into wider work to improve conditions for growth for all businesses. In particular the Government's Growth Review is examining how to remove planning and regulation barriers to growth for all industries, including tourism."

In my view, this statement provides important context to the Council's consideration of this and similar proposals offering the potential to strengthen the District's tourism infrastructure and to increase its visitor appeal.

Ladram Bay Holiday Park was established in the 1930s and has evolved to become the second largest holiday park in the District. It is situated on the cliff top immediately above Ladram Bay and to the East of the village of Otterton. It currently occupies a 14.5 hectare site which is licensed to accommodate 542 static caravans and 301 touring caravan and camping pitches.

The owners of Ladram Bay Holiday Park have sought to respond to the changing requirements of their customers by constantly reassessing the disposition of space within the park, the provision of a wider range of on-site visitor facilities and by making the investment necessary to maintain and enhance its' customer appeal. Until the early 1990s the maximum size of a caravan within the Park was 10 feet by 28 feet; each occupying a site of some 70 square meters. In 1996 the owners decided to increase the size of static caravan pitches to 112 square meters to facilitate the successful introduction of industry standard static caravans measuring 12 feet by 39 feet and to respond to customer demand for more personal external space. Over the next seven years this increased pitch size and consequent reduction in caravan density was successfully implemented. This has resulted in the loss of 41 static caravan pitches and 121 touring caravan or camping pitches. The 501 static caravans now in place within Ladram Bay Holiday Park (against the license capacity of 542) enjoy 5.3 acres of additional space.

The owners recognise the sensitivity and importance of the coast line and landscape setting that Ladram Bay Holiday Park enjoys. They regard their contribution to its husbandry and future maintenance as an essential part of the long term success of their business. This proposal seeks to bring into productive use a field of some 2.33 acres immediately adjoining the current site that has, in recent years, been used by them to accommodate touring and camping pitches at times of peak demand, under the 28 Day Rule.

The 'Design and Access Statement' and 'Landscape and Visual Appraisal' which accompany the application set out owner's intentions with regard to the disposition of space within the application site and of their commitment to minimising its visual impact.

The application site would accommodate the provision of 38 new static caravan pitches. This will allow the operators to respond to the growing demand for static caravan holiday home ownership at Ladram Bay and elsewhere in East Devon. It would aid the maintenance of 29 permanent 124 seasonal jobs currently linked to Ladram Bay Holiday Park and lead to the creation of additional park based jobs.

The owners have referred to research carried out on behalf of Devon Cliffs Holiday Park in Exmouth which suggests that for every £1 spent by holiday park guests on site, a further £1.82 is spent by them on products and services available off site. To my mind there can be little doubt about the importance and impact of the estimated 280,000 visitor bed nights spent at Ladram Bay Holiday Park in a typical year, to the overall viability of a number of local businesses and to the wider East Devon economy.

The policy that most directly seek to frame the Council's approach to investment proposals from the tourism industry are those contained in the East Devon Local Plan, finally adopted in 2006. In the context of this application (10/2287/MFUL), Policy TO4 (Caravan, Chalet and Camping Sites): "Permission will not be granted for new static or touring caravan sites, chalet sites or tent sites or extensions to existing static caravan site or chalet site boundaries within the environmentally sensitive Areas of Outstanding Natural Beauty" could be seen to be the most relevant.

However, the effect of this policy is to freeze the non serviced visitor accommodation offer of roughly two thirds of District, in the moment when the policy was first conceived. In my view, there are sound reasons to look beyond the blanket application of this policy. I hope 10/2287/MFUL will be considered on its merits and recognition given to the social and economic factors that are central to the care and future maintenance of the District's protected landscapes.

I hope the Council will welcome the investment proposed at Ladram Bay Holiday Park (10/2287/MFUL) and regard it as being entirely consistent with its own and the Department for Culture, Media and Sport's recently published statement of Government policy for tourism. I would be grateful if you would bring these comments to the attention of Members.

RELEVANT PLANNING HISTORY

Reference	Description	Decision	Date
11/0496/FUL	Proposed change of use of staff accommodation to letting units and new first floor balcony	Approval with conditions	16.05.2011
09/0990/FUL	Removal of existing pumphouse and erection of new maintenance work shop with staff accommodation over.	Approval with conditions	14.07.2009
08/2325/MFUL	Re-shaping of existing tenting and touring field including landscaping works	Approval retrospective with conditions	02.07.2009
08/1414/VAR	Variation of conditions on planning permission 89/P0159 to provide for year-round holiday occupancy	Approval with conditions	31.07.2008
08/0695/MFUL	Re-shaping of existing tenting & touring field (retrospective)	Refusal	04.06.2008
07/2860/COU	Change of use from tents and touring caravans to static caravans and lodges	Refusal	07.12.2007

03/P1057	Use Of Touring Caravan Area For 38 Static Vans, ext. for Temp. over- Spill For Touring Vans/tents	Refusal (Appeal dismissed)	17.06.2003
01/P1970	Extension To Caravan Park With Associated Contouring, Hard surfacing And Landscaping	Refusal	12.06.2002

POLICIES

Devon Structure Plan Policies

ST1 (Sustainable Development)

ST16 (Local Centres and Rural Areas)

CO1 (Landscape Character and Local Distinctiveness)

CO3 (Areas of Outstanding Natural Beauty)

CO5 (Coastal Preservation Area)

CO10 (Protection of Nature Conservation Sites and Species)

CO13 (Protecting Water Resources and Flood Defence)

TR1 (Devon Travel Strategy)

TO3 (Tourism Development in Rural Areas)

East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN4 (Nationally Important Sites including Sites of Special Scientific Interest)

EN6 (Wildlife Habitats and Features)

TO4 (Caravan, Chalet and Camping Sites)

TO5 (Upgrading of Accommodation and Facilities on Major Holiday Parks)

TA7 (Adequacy of Road Network and Site Access)

EN15 (Control of Pollution)

Planning Policy Statement

PPS1 (Delivering Sustainable Development)
PPS4 (Planning for Sustainable Economic Growth)
PPS7 (Sustainable Development in Rural Areas)
PPS9 (Biodiversity and Geological Conservation)
PPS25 (Development and Flood Risk)
Good Practice Guide on Planning for Tourism

Site Location and Description

Ladram Bay Holiday Park is a holiday complex located between Budleigh Salterton and Sidmouth and set within a natural bowl in the landscape adjacent to the coast. Comprising a central hub area including restaurant, entertainment suite, marketing and general administration office, the park provides facilities for tents and touring pitches and a predominance of static mobile homes – the latter split between a hire fleet (owned and managed by the park itself) and privately owned static caravans that are commonly sublet by owners.

Split into various fields which are divided by hedgerows of varying ages and species, the developed site area spreads upwards from the central hub which is positioned at the lowest point within the land form and from where there is easy access to the beach, to rising fields to the north. Terraced to provide level pitches, the fields have been regraded on a number of occasions to accommodate the change in tent and caravan size as well as provide improved facilities including electric and water points.

The site the subject of the current application lies at the most north westerly part of the site and itself is currently a rough grassed field which in parts rises steeply to an elevated plateau. Typical of other fields within the vicinity, the application field is bordered by hedges which contain a high percentage of elm. These in parts have been the subject of disease and as a consequence the edges are of mixed quality and health.

The site which is currently used for overflow camping when the remainder of the complex is full in high summer, is technically outside the current park boundaries. An application in 2003 for a change of use of the this field to accommodate tents and touring caravans which sought to overcome reasons for an earlier refusal in 2002, was itself refused and dismissed on appeal – Largely on the basis of the impact on the landscape which is designated as an Area of Outstanding Natural Beauty and Coastal Preservation Area. The adjacent cliffs are designated a World Heritage Site (Jurassic Coast) and a Site of Special Scientific Interest.

Proposed Development

The application seeks permission for the change of use and regrading of the field to the north west of the main site to accommodate static caravans. The applicants have offered to provide coloured caravans across part of this field as well as landscaping and planting.

In addition to the works to the application site, the application also includes a 5 year Master Plan which identifies other works which are the aspiration of the site owners. While these do not form part of this application, they help to demonstrate the direction that the Park wish to take and provide a context for the current application.

Landscaping works over and above those shown on the proposed site area are also included within the master plan. While not within the red site line these can be included within the consideration of this application as they are more detailed than the aspirational "development" aims documented elsewhere within the submission.

ANALYSIS

Ladram Bay and the caravan park itself sits within one of the most stunning sections of coastline that East Devon has to offer and the natural beauty of this environment provides significant benefits to the local tourism and recreational industry. In this context any development that is undertaken at the Park must be carefully considered to balance its economic benefits to the Park and the local and regional economy against the impact on the natural beauty and the tourism that can itself be generated simply from an uncluttered and unspoilt natural coastline.

Background

An application for planning permission for the use of part of the same field the subject of this application was submitted in 2003. This application sought the use of a central field for the use of static caravans and the field to the North West (the same as this application) for overspill of touring caravans and tents. At the time and after detailed assessment by Officers, the application (which amended a previous application) was refused. The subject of a planning appeal, the proposed development was then dismissed with the Inspector noting that the area is particularly prominent in the landscape due to its height and while the field was only to be used July to September, the use would have a seriously adverse visual impact on the natural beauty of the AONB (to which priority is to be given) and on the CPA. In addition and when out of use terracing surfaced tracks fencing and other paraphernalia would still detract from the areas natural character and appearance.

The Inspector further considered the potential benefits of the proposal particular in respect of the financial implications and the landscaping. Despite an acknowledgement of an unspecified economic benefit to tourism and employment, it was considered that this did not outweigh the visual harm identified nor that the landscaping proposed (which was off site) would overcome the harm identified.

Environmental Impact Assessment

In submitting the current application for the proposed development, it was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. This screening opinion established that due to the nature and scale of the proposed development and in recognition of the extremely sensitive environment in which it was proposed the development was "Environmental Impact Assessment" (EIA) development and should be accompanied by an Environmental Statement (ES). This was in accordance with Schedule 2 (12e) and Schedule 3. In accordance with these regulations the necessary submissions including a non technical summary have been submitted and assessed. It is also important to note that the proposed development and in particular the site area, layout and landscaping have been amended during the application.

Under the ES key areas for consideration were identified as the impact on the designated landscape and character of the area, the impact on ecology, the impact on the coast, designated as a World Heritage Site, Transport and associated access, drainage flood risk and groundwater conditions and archaeology. These key areas, together with an assessment of the economic considerations and the future development of the park, will form the structure of the report.

Character, Landscape and Visual Impacts

As already noted within the description of the site and its context the landscape in this location is of outstanding quality with a wild and ancient coastline, including sand stone stacks set within a steeply undulating cliff edge, and bowls within the landform that rise up to a ridge to the north, providing a break between the coastal environment and the more rolling agricultural land beyond. Set within this bowl is the existing park and with several public footpaths including the South West Coastal Footpath passing through the park, the ability for not only guests of the park to experience the environment and particularly the views of the cliffs and out to sea, but also any member of the public, is ever present. It is for this reason that care has always had to be taken about the degree of impact that development has in such an unspoilt and wild area of the natural landscape. Over a number of years greater awareness of both the economic and environmental value of such scarce environments has substantially grown and it is highly doubtful whether a new park starting today in this location would even be countenanced.

The existing park however is well established and without doubt does have a negative effect on the landscape. Serried ranks of white boxes in regimented rows with only a few interspersed trees result in an alien style and form of development. This style and arrangement together with the colour of the vans does little to help the park sit more comfortably within the landscape – rather it sits on it and appears as a harsh intrusion scarring the landscape.

While the lower rows of the caravans are largely shielded by the cliff edge the topography of the site means that caravans to the rear rise up to a more elevated position and where they get close to the ridge are highly visible from the sea, but also from more distant land points particularly Mutters Moor located on the elevated plateau above Sidmouth. This point was particularly noted by the Inspector in

considering the 2003 appeal at this site. While reprofiling has been undertaken within the upper slopes (to aid access and site safety for caravan users) this too has a harming effect on the landscape although some planting which has taken place on the more recently formed terraces will in time help to soften this impact.

Through all this development, the siting and location of the caravans has been kept below the ridge line – this has limited the visual impacts to a localised area ie the individual bowl within the landscape.

The current scheme seeks permission for the reprofiling of this upper field and would bring caravans closer to the ridge line. Through the submission of amended plans the previously suggested grass strip that surrounded the margins of the additional field has been lost in favour of a looser knit layout with internal landscaping to help try to soften the impact of the caravans. Further the layout is a break with tradition for the Park in that rather than proposing a linear arrangement, the layout tries to utilise the natural contours to a greater extent, keeping the crown of the spur which runs through the field clear and making a more intimate environment for the caravans. In addition, the applicants have offered to ensure that caravans in the more sensitive positions within this field are coloured green or brown rather than the standard white to further limit the impact on the wider views.

The question that arises therefore is to what extent does the additional caravans proposed for this field further harm the landscape – particularly as the landscape is designated as an AONB and the conservation and enhancement of its natural beauty must be given priority over other considerations. In answering this question it must be recognised that a degree of harm would certainly be caused – almost any development in such a sensitive landscape is likely to be odds with the natural beauty. No amount of landscaping could completely hide a caravan structure or mask the changes to the landform through reprofiling and the introduction of service and access roads through the field. In addition, it must be recognised that landscaping does not necessarily make an unacceptable development become acceptable.

It is also important to recognise that if approved, significant short term harm would arise from the reprofiling works. Such harm was caused when previous reprofiling work was undertaken to form the current terraces to the immediate east of the existing driveway. This caused a scar of bare red soil/rock and stood out even amongst the white caravans as an alien incursion into an important landscape. Three years on however and while the rear terrace still is not fully vegetated the remainder of the terraces have been grassed, low hedge planting on the slopes is beginning to take off and the general degree of harm is now limited to an artificial green land form (these terraces are only used for tents and touring vans) interspersed with short term temporary structures and regularly spaced access roadways.

However by changing the proposed layout to a more informal arrangement, by ensuring that the crown of the hillside spur is left in its natural state and by ensuring that the more prominent caravans are suitably coloured for a natural environment, the applicants are minimising the potential impacts of this particular development

site. These thoughts therefore need to be balanced against the remaining material considerations which are further discussed.

Ecology

A detailed investigation in respect of the likelihood of the site supporting important ecology was undertaken. This has found that the existing site comprises poor semi improved grass land and an area of hard standing – neither of which are species rich or important habitats. While a boundary hedge has the potential to be of greater importance, it was considered that harm would be limited to the construction phase only (the hedges being retained) and as such only a minor adverse impact would result. In mitigation additional planting and the installation of refuges such as bird and bat boxes would also assist in an overall enhancement of the likely ecological value for the area.

In preparing this section of the EIA the proposed development still envisaged leaving a grassland strip around the periphery of the site - this would have acted as a buffer for the retained hedgerow. While it is not anticipated that the extension of the site area need harm the hedge, additional care during construction works would be required. Such care could arise in the form of protective fencing and be secured by condition.

Drainage flood risk and groundwater conditions

Reports prepared for these chapters within the ES recognise that due to the topography and ground conditions there is the potential for additional surface water runoff from the site and for this to be laden (particularly during construction) with additional sediment. As recognised within the report this has the potential to harm local water quality and cause erosion of the Heritage cliffs to the south.

While concerns have been raised however, neither of the chapters consider that significant long term harm should result provided suitable mitigation at the respective stages is appropriately implemented. In respect of the construction phase the report identifies the need for an Environmental Construction Plan with mitigation for the control of surface water runoff, the means and location of deposition of waste soil, the potential bunding of materials and fuels brought on to site.

In terms of flood risk the information submitted correctly identified the proposed use as highly vulnerable and therefore it is appropriate that the site is located within a Flood Zone 1. Currently a greenfield environment, the infiltration from a developed site would be reduced and therefore suitable mitigation must be in place to accommodate the potential surface water flows. Suggested solutions revolve around a series of sleeping policemen straddling the access driveways connected to gullies which link to French Drains. These have the ability to redistribute flows and provide on site storage to slow the flow rate and allow natural percolation. It has been emphasised that the French Drains should not have an outfall – this read in conjunction with other chapters results from the need to protect the Heritage Coast and prevent unnecessary erosion.

It is claimed that foul drainage can be dealt with through the existing on site system which is a sealed pump system discharging to the public sewer in Otterton. Consultation responses to the application do not object to this proposal.

It is considered that contamination of soils and groundwater is negligible.

Transport and associated access

Accompanying the application and forming part of the ES, a transport statement considers the existing situation, the likely trip generation and distribution, the degree of significance and other aspects such as traffic delay and the impacts during the construction phase. The scope of this report was agreed prior to its completion with the Local Highway Authority.

In terms of driver delay it has been calculated that there is currently a little over 4 vehicle movements per minute on Ladram Road between the Site and Bell Street with this rising by around 6% to 4.375 vehicles per minute with the development in place. As the development only proposes the use of static caravans, there would be no increase (and a likely decrease) in the number of towing movements that occur along the road. The argument for decrease arising because the application site is used for overflow capacity (and is still within the site licence). From a planning point of view this identified benefit should be given little weight as the field in question has no authorised use.

Out of season, there would be an initial increase in construction traffic and delivery of static caravans. However the report identifies that this will on average be less than 10 movements per day and is expected to peak at 40 movements per day when the surfacing takes place. These are considered as a very limited and mostly short term increase on the existing daily movements on Ladram Road.

It is recognised that the highway implications have been a major concern for local residents and this has been highlighted in the correspondence and objections received for this application. The main road through Otterton is constrained by housing close to the edge of the carriageway on one side and a channelled stream on the other - and is further narrowed by parked cars. Ladram Road is also narrowed in five places where the passing of vehicles is extremely difficult. However and as recognised within the submitted report these areas have good visibility through their entire length and other than slight delay no other harm arises. In response to the submitted report, the Local Highway Authority have confirmed acceptance of the finding of the Statement and raise no objections in this instance.

Archaeology

Although forming part of the original scoping exercise, further investigation revealed that little evidence exists of potential artefacts or other historical findings within the site and the immediate surroundings. In agreement from Devon County Archaeology therefore this aspect was withdrawn from the EIA and no separate chapter included.

Economic benefits and the future of Ladram Bay

Tourism is recognised as playing a major role in the economy of East Devon and as such, facilities which help to bring holiday makers into the area, are essential. To facilitate this it is also recognised that establishments need to evolve rather than stagnate, thus ensuring that their offer to guests is of the highest quality, interesting and relevant. Ladram Bay is no different in this respect and they argue that the current scheme would result in benefits on two counts.

Firstly the scheme would allow Ladram to return the numbers of static caravans following previous site enhancements to the numbers of static caravans allowed by their site licence. The numbers have fallen due to previous enhancement works that increased the size of van available as well as the space that surrounds each van. These enhancements were not only at the expense of the number of static pitches but also at the expense of part of the site's camping and caravan offer. The currently positioned 500 vans are split between a hire fleet which Ladram Bay themselves own and let out, and privately owned vans for which there is an annual ground rent and maintenance fee levied by the park. Ladram Bay have demonstrated that collectively the facilities that they offer provide for 29 permanent jobs (an increase of 17 over the past 5 years) and a further 124 temporary seasonal staff - 85% of the employees have been recruited locally. This also includes a sales team who work 7 days a week.

Of importance for any holiday park is the occupancy rate of the caravans and to have a significant percentage of these as "privately owned" has the potential to reduce the number of people on the park at any one time and the resulting spending both at the park's own attractions but also in the wider community. In this instance the applicants have provided important information in respect of the subletting that they allow of the private vans. A simple internet search reveals not only the numbers of vans that are let through a variety of websites but also their availability. It is understood that due to the size of the initial investment as well as the annual maintenance cost owners like to have the ability to recoup some of their financial outlay. For both the existing and proposed privately owned vans the applicants are keen that flexibility over subletting should remain – this to allow those owners that do want the van for private friends and family to have the ability to do so. Given the more relaxed approach that has been taken on recent decisions for other holiday parks within the District this position is not unreasonable.

The applicants also seek flexibility over the ratio of hire to privately owned vans on the current application site. This is again to maintain flexibility over the tenure mix to allow them to respond to changes in market conditions which by its nature will continue to evolve. Given the information submitted which demonstrates the degree of occupation and the ability for owners to sublet, this is also considered acceptable. Backing up the financial justification that Ladram Bay have sought to provide for the current application is a report undertaken by Devon Cliffs to help justify their own Master Plan based application. This reports that for every £1 spent on the park the average holiday guest spent £1.82 locally with private owners spending £3.83. While it has been reported in the press recently that additional spending over and above the basic accommodation and travel costs for annual holidays is falling due to

the current economic climate, it is not unreasonable to consider that off site spending still occurs and is still important for the local economy.

It has been estimated that Ladram Bay currently achieve approximately 280,000 bed spaces per season which relates to a good occupancy rate of the vans available. With an annual turnover in excess of £5.5 million and a good occupancy rate for the existing vans the proposed increase of almost 9% would make a significant contribution to the functioning of Ladram Bay itself and with the caution as noted above, the local economy.

The second main driver for the application is the continued enhancements to the park itself. As part of the application an indicative Master Plan has been submitted. This shows extensive landscaping around the periphery of the site as well as most importantly scattered planting within the hire fleet part of the park. When implemented this will have the effect of softening the visual impact of the park as a whole and break up the views that are obtained particularly from the Coastal Footpath to the east of the site. In addition the Master Plan shows enhancements to the central amenity block, the revamping of the swimming pool, the relocation of and enhancement of the crazy golf course, increased onsite parking within the centre of the site and a new security gate. While in themselves not a material planning consideration for the current application they show the direction that the Park intends to head along over the short to medium term. Particularly with the potential works to the main amenity complex and the swimming pool there is significant potential for the environmental credentials of the park and the visual impact that it has on the wider landscape to be significantly enhanced.

As a further important element to these potential enhancement works the Parks has also demonstrated its intention to change a number of the most visually prominent vans to more sympathetic environmental colours. Similar models are already displayed on other sites within the District and are a huge improvement over the more common white or pale cream colours and the more recent bright green colour that has been introduced to the range. Such a change would bring enormous benefits to the visual impact of the park and is something that should be strongly encouraged wherever possible.

While the landscaping was initially included within the Master Plan agreement it has been agreed with the applicants to implement much of it, in the next planting season. To this end a detailed landscaping plan has been commissioned and will be submitted prior to the Development Management Committee Meeting – a further update will therefore be given on this aspect. It is anticipated that the landscaping is undertaken in two phases – the enhancements to the site itself, the enhancements of the boundary treatment and the sporadic planting through the hire fleet being phase 1 and edge planting along the front row of vans as phase 2. These also provide significant benefits and would help to set the entire park within natural surroundings.

A concern that quite properly arises with such an application relates to the potential for further expansion of the park after this application. The applicants have given an assurance that they do not own any of the surrounding land – this being held on a farm tenancy basis from an adjoining land owner. While any further applications for

expansion would not be impossible (and would be determined on their own merits in any event) it is considered that a degree of reassurance exists in this instance.

Conclusions

The application proposes a significant development within an area of high amenity value and one that has the potential to affect the setting of nationally and internationally designated sites. While a previous appeal decision has dismissed development of this site this application is more robust in its assessment of the landscape impact and has been amended during its consideration to reflect the natural topography of the site. In addition the ES has considered the impact on aspects such as ecology drainage and highway access and found that provided suitable mitigation is provided (and this can be secured by condition) no objections on these grounds could be sustained.

Financial information has also been submitted by the applicants to demonstrate the value of the existing business, both as a business itself but also to the local economy. The enhancement of this would clearly be a benefit to the tourism market within East Devon and therefore the local economy. Based on the limited harm that would result for the landscape and the wider economic benefits that would accrue, it is considered that on balance the application should be recommended favourably.

RECOMMENDATION

APPROVE subject to conditions and a S106 agreement being first entered into securing the implementation of a detailed landscaping scheme and its future management and provision of suitably coloured caravans within the most sensitive parts of the application site:

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 plan showing tree and hedgerow 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.
3. The use of the static caravans within the area defined for such purposes on the submitted site plan:

- (i) shall be occupied for holiday purposes only;
- (ii) shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

(Reason - To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with the Good Practice Guide on Planning for Tourism and Policies S5 (Countryside Protection) and TO4 (Caravan, Chalet and Camping Sites) of the East Devon Local Plan.)

4. No more than 42 mobile homes shall be placed on the land edged red on plan 6299 - 15 and dated 3 June 2011, at any one time.
(Reason - To protect the character and appearance of the landscape (designated an Area of Outstanding Natural Beauty) in accordance with Policies CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan .)
5. No lighting shall be installed within the development site unless in accordance with details that shall previously have been submitted to and agreed in writing by the Local Planning Authority.
Reason: To protect the character and appearance of the area (designated as an Area of Outstanding Natural Beauty) and to prevent unnecessary light spill in accordance with Policies CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan.)
6. A scheme for the erection of bird boxes within trees surrounding the development site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented within 1 year of the commencement of development and thereafter maintained.
Reason: The erection of bird boxes helps to enhance the ecological and biodiversity of the site in accordance with guidance in PPS9 and Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).
7. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP shall address issues of surface water run off, waste soil, the storage of materials and fuels, and hours of operation. The development shall only be undertaken in accordance with the agreed Plan
Reason: To ensure protection of the heritage coast, avoid the potential for pollution incidents and to ensure that the development takes places at appropriate times to protect the environment from unnecessary noise and disturbance - in accordance with good practice and Policy EN15 (Control of Pollution) of the East Devon Local Plan).

8. No development shall take place until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any caravan on the site is first occupied.
(Reason - To avoid pollution of the environment in accordance with the requirements of Policy CO13 (Protection of Water Resources and Flood Defence) of the Devon Structure Plan and Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO10 (Protection of Nature Conservation Sites and Species)
CO13 (Protecting Water Resources and Flood Defence)
TO3 (Tourism Development in Rural Areas)

East Devon Local Plan Policies

D4 (Landscape Requirements)
TA7 (Adequacy of Road Network and Site Access)
EN15 (Control of Pollution)
EN6 (Wildlife Habitats and Features)

2. The proposed development is only acceptable because of the wider economic and tourism benefits that would be generated by the development and the degree of mitigation (planting and landscaping works) both to the application site and the park as a whole to ensure that the countryside which is designated as an Area of Outstanding Natural Beauty is preserved and enhanced compared to the existing situation.

Approved Plans

6248-01 Existing Site Layout
6299-13 D Site Plan
6299 – 15 Location Plan
6299 – 16 Site Sections
6299 – 17 Site Sections

List of Background Papers

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

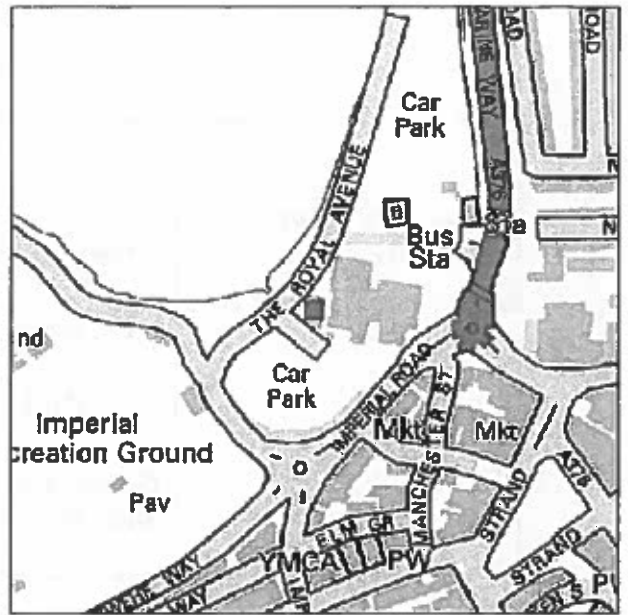
Ward Exmouth Town

Reference 11/0946/FUL

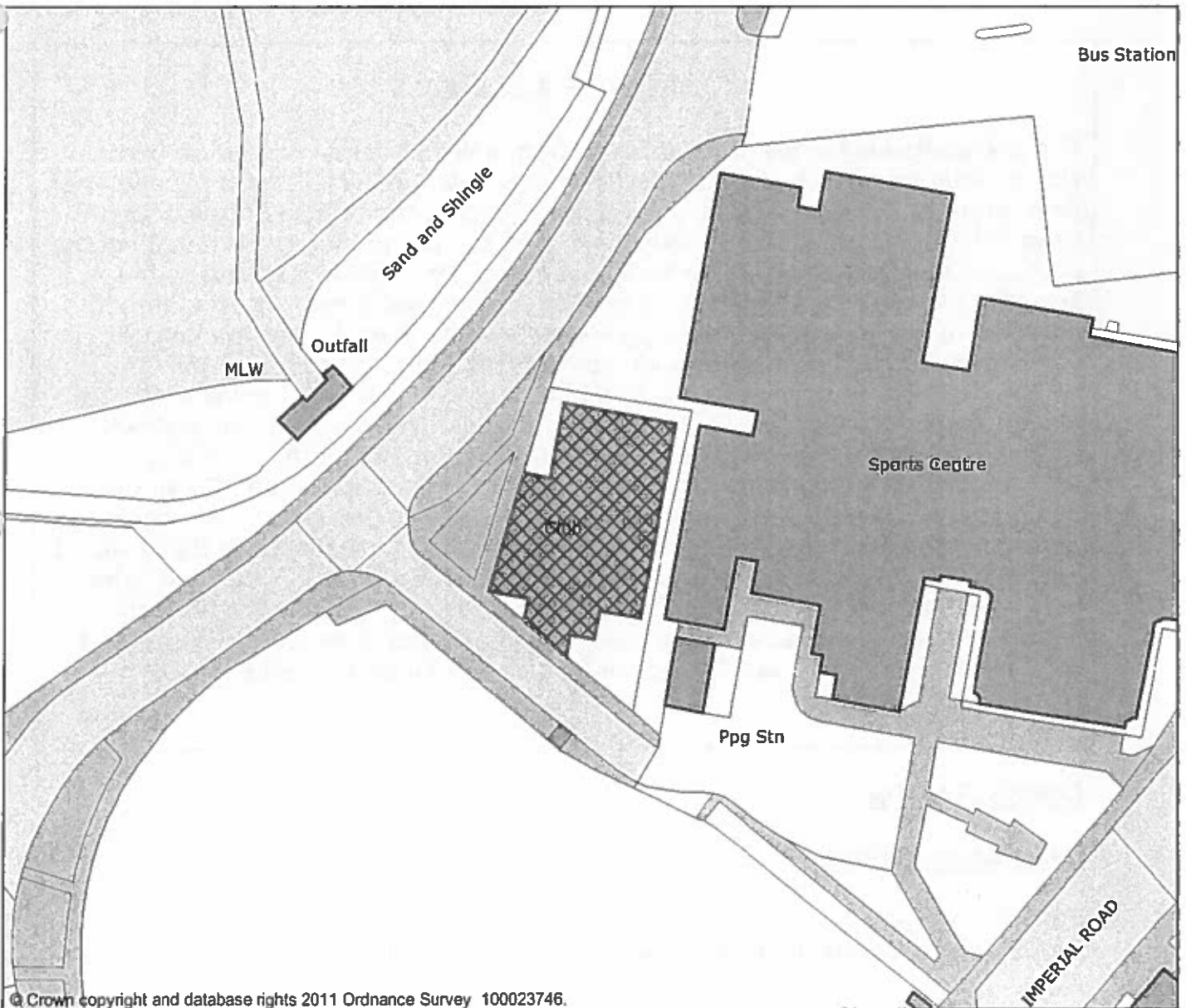
Applicant Mr K Heaton

Location Dive Club Royal Avenue Exmouth EX8 1DD

Proposal Change of use from diving centre to social club together with internal refurbishment and retention of 2no windows.



RECOMMENDATION: Approval - standard time limit



		Committee Date: 19.07.2011
Exmouth Town (EXMOUTH)	11/0946/FUL	Target Date: 28.06.2011
Applicant:	Mr K Heaton	
Location:	Dive Club, Royal Avenue, Exmouth	
Proposal:	Change of use from diving centre to social club together with internal refurbishment and retention of 2no windows.	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

The application is for the change of use from a diving centre to a social club which would reverse a planning permission granted in 2003. The application has been brought before the Development Management Committee because East Devon District Council is the landowner. The site is within a flood zone 3 but the proposed use is classed as having the same vulnerability to flooding as the current dive centre so there are no implications for flood risk. The building is adjacent to the Imperial Road car park which would cater for any additional traffic movements but the site is also closely related to the town centre. The nearest residential properties are 75 metres away so it is not considered that an objection could be sustained on amenity grounds. The Environmental Health Officer was consulted and did not raise an objection, noting that hours of opening can be restricted through the licensing of the social club. Given the distances to residential properties it is not considered that limiting the opening hours on the planning permission would be justified, particularly as these would be limited by the premises licence. Any problems which may arise from noise generated at the premises would also be controlled by Environmental Health legislation. Only one letter of representation has been received which supports the proposal and the Town Council only referred to internal works in their consultation response.

CONSULTATIONS

Local Consultations

Parish/Town Council

DEFER as clarification required of the extent of the internal refurbishments.

Other Representations

1 letter of support has been received stating that facilities for the older generation should be welcomed within the town.

Technical Consultations

Environmental Health

I have considered this application and I have no comments to make on the details submitted. I shall comment on any noise control from the premises via the premises application.

County Highway Authority

Does not wish to comment.

PLANNING HISTORY

Reference	Description	Decision	Date
03/P1550	Change of use to Dive Centre (from social club)	Approved	22.07.2003

POLICIES

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO13 (Protecting Water Resources and Flood Defence)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

E4 (Bad Neighbour Uses)

Planning Policy Statement

PPS25 (Development and Flood Risk)

Site Location and Description

The building is located adjacent to the Imperial Road car park close to Exmouth town centre. The site is within a flood zone 3 and is largely obscured from Marine Way to the east by the Exmouth Sports Centre. The nearest residential property is 75 metres away from the site.

ANALYSIS

The building is well distanced from the nearest residential property with only the sports centre in close proximity. Although close to the town centre the site is not considered to be sensitive to the additional noise which may be generated from the proposed use. The Environmental Health Officer had no specific comments to

make, noting that the hours of operation can be controlled through a premises licence. It should also be noted that a social club was in operation at the site within the last 10 years.

The application also refers to internal refurbishments which do not require planning permission and the installation of two windows in the side elevation which has been completed without the necessary permission. These openings are considered to be of appropriate proportions and the building is not of any particular visual merit. There is no objection to this element of the application.

Advice on flood risk was sought from the Environment Agency which confirmed that the two uses are considered to be of equal vulnerability to flooding. It is not therefore considered that the proposal would have any implications for this issue.

Only one letter of representation has been received which supports the proposal and the Town Council only referred to internal works in their consultation response. In the light of these consultation responses, the application is recommended for approval.

RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO13 (Protecting Water Resources and Flood Defence)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

E4 (Bad Neighbour Uses)

S4 (Development Within Built-up Area Boundaries)

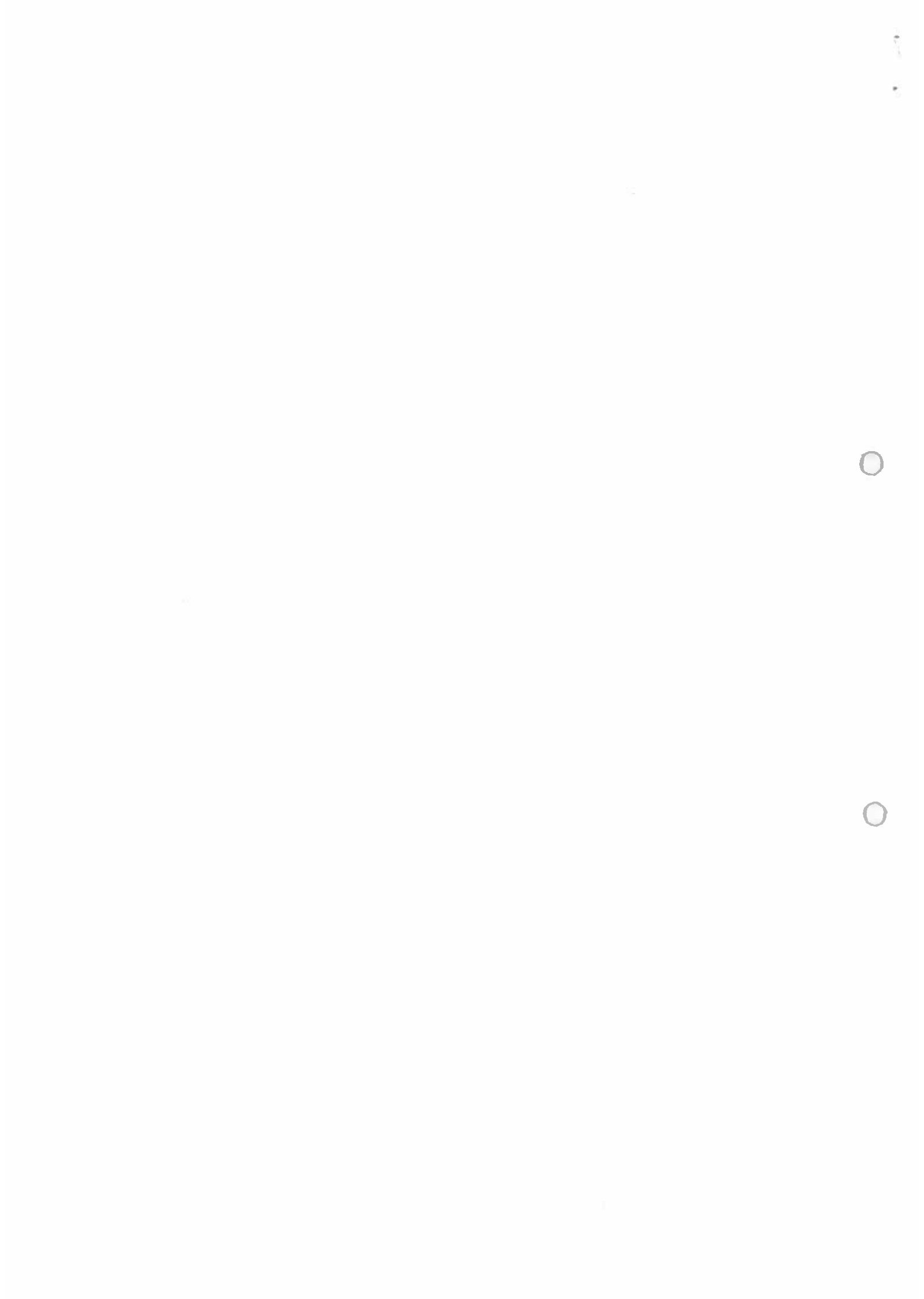
2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The proposal does not cause a significant flood risk.

Approved Plans

Photos	03.05.11
Location Plan	26.04.11

List of Background Papers

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



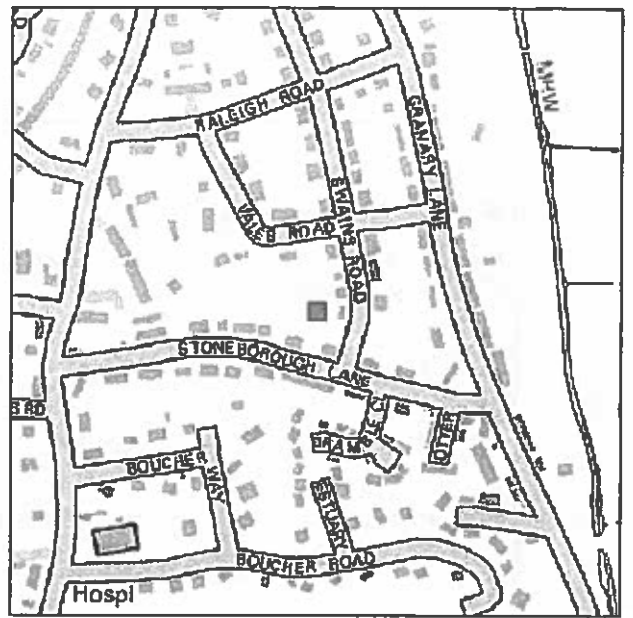
Ward Budleigh Salterton

Reference 11/1182/FUL

Applicant David & Angela Lemon

Location 1 Swains Road Budleigh Salterton EX9 6HZ

Proposal Two storey rear extension and pitched roof over garage



RECOMMENDATION: Approval with conditions



		Committee Date: 19th July 2011
Budleigh Salterton (BUDLEIGH SALTERTON)	11/1182/FUL	Target Date: 27.07.2011
Applicant:	David & Angela Lemon	
Location:	1 Swains Road, Budleigh Salterton	
Proposal:	Two storey rear extension and pitched roof over garage	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application seeks planning permission for a two storey rear extension and pitched roof over the garage. The application is referred to Development Management Committee as the applicant is a member of staff. As the proposal is sympathetically designed with little impact on the street scene or private amenity of the nearby neighbours, the proposal is considered to accord with policies D1 and CO6 of the development plan. Therefore the recommendation is that planning permission should be granted subject to appropriate conditions.

CONSULTATIONS

Local Consultations

Budleigh - Cllr T Wright

Support - I see no reason to object

Parish/Town Council

Support

Other Representations

None received to date.

Technical Consultations

County Highway Authority

Highways does not wish to comment.

PLANNING HISTORY

<u>Reference</u>	<u>Description</u>	<u>Decision</u>	<u>Date</u>
10/2239/FUL	Single Storey Rear Extension and pitch roof over garage	Approve	13.01.2011

POLICIES

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO3 (Areas of Outstanding Natural Beauty)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

Planning Policy Statement

PPS1 (Delivering Sustainable Development)

Site Location and Description

This property is a detached dwelling in the built up area of Budleigh Salterton. It is situated in a residential area of mixed character but its immediate neighbours are detached and semi detached. Although the site itself is mostly level, the land falls away towards the property to the south and rises to the north. The house sits towards the front of a long and tapering plot which is surrounded by neighbouring gardens. The front boundary is marked by a low brick wall but is otherwise open, exposing the front of the house to public views.

Proposed Development

The application seeks planning consent for the creation of a two storey gable end extension on the rear elevation of the existing building. Internally this would contain an additional bedroom and en suite at first floor level with an extended kitchen/dining area on the ground floor. In addition, it is proposed to add a pitched roof to the existing flat-roofed garage which is attached to the northern side of the house.

ANALYSIS

Considerations and Assessment

The application is referred to Development Management Committee as the applicant is a member of staff. The main issues concerning this application are the impact of the proposal on the amenity of the nearby neighbours, the design of the proposal and the impact on the wider AONB.

The addition of a pitched roof on the existing garage would enhance the appearance of the dwelling from public views. The roof pitch is dictated to some extent by the position of a first floor window and would be shallower than the main roof pitch. Even so, the resultant design is proportionate to the garage itself and maintains its subservience to the main dwelling.

In terms of design the rear extension is considered acceptable. The size and scale of the extension is proportionate to the size of the original dwelling and due to being sited on the rear elevation the extension would not be visible from public view.

The property to the north is elevated above the site and would not suffer any adverse impacts in terms of overlooking, dominance or harm to outlook. A condition is recommended to ensure that the new north facing windows are fitted with obscure glass and fixed shut in perpetuity. The properties to the south sit below the site and are oriented so that their rear elevations face the site. In this instance there is considered sufficient distance to prevent unreasonable overlooking in this respect. There is a first floor window proposed on the rear elevation. However, the garden is elongated and as such the position of the first floor rear window would not result in a detrimental impact in terms of overlooking due to sufficient distances being maintained.

Being positioned in the main built up area of Budleigh Salterton this proposal would have no wider landscape impact and would not harm the natural beauty of the surrounding landscape.

RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. The two first floor windows on the north (side) elevation of the development hereby approved, as illustrated on drawing No 1010/101, shall be fitted with obscured glass and fixed shut (except for the top hung fan light), and retained

as such in perpetuity. (Reason – To protect the private amenity of the nearby neighbours, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

NOTE FOR APPLICANT

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

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO3 (Areas of Outstanding Natural Beauty)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.

Approved Plans

	Location Plan	31.05.11
1010/105	Site Plan	31.05.11
1010/101	Combined Plans	31.05.11
1010/102	Combined Plans	31.05.11
1010/103	Combined Plans	31.05.11
1010/104	Combined Plans	31.05.11
1010/106	Combined Plans	31.05.11

List of Background Papers Application file, consultations and policy documents referred to in the report.

Ward Axminster Town

Reference 11/0143/MFUL

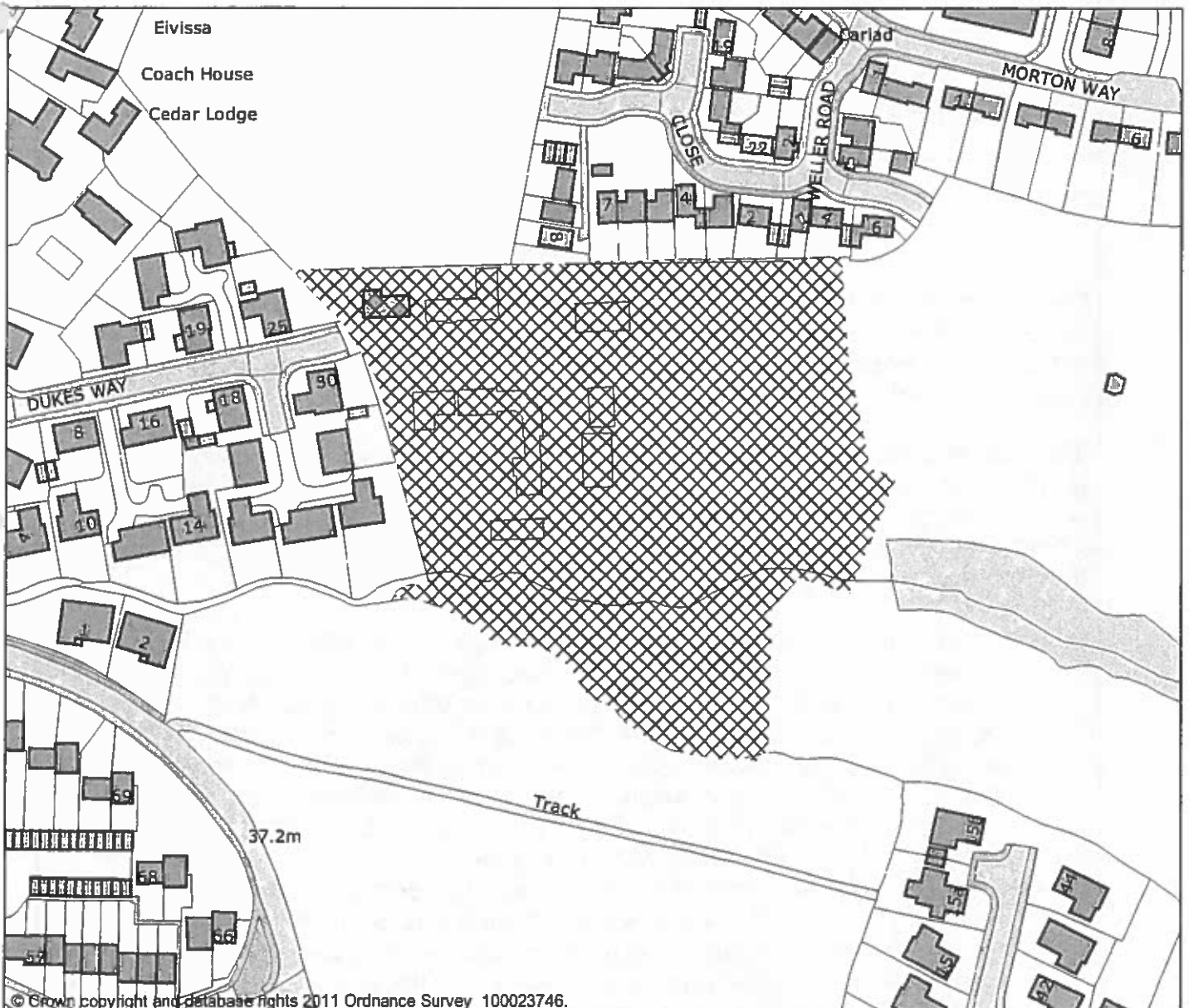
Applicant Mr John Loosemore, Betterment Properties

Location Land At Dukes Way Axminster

Proposal Proposed construction of 41 dwellings including roads, services and amenities (includes amendments to planning permission 05/2665/MFUL comprising changes to plots 1 and 25, removal of footpath, increased height of adjoining car park, alterations to brick type and bank/retaining walls).



RECOMMENDATION: Approval with conditions



		Committee Date: 19 July 2011
Axminster Town (AXMINSTER)	11/0143/MFUL	Target Date: 02.05.2011
Applicant:	Mr John Loosemore, Betterment Properties	
Location:	Land At Dukes Way	
Proposal:	Proposed construction of 41 dwellings including roads, services and amenities (includes amendments to planning permission 05/2665/MFUL comprising changes to plots 1 and 25, removal of footpath, increased height of adjoining car park, alterations to brick type and bank/retaining walls, and changes to garden area adjoining 7 and 8 Swains Close)).	

RECOMMENDATION: Approve subject to the completion of a S106 Agreement

EXECUTIVE SUMMARY

Planning permission was originally granted in 2005 for the development of 41 dwellings (05/2665/MFUL) on this site as Phase 1. A further planning permission, Phase 2 has since been granted (09/2350/MFUL) for 70 dwellings and work has started on the site overall which will comprise 111 dwellings.

The applicant, Betterment Properties Ltd, is of the opinion that the planning permission granted in 2005 is no longer valid due to the dates on which certain planning conditions were discharged. The company has, therefore, submitted a further application for the whole development but at the same time wishes to carry out the following amendments to the scheme originally approved:

- The bungalow on Plot 1, adjoining properties in Dukes Way, is now shown to be constructed 20.4 metres from the rear elevation of the nearest property in Dukes Way, No.28. Plot 1 is now to be detached from Plot 2 which results in it being 1.3 metres closer to No.28 than originally approved. There were two windows originally approved on the elevation facing No. 28, one serving a kitchen area at an oblique angle but also a lounge window more directly overlooking the rear of No. 28. The applicant is now proposing to omit the lounge window. The kitchen window is retained.
- Plot 25 as originally approved is a 3 storey four-bedroom dwelling. It is now proposed to reduce it to 2 storeys to provide a smaller house of 3 bedrooms.
- Land within the site abutting the northern boundary includes a strip of raised land adjoining 7 and 8 Swains Lane. Previously this strip was to form part of the gardens of plots 23,24, 27 and 28. The arrangement has been amended so that

this strip forms part of the garden of Plots 25 and 27 only.

- The amended plans now omit a public footpath which would have run around the south-west corner of the site at rear of Nos. 26-30 Dukes Way.
- The plans approved under 05/2665 on 26 Oct 2006 indicate a car parking area at the rear of Plots 1-9 which lies behind the rear gardens of 26 and 28 Dukes way. This application incorporates some changes which indicate that the height of the car park will be raised between 0.2m - 0.9m approx for its length behind the Dukes Way properties. The car park is 6.0m approx from the centre of the hedge at the rear of those properties and would be 1.5m approx higher than the ground level of the rear garden of No. 26. The car park is proposed to be enclosed by a 1.2m high feather edged boarded fence with a double row hornbeam hedge planted on the side facing rear of the adjoining property, No. 28. The rear boundary of No. 26 comprises a hedge approx 2.0m high.
- In place of the footpath and due to the altered height of the car parking area gabion walls are proposed facing the rear gardens in Dukes Way and facing the surface water lagoon.
- The facing materials are a mix of render, chert and brick. The brick originally approved, Warnham Red, is now to be altered to Atherstone Red.
- The approved landscaping scheme showed ash trees close to the Dukes Way properties. These have now been changed to silver birch.

The above changes are the only differences between the previous permission (05/2665) and what is now proposed. Many of the changes are minor and only affect the internal arrangement of the development. However, the re-siting of the bungalow on Plot 1 1.3m closer to 28 Dukes Way, while it is at a higher level, is not considered to have a material impact on the neighbour in respect of loss of light, outlook or privacy. Likewise the raising in height of the car park in view of its fencing, hedgerow planting and distance from No. 26 would be likely to have no material impact on the amenity of the neighbour at this particular height.

The previous permission was subject to a s106 Agreement covering affordable housing and open space and this is required to be updated to accord with this current application.

Subject to the variation of the s106 Agreement to accord with the details of the current application and the Conditions set out below the application is recommended for approval.

CONSULTATIONS

Local Consultations

Axminster Town - Cllr A Moulding

I have considerable concerns regarding this application and request that it should be brought to the Development Management Committee.

I am concerned about the finished ground levels around the buildings and in the designated area for car-parking. I believe that the proposed levels will have a serious effect on the residents of 26 and 28 Dukes Way.

I therefore recommend that this application should be refused.

Amended Plans - I am still concerned regarding the impact of car park levels on adjoining properties. I believe the application should be brought before the Development Management Committee.

Axminster Town - Cllr D Hull

Refuse.

Raising the level of the car park will have an impact on the residents of Dukes Way e.g. noise generated by engines and car doors and fumes from the cars and residents using the car park as a maintenance area.

Who will maintain the ditch between Betterment Properties and Dukes Way for the next 100 years. One would like to see a maintenance schedule. Why has one drawing shown gabions the full length and another shown them only half way up_ Who will monitor the maintenance of the lagoon_ Straightening the stream will have an impact on both sides of the stream lower down as a result of the increase in the flow.

I would ask that a variety of trees, not just ash, be planted in the surrounding area.

Parish/Town Council

A.T.C. notes that this application has arisen because of a failure by the applicant to submit to the District Council information required within the timescale set out in the original application 2005/2665/MFUL. Works on the site have been started based on the plans submitted in relation to that planning application which are deviations from what was then proposed and approved.

Axminster Town Council opposes this new application on the following grounds relating specifically to issues at the Dukes Way end of the site, in some instances arising from the applicant's need to access the site from Dukes Way by a route which differs from that in the original 2005 proposal.:

1. Site 1 (originally proposed as a linked dwelling) was changed to a detached dwelling under an amended approval. The change in alignment of the access road affected the gradients as originally intended at the Dukes Way end of the site, which has had a knock-on effect at site 1. The developer has used infill to raise the base level of site 1 with the result that there is now a substantial issue of overlooking which affects the privacy of nos. 26 and 28 Dukes Way.
2. The same issue of infilling has raised the base level of the car parking area at the rear of sites 2-9. The effect of this is to exacerbate issues of noise and fume nuisance for the residents in Dukes Way. This could be remedied by an increase in the height of the proposed close-boarded fence and hedge provision.
3. There is a lack of consistency in the positions indicated for treatment with gabions along the banks of the ditch between Dukes Way and the site. In addition to the need to clarify this matter, the Town Council has reservations about the fact that gabion treatment is proposed for one bank of the ditch only. Surely, if one bank

merits treatment, so does the other. The Town Councillors have also questioned the long term security of the gabions as no engineering details are supplied.

4. There seems to be no adequate access for machinery to that stretch of ditch for maintenance purposes. Furthermore, there is no indication of where, in perpetuity, responsibility for future maintenance of that stretch of ditch will lie. It needs to be stated clearly to which properties within the site riparian ownership along the east bank attaches. This is, regrettably, an aspect which is overlooked in major developments and one which can have serious repercussions, often several years after the developers have left the site and may no longer be in existence.

5. The Town Council feels most strongly that the balancing ponds should be constructed before other works are undertaken, otherwise there is a risk that it will not be done and flooding issues downstream on the Gamberlake brook will occur.

6. Previous experience with the Wainhomes development by the Millbrook has shown that what happens upstream can have serious repercussions for long-established houses with riparian ownership downstream. (vide the erosion of the gardens in Millbrook Dale following works at Millbrook Meadows). The developers should be required to show what measures they are taking to prevent this happening. (The Town Council has a prejudicial interest to declare at this point as being a downstream riparian land owner). The Gamberlake brook is piped in various sections downstream and we are not confident that the importance of free flow through these piped sections has been given due consideration.

7. Whilst welcoming the use of native British species proposed in the landscaping, this needs to be given further thought as some species are particularly prone to off-loading large numbers of seeds each autumn, which will readily grow and become a nuisance throughout the area. Ash, (*Fraxinus excelsior*) is a particular example. Also, some species, and the Ash is again an example, while suitable in a parkland setting, become too high and have too extensive a root spread which could generate insurance problems for home owners in the area. This is yet another area in which forward thinking is required. There is an example in Axminster already in which a young horse chestnut sapling was planted within 18 inches of a new extension to a residential home. This tree has now had to be cut back severely and the original approval of the choice of this species seems highly questionable.

8. The height of the building proposed for plot 6 should be reduced in height so that the roof line along that elevation is as nearly uniform as possible in the interests of minimising the mass of that terrace as seen from Dukes Way and eliminate any possibility of overlooking.

Amended Plans - Axminster Town Council welcomes the amendments made in response to comments submitted previously.

Other Representations

Objections have been received from 8 neighbours and are summarised as follows:

1. Dwellings are too high generally and the Bungalow on Plot 1 in particular will cause loss of privacy to properties in Dukes Way where windows overlook No. 28 especially. The bungalow is higher than it needs to be.

2. Design of houses is not sympathetic to area.

3. Raised level of car park impacts on privacy of properties in Dukes Way causing nuisance from headlights, noise and fumes.
4. There is no condition recommended prohibiting vehicle maintenance in car park.
5. There are no section drawings through the car park and No. 26 Dukes Way.
6. The site does not use the contours well. If there was no fill there would be more space to provide access to maintain ditch. Currently there are difficulties of maintenance of hedge and ditch and the likelihood of ditch becoming blocked.
7. Run-off could cause erosion of banks of stream with flooding and pollution.
8. Straightening of stream results in erosion of garden of No. 26 Dukes Way.
9. Ground under car park is very boggy and there are no details of the gabions.
10. No evidence is provided on the appropriate strength values and drainage details particularly in relation to the gabions.
11. There are no details of the reinforced banks along the stream.
12. There is no detail of how the storm water is diverted off the road into the ditch.
13. There are doubts about the efficiency of the lagoon.
14. There appears to be a lack of maintenance or monitoring of the lagoon.
15. A crusher is inappropriate in a residential area.
16. There should be a compound to allow lorries to be cleaned of detritus.
17. Ash trees are inappropriate in the planting scheme due to their dispersion of seeds.
18. Further trees should be planted to replace the lime and willow lost at the edge of the open space.
19. The field to be used as open space should remain open.
20. The development will increase traffic in Dukes Way.
21. The development has caused pot holes.
22. Betterment Properties should not seek retrospective permission.
23. There is concern about strip of land south of No. 8 Swains Lane. It will cause loss of privacy to neighbour by overlooking.
24. No 8 experiences movement in garden. There are worries about existing retaining structure on boundary. (A separate petition with 11 signatories pleads for what it describes as the sliding land to be made safe by the erection of a new retaining wall.)
25. It would be difficult to maintain flank wall of No. 8 on boundary.
26. Original stone retaining wall below should be preserved.
27. Three storey properties are inappropriate at rear of Swain Close.

Technical Consultations

Environment Agency

No objections. The Environment Agency concurs with the detailed engineering proposals for the surface water drainage including the balancing pond..

Environmental Health

I have considered the application and consider that there is potential for the building process to impact on existing residents. If the application is approved I recommend that the following condition is included on the consent.

- a. There shall be no burning of any kind on site during construction, demolition or site preparation works.

b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.

c. Dust suppression measures shall be employed as required during construction.
Reason: To protect the amenity of local residents from smoke, noise and dust.

DCC Children & Young Peoples Services

A contribution towards education infrastructure via a Section 106 Agreement is sought in respect of the above application. (see full scanned document)

Emma Snow Police Architectural Liaison Officer

I write with reference to the above planning application and make comments regarding the impact this development may have on crime and disorder.

Sustainability

The principles surrounding sustainability should extend to all aspects of the design including designing out crime. Sustainability is not just about energy use but also includes creating developments which are less likely to suffer high levels of crime. Sustainable environments should not only be attractive but free from crime and the fear of crime. Considering design principles at the earliest stage in the planning process can help improve feelings of safety and security.

Crime

Police logs have been analysed and reveal that crime reports in the area are relatively low.

Island A

All access paths to the rear of properties should be securely gated with only residents having access. All paths at the front of the properties providing access to the rear garden, should be gated as close to the building line as possible. This ensures that any attempt to climb over will be in full view of the street and will help prevent burglary. Where possible, gates should be brought forward on the following plots - 27, 28, 30, 31 and 33. Plot 33 has by far the deepest recessed gate.

The access from the parking court to the rear of plots 31-33 requires a secure gate fitting at the parking court end of the path to prevent unauthorised access by non-residents. This area is potentially more vulnerable to crime as it is poorly overlooked.

Island B

The car parking has been designed at the rear of the properties and this results in a lack of surveillance and ownership. To increase opportunities for surveillance, fencing to the rear of all plots with boundaries within the parking court, should comprise either 1.8m high hit and miss fencing or 1.2m solid timber fencing topped with 0.6m of timber trellis. Windows in the gable end of plot 9 to the first floor would also increase overlooking of spaces in the southerly comer.

Rear courtyard parking results in inactive street frontages with occupants tending to use the back door as the main entry door when parking at the rear. This reduces natural surveillance through reduced pedestrian presence along the street.

It is recommended that rear parking courts are small and contain no more than 10 spaces (By Design - Better Places to Live), although this courtyard has 15 spaces. Alternative options such as parking on-plot or directly outside the front of the dwellings should be considered.

The allocation of spaces reveals that properties 28-30 have car parking spaces within this court which is located a fair distance from the dwellings. These residents will have no ownership over these spaces and will certainly have no opportunity to overlook their vehicles. These residents are more likely to utilise the unallocated spaces outside the front of their properties rather than use the ones in the parking court.

It is recommended that a further gate is fitted at the entrance to the path on the parking court side between plots 7 and 9. This will prevent unauthorised access by non residents and reduce the vulnerability of plots 7, 8 and 9.

There appears to be no defensible space between the gable end of plot 8 and the pavement. As windows are shown on the ground floor of this plot facing onto the pavement, noise and reduced privacy resulting from people passing by, may become an issue, especially as the road leads across the bridge to land beyond. A narrow buffer zone is required to provide an area of defensible space which will provide some distance, even if it only minimal, between the pavement and the building line.

Island C

As all parking is at the rear of the dwellings opportunities for natural surveillance are limited. Recommendations as listed under the Island B section above regarding the rear fencing should be applied here as well.

There appear to be several routes in and out of the parking court which will encourage casual intrusion into areas which should be private. These routes also introduce access to the rear of the properties and remove ownership of the parking areas, making them more vulnerable to crime.

It is recommended that the path between plot 16 and garages is removed. If this path is required for householders to move waste to the front of their properties for collection, it should be securely gated with access provided for residents only.

It is unclear whether there is any form of boundary at the end of the driveway for plot 21 or whether a vehicle will be able to drive straight through into the parking area. It is recommended that access into the parking court is prevented and this area should be landscaped accordingly.

The gate between plot 15 and the adjacent garage should be brought forward and fitted as close to the building line as possible to reduce the recess.

Island D

It is recommended that gates are fitted to the path providing rear access to plots 38 and 39. As previously mentioned this will prevent the creation of a deep recess and provides more security for these plots.

A window in the gable end of plot 41 will increase surveillance over the two parking spaces.

Dwelling Boundaries

Front boundaries should be kept low (maximum height of 1m), so dwelling frontages are open to view increasing opportunities for natural surveillance.

Rear and side boundaries require more robust barriers by using walls or fencing to a minimum height of 1.8m. Gates should be lockable and of timber construction. They should also be the same height as the boundary fence or wall.

Secured by Design

The development should be built to Secured by Design standards and should aim to achieve full certification. This will ensure that crime prevention measures have been adopted within the new development creating safer, more secure and sustainable environments.

County Highway Authority

No objection to the proposed development

PLANNING HISTORY

Reference	Description	Decision	Date
05/2665	Construction of 41 dwellings (Phase 1)	Approved	26.10.06
09/2350	Construction of 70 dwellings (Phase 2)	Approved	24.11.09
10/0170	Modification of access from Dukes Way to approved Phase 1 Development	Approved	26.04.10
11/0400	Construction of estate roads and Sewers (Phase 1)	Approved	18.05.11

POLICIES

Devon Structure Plan Policies

ST1 (Sustainable Development)

ST5 (Development Priority 2001 to 2016)

ST18 (Affordable Housing)

CO13 (Protecting Water Resources and Flood Defence)

CO8 (Archaeology)

CO6 (Quality of New Development)

TR1 (Devon Travel Strategy)

TR2 (Co-ordinating Land Use/Travel Planning)

TR7 (Walking and Cycling)

TR10 (Strategic Road Network)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

D6 (Public Art)

TA3 (Transport Assessments /Travel Plans)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

TA1 (Accessibility of New Development)

S4 (Development within Built-up Area Boundaries)

EN6 (Wildlife Habitats and Features)

S7 (Infrastructure Related to New Development)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

H2 (Residential Land Allocation)

H3 (Range and Mix of New Housing Development)

H4 (Affordable Housing)

RE3 (Open Space Provision in New Housing Developments)

Planning Policy Statement

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS9 (Biodiversity and Geological Conservation)

PPS23 (Planning and Pollution Control)

PPS25 (Development and Flood Risk)

Site Location and Description

The site lies to the east of Dukes Way and south of Swains Close. Vehicular access to the site is planned from Dukes Way. A stream running east/west forms the southern boundary to the site. It forms part of a larger piece of land allocated for residential development (AX02) in the adopted East Devon Local Plan.

Proposed Development

Planning permission has already been granted under 05/2665 for 41 dwellings on this site (Phase 1) in 2006 and a start has been made on the development. The applicants are of the opinion that the permission has expired and whilst a number of the conditions have been discharged they have opted to apply again for the 41 dwellings broadly in accordance with the previous plans and the Section 106 Agreement that was entered into at the time. There are, however, a number of changes which amount collectively to more than what could be considered as a minor amendment and these are incorporated into the plans under consideration. These amendments are set out above within the Executive Summary.

The scheme overall involves a development of 41 dwellings (incorporating affordable housing) with a mix of dwelling types of single, two, two and a half and three storeys in height. The three storey dwellings are particularly located where they will minimise the likely oppressive impact of the properties in Swains Close which is considerably higher than the application site. The form of development is urban and tightly knit with most dwellings positioned on the street frontage and a significant part of the scheme fronting the stream to the south. Materials include a dominance of render and soft red brick with key buildings constructed in local chert stone with roofs of clay tile and artificial slate.

Land to the south of the stream is included in the application site mostly for the construction of a balancing pond to deal with surface water drainage. The balancing pond has already been formed and a bridge will be provided over the stream. A detailed scheme of hard and soft landscaping of both ornamental and native species is submitted with the application.

To the north of the site and to the west of Swains Close an area of land (1.16ha) is to remain and provide open space for Phases 1 and 2. This will be transferred to the Council and part of the land will be provided with play equipment. The remainder of the land within the two phases which falls outside the adopted highway or any

residential curtilage will be laid out and maintained under a management regime controlled by the Section 106 Agreement attached to permission, 09/2350.

ANALYSIS

Principle of Development

A previous full application (05/2665) for 41 dwellings (Phase 1) was considered by the Committee on 11 July 2006 and subsequently granted in October 2006. The applicant has had independent legal advice that due to the timing of the Conditions' discharge on the original permission a further permission may be required to replace it hence the submission of the current application.

The site is allocated for residential development as part of a larger area in the adopted East Devon Local Plan and permission was recently granted for 70 dwellings adjoining on Phase 2 (09/2350). The principle of development is therefore entirely acceptable.

The focus of this application is on the amendments to the plans approved under 05/2665 that are now being proposed by the applicant. In this respect the Committee's attention is drawn to the Executive Summary which sets out the details of those amendments and their impact particularly on neighbouring properties in Dukes Way and Swains Close.

Layout, Design and Scale

There are only minor differences in this respect to the approved plans. The house on plot 25 is reduced in height to two storeys and the the bungalow on Plot 1 is now detached. The design and layout still retains its strong vernacular form and where the properties face onto the stream they will contribute effectively to a pleasant setting for the housing scheme. The facing materials have been selected with care, as in the previous scheme, to reflect the historic character of Axminster.

Access and Parking

Vehicular access is achieved from Dukes Way to Phase 1 and ultimately to Phase 2. A further link is provided from Phase 2 into Swains Lane and Morton Way to the north and east. Three parking courts to the rear of the street frontages provide the majority of the dedicated parking provision.

Amenity Impact on Neighbours

The Committee's attention is drawn to the concerns raised by some nearby residents and the Town Council which have been received in respect of this application. Many of the issues currently raised including the density and height of dwellings and problems of vehicular access were raised at the time of the previous application prior to the grant of planning permission.

The bungalow on Plot 1 has been commenced and is erected approx 2.5 metres higher than No 28 Dukes Way in accordance with the previous permission.

However, it is now shown 1.3 metres closer to the bungalow at 28, Dukes Way but is still 20.4 metres away. The developer has also omitted a living room window on the side elevation whilst retaining a kitchen window at an oblique angle. Whilst the occupier of the property in Dukes Way can now view this property from the rear it is considered that no material impact would arise.

The car park at the rear of Plots 1 -9 has been raised in height from between 0.2m - 0.9m running north/south towards the lagoon and stream. The boundary of No.26 Dukes Way is some 6.0 metres away. Whilst the car park would be approx 1.5m higher than the adjoining garden it is unlikely there would be a material effect on the neighbour both visually and aurally due to the fencing and hedging to be provided and the height and position of the existing boundary hedge.

Concern has been expressed by the owners of 7 and 8 Swains Close (and a petition also signed by others) in respect of the relationship of their land to the proposed raised garden for Plots 25 and 27. With the protection of Condition 9 there would be no overlooking or loss of privacy. The owner of No. 8 also raises issues of maintenance and the adequacy or otherwise of the existing retaining structure on the boundary but this is not an issue relevant to consideration of the application.

Archaeology

The previous permission involved an archaeological investigation of the land and this has been satisfactorily completed prior to the current application.

Drainage and Flood Risk

Concern has been expressed over the construction of the lagoon and other aspects of the surface water drainage system. As with the previous application the Environment Agency has been able to assess the suitability of the applicant's proposals in respect of all aspects of surface water drainage. The lagoon and surface water sewers are designed in accordance with current guidance to meet their approval.

Affordable Housing

The land allocation in the East Devon Local Plan (AX02) comprises three separate planning permissions which total 122 dwellings. They include Phase 1 for 41 dwellings, Phase 2 for 70 dwellings and 11 dwellings on that part of the allocation which fronts Morton Way. There will be provision for 40% affordable dwellings in total with 9 on Phase 1, 28 on Phase 2 and the whole of the Morton Way frontage comprising 11 affordable dwellings. Three separate s106 Agreements cover the provision of affordable housing on these three sites. The affordable housing on Phase 1 amounts to 9 dwellings and this is governed by the s106 Agreement attached to the previous permission, 05/2665, which would be updated if permission is further granted for the current application.

Open Space Provision and Future Management

On-site open space provision will be made on the land within the applicant's ownership to the north of Phase 1. This land will be transferred to the Council for such purposes. The remaining land within the two phases is controlled by a maintenance regime set out in an existing s106 Agreement and also by the Construction Environmental Management Plan.

RECOMMENDATION

Delegated authority be given to the Head of Economy to APPROVE the application subject to a Deed of Variation to the Section 106 Agreement and 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. The development hereby permitted shall be carried out only in accordance with the schedule and samples of facing materials, finishes and hard surfacing set out and submitted in writing to the Local Planning Authority.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan).
3. The landscaping scheme indicated on the approved plans shall be carried out in the first planting season after commencement of the development 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 in accordance with Policy CO6 of the Devon Structure Plan and Policy D4 of the East Devon Local Plan).
4. The bridge to be constructed over the stream shall only be built in accordance with the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of visual amenity in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan).
5. The development hereby permitted shall only be carried out in complete accordance with the submitted Construction Environmental Management Plan (CEMP).
(Reason - In the interests of achieving satisfactory development in accordance with Policies S1 and CO6 of the Devon Structure Plan and Policies S7,D1,D2 and D4 of the East Devon Local Plan).

6. The gabions, the bridging of the stream and the surface water disposal system including the lagoon shall be carried out only in accordance with the approved plans.
(Reason - In the interest of amenity and flood alleviation in accordance with Policy CO13 of the Devon Structure Plan and Policy EN20 of the East Devon Local Plan).
7. The development hereby permitted shall only be carried out in complete accordance with the details of street lighting hereby approved.
(Reason - In the interests of visual amenity in accordance with Policy Co6 of the Devon Structure Plan and policy D1 of the East Devon Local Plan).
8. The garages and car spaces shall be kept available for parking at all times.
(Reason - To ensure that adequate garaging/parking provision remains available in accordance with Policy TA9 of the East Devon Local Plan).
9. The ground level of the raised garden for plots 25 and 27, where it abuts adjoining properties, shall be not less than 2.0 metres from the highest part of the boundary fencing relating to Nos. 7 and 8 Swains Close.
(Reason - In the interests of maintaining the privacy of the adjoining properties in accordance with Policy CO6 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan).
10. The proposed roads, footways, footpaths, sewers, drains, retaining walls, embankments, service routes, surface water outfalls and visibility splays shall only be carried out in complete accordance with the approved plans.
(Reason - To secure satisfactory development in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).
11. The following works, the details of which have been approved under 05/2665, shall be retained for the duration of the development;
 - (a) The access road constructed up to base course level for the first 50 metres from its junction with the public highway.
 - (b) The ironwork to base course level.
 - (c) The site compound and car park.
(Reason - To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period in the interest of the safety of users of the adjoining public highway and to protect the amenities of adjoining residents in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).
12. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

1. The spine road and cul-de-sac carriageway including the vehicle turning heads shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
2. The spine road and cul-de-sac footways which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
3. The street lighting for the spine road and cul-de-sac has been erected and is operational;
4. The car parking and any other vehicular access facility required for the dwelling by this permission has been completed;
5. The street nameplates for the spine road and cul-de-sac have been provided and erected.

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

13. When once constructed and provided in accordance with Condition 10 above, the carriageway, vehicle turning head, footways, footpaths, shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

(Reason - To ensure that these highway provisions remain available in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon Local Plan).

14. Within twelve months of the first occupation of the first dwelling in agreed phase of the development all roads, footways, footpaths, statutory undertakers mains and apparatus, junction access retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

(Reason - To ensure that the access arrangements are completed within a reasonable time in the interests of the safety and amenity of residents in accordance with Policy TR10 of the Devon Structure Plan and Policy TA7 of the East Devon).

15. Before development is commenced measures, to be approved by the Local planning authority, shall be put in place to prevent any building materials, fuel or other chemicals or soil from entering the watercourse.

(Reason - In the interests of maintaining water quality in the stream in accordance with Policy CO13 of the Devon Structure Plan and Policy EN17 of the East Devon Local Plan).

16. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

NOTES FOR APPLICANT

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

Devon Structure Plan Policies

ST1 (Sustainable Development)
ST5 (Development Priority 2001 to 2016)
ST18 (Affordable Housing)
ST18A (Mix and Type of Housing)
CO6 (Quality of New Development)
CO8 (Archaeology)
CO13 (Protecting Water Resources and Flood Defence)
TR1 (Devon Travel Strategy)
TR2 (Co-ordinating Land Use/Travel Planning)
TR7 (Walking and Cycling)
TR10 (Strategic Road Network)

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S4 (Development within Built-Up Area Boundaries)
S7 (Infrastructure Related to New Development)
D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
EN17 (Maintenance of Water Quality and Quantity)
EN20 (River and Coastal Flooding)
H2 (Residential Land Allocation)
H3 (Range and Mix of New Housing Development)
H4 (Affordable Housing)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments/Travel Plans)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)
RE3 (Open Space Provision in New Housing Developments)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does not harm an identified archaeological site or deposit.
5. The proposal does not harm or give rise to a perceived threat from important trees on or adjacent to the site.

6. The proposal is contained within the defined built-up area boundary of the settlement.
7. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
8. The proposal does not cause a significant flood risk.
9. The access to serve the proposal does not prejudice highway safety.
10. Note to applicant:

This permission should be read and implemented in conjunction with the associated s 106 Agreement.

Approved Plans

The plans relating to this permission are listed below:

47 02 01 Rev:E	Amended	23.06.11
47 02 02 Rev:C		
47 02 03 Rev:E	Amended	23.06.11
47 02 04 Rev:E	Amended	23.06.11
47 02 05/1 Rev:E	Amended	23.06.11
47 02 05/2 Rev:C		
47 02 06/1 Rev:E	Amended	23.06.11
47 02 06/2 Rev:C		
47 02 07/1 Rev:E	Amended	23.06.11
47 02 08 Rev:E	Amended	23.06.11
47 02 09/1 Rev:D		
47 02 09/2 Rev:C		
47 02 10/1 Rev:B		
47 02 11/1 Rev:C		
47 02 11/2 Rev:C		

47 02 12/1 Rev:C

47 02 15 Rev:E Amended 23.06 11

47 02 19 Rev:E

47 02 COMP

47 41DW SS1Rev:B

47 41DW SS2 Rev:D

47 41units RWF

47 41 P25 28 Amended 20.06.11

PH1/01 Rev A

PH1/02 Rev E

PH1/03 RevG

PH1/04 Rev G

PH1/05 Rev N

PH1/05-02 Rev H

PH1/05-03 Rev C

PH1/06 Rev E

PH1/07 Rev F

PH1/08 Rev G

PH1/09 Rev H

PH1/10 Rev F

PH1/11 Rev E

PH1/15 Rev D

PH1/20-01 Rev C

PH1/20-02 Rev C

PH1/20-03 Rev B

PH1/20-04 Rev C

PH1/21-01 Rev E

PH1/21-02 Rev C

List of Background Papers

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