

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 November 2023**

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

The meeting started at 10.15 am and ended at 2.00 pm. During the meeting there were brief adjournments at 11.40 am reconvening at 11.50 am and 1.22 pm reconvening at 1.29 pm.

#### **88 Minutes of the previous meeting**

The minutes of the Planning Committee held on 24 October 2023 were confirmed as a true record subject to an amendment to the wording of the resolution to minute 84 planning application 22/2838/MOUT – Land to South Broadway.

#### **RESOLVED:**

Deferred to allow officers to consult further with the Environment Agency and South West Water to obtain comments about whether they are concerned with the increased pollution of the Exe Estuary and the wider area and whether they raise any objections to the proposal.

#### **89 Declarations of interest**

Minute 93. 22/2838/MOUT (Major) WOODBURY & LYMPSTONE

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Colin Brown, Jenny Brown and Yehudi Levine advised lobbying in respect of this application.

Minute 94. 23/1120/FUL (Minor) BUDLEIGH & RALEIGH

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Committee Members advised lobbying in respect of this application.

#### **90 Matters of urgency**

There were none.

#### **91 Confidential/exempt item(s)**

There were none.

#### **92 Planning appeal statistics**

The Committee noted the planning appeals statistics report setting out the appeal decisions.

The Development Manager drew Members attention to an appeal that had been dismissed for planning application 22/0173/FUL – Brake View, Rockbeare Hill, Rockbeare. Members noted that although the appeal had been dismissed there had been partial award of costs awarded against the council due to an error being recorded on the decision notice.

The Development Manager also drew Members attention to the appeal decision relating to the proposed solar farm at Marsh Green. The application was dismissed for reasons that were in line with the officer's recommendations to the committee. A costs claim against the Council was dismissed noting that the Council had dropped two reasons for refusal early in the process and officers had worked proactively and cooperatively throughout the application and appeal. The Council had not acted unreasonably.

93 **22/2838/MOUT (Major) WOODBURY & LYMPSTONE**

**Applicant:**

Hayes Grange LLP.

**Location:**

Land to South Broadway.

**Proposal:**

Outline application for the construction of up to 70 residential units including open space, affordable housing and off-site highway works (all matters reserved except for access).

**RESOLVED:**

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Approve as per officer recommendations subject to a legal agreement and subject to the following additional conditions:
  1. Prior to first occupation of any of the residential units hereby approved, the off-site highway works indicated on drawing number BW 2 -L H C -00-XX-D R -U D -0104 received on 11<sup>th</sup> January 2023, which shall have first been the subject of a successful 278 highway agreement, shall be fully implemented and capable of use. The off-site highway works shall thereafter be retained and maintained for such purposes at all times.  
(Reason: To ensure that the off-site highway works are fully implemented and mitigate impact that the proposal would have on the highway network in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
  2. The first reserved matters application for details of the layout of the proposed development shall include provision of two bus stops (posts and road markings) either side of the road on the B3179 adjacent to the site, unless it can be demonstrated that the service provider would not support this infrastructure, and shall be provided and be capable of use prior to first occupation of any of the residential units hereby approved.  
(Reason: To ensure that bus stops are provided in close proximity to the site, should they be required by the service provider, to provide occupiers with a choice of modes of transport accordance with Strategy 5B – (Sustainable Transport) and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
  1. In advance of the first reserved matters application in each phase, an on-site scheme shall have been designed and agreed in writing by the Local Planning Authority for the appropriate management of foul sewage arising from that phase. This shall include details regarding network capacity and propose measures as necessary to ensure that the network as a whole is not overloaded as a result of development in that phase.

For the avoidance of doubt the scheme shall demonstrate that it has had regard to peak flows within the downstream (off-site) network and shall include full design details of the proposed measures, how they will address capacity issues, details of the environmental impacts of those measures as well as a timetable for their implementation.

The development shall only be undertaken in accordance with the agreed details.

(Reason – To ensure that foul sewerage from the development is appropriately managed and that there is adequate capacity for the volume of waste arising, in the interests of residential amenity of downstream properties and in accordance with Policies D1 (Design and Local Distinctiveness) EN14 (Control of Pollution) and EN19 (Adequacy of foul sewers and adequacy of sewage treatment) of the adopted East Devon Local Plan 2013 – 2031.)

4. Notwithstanding the details provided, prior to the first reserved matters application relating to layout, details of a controlled means of pedestrian crossing of the B3179 adjacent to the application site shall be submitted to the Local Planning Authority and considered in consultation with Devon County Highways Department. The means of pedestrian crossing as approved shall be implemented and be capable of use prior to first occupation of any of the residential units on site.

(Reason: To ensure that there is a safe means of crossing the main road through the village for occupiers of the proposed development in accordance with Policies TC2 (Accessibility of New Development) and TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan.

**Condition 3 above is to be agreed in consultation with the Ward Member.**

94 **23/1120/FUL (Minor) BUDLEIGH & RALEIGH**

**Applicant:**

Mr William Pratt.

**Location:**

Lily Farm Vineyard, Dalditch Lane, Budleigh Salterton, EX9 7AH.

**Proposal:**

Erection of a single storey managers accommodation and single storey side extension to vineyard premises.

**RESOLVED:**

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Refused as per officer recommendation but with reason 5 (Habitat Regulations) omitted.

95 **23/1522/FUL (Minor) OTTERY ST MARY**

**Applicant:**

Mr D Squires.

**Location:**

Long Range Park, Whimble.

**Proposal:**

Stationing of five additional holiday lodges.

**RESOLVED:**

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Approved with conditions as per officer recommendation.

**Attendance List**

**Councillors present:**

B Bailey  
I Barlow  
C Brown  
J Brown  
S Chamberlain (Vice-Chair)  
S Gazzard  
A Hall  
J Heath  
M Howe  
Y Levine  
E Rylance  
S Smith  
E Wragg (Chair)

**Councillors also present (for some or all the meeting)**

R Collins  
P Faithfull

**Officers in attendance:**

Wendy Ormsby, Development Manager  
Damian Hunter, Planning Solicitor  
Gavin Spiller, Principal Planning Officer (West)  
Nigel Barrett, Senior Planning Officer  
Wendy Harris, Democratic Services Officer

**Councillor apologies:**

A Bruce  
H Riddell  
D Wilson

Chairman .....

Date: .....