

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 19 December 2023**

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

The meeting started at 10.25 am and ended at 3.37 pm. The Chair adjourned the meeting for lunch at 1.20 pm and reconvened at 2.02 pm. Brief adjournments also took place at 12.35 pm, reconvening at 12.50 pm and 3.15 pm reconvening at 3.20 pm.

In the absence of the Vice Chair, Councillor Sarah Chamberlain, the Committee agreed to Councillor Simon Smith being Vice Chair for this meeting.

#### **96 Minutes of the previous meeting**

The minutes of the Planning Committee held on 21 November 2023 were confirmed as a true record.

#### **97 Declarations of interest**

Minute 102. 22/1893/FUL (Minor) WOODBURY & LYMPSTONE.

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.

Minute 105. 23/1278/FUL (Minor) YARTY.

Councillor Simon Smith, Affects and prejudicial Non-registerable Interest, Close friend of the Project Manager for this application.

#### **98 Matters of urgency**

There were none.

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

There were none.

#### **100 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 dismissed for planning application 22/1622/FUL - Kings Arms Farm, Nags Head Road, Gittisham. The Development Manager referred to the Inspectorates decision to dismiss the appeal on amenity and flood risk grounds which was in keeping with the Committees reasons for refusal.

The other appeal the Development Manager drew Members attention to was for planning application 23/1352/FUL which the Inspector allowed for the installation of a wooden fence along the boundaries of 13 Mount Pleasant Avenue, Exmouth. The Inspector

determined that the fence was not out of place and would not have an adverse impact on the surrounding area.

101 **23/1153/FUL (Minor) OTTERY ST MARY**

**Applicant:**

Mr Tim Johnson (Ottery St Mary Dental Practice)

**Location:**

Sunny Corner, Hind Street, Ottery St Mary, EX11 1BW.

**Proposal:**

Extension to existing dental practice on the east elevation incorporating alteration amendment.

**RESOLVED:**

Approved as per officer recommendation.

102 **22/1893/FUL (Minor) WOODBURY & LYMPSTONE**

**Applicant:**

Mr Paul James (FWS Carter & Sons Ltd.)

**Location:**

NHS Vaccination Centre, Greendale Business Park, Woodbury Salterton, EX5 1EW.

**Proposal:**

Temporary permission (Use Class E) to permanent permission NHS walk in centre (Use Class E) (Ci, ii, iii, D, E, F, G), B2, B8 commercial, business and services including ancillary parking.

The Development Manager updated Members on a proposal that had been received from the applicant for a change to the proposal and to remove Class Ci, ii, iii, D, E, F, G), B2, B8 by way of a condition to permit the use of the building to be solely used by the NHS as a walk-in vaccination centre. The Development Manager advised that officers felt that this would be inappropriate as it would be classed as a significant change to the proposal and could be liable to challenge in the future. The applicant were advised that they should resubmit their planning application solely on the amended grounds that they had proposed. The applicant declined the offer and sought counsel advice which officers had received the day before committee which was looked at by the Planning Solicitor prior to the start of the meeting.

Members were advised that officers remained of the same view that it would be inappropriate to significantly change the nature of the application and Members noted the following section in the Planning Policy Guidance.

'If a detail in a proposed development of the lack of it is unacceptable in planning terms the best course of action will often be for the applicant to be invited to revise the application where this involves significant changes. This may result in the need for a fresh planning application. Depending on the case it may be possible for the Local Planning Authority to impose a condition making a minor modification to the development permitted. It would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application.'

The applicant had also requested that the objection on lack of information regarding surface water management could be dealt with by a planning condition. The Development Manager advised that as this is a retrospective application to retain a building with significant areas of hardstanding this would not be appropriate and would be contrary to the advice of the Lead Local Flood Authority.

**RESOLVED:**

Refused as per officer recommendation.

103 **23/1659/FUL (Minor) EXMOUTH HALSDON**

**Applicant:**

Ms Glina Deviell.

**Location:**

2 Seymour Road, Exmouth, EX8 3JG.

**Proposal:**

Two storey, three bed, dwelling with associated parking, external works and alterations to roof of existing dwelling.

**RESOLVED:**

Approved as per officer recommendation subject to an additional condition requiring hard and soft landscaping scheme which should also include biodiversity enhancements such as hedgehog holes.

104 **23/1472/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH**

**Applicant:**

Mr Darren Pyne.

**Location:**

18 Colleton Way, Exmouth, EX8 3PX.

**Proposal:**

Separating existing dwelling into two dwellings including gardens and driveway and addition of front porch.

**RESOLVED:**

Refused contrary to officer recommendation for the following reasons:

1. The development will provide only one off-street parking space for the proposed new dwelling contrary to Policy TC9 of the East Devon Local Plan which requires the provision of two spaces. This will lead to pressure for on-street parking in an area where there is already parking congestion, leading to an adverse impact on the convenience and safety of users of the highway. As such the proposal is contrary to TC9 of the East Devon Local Plan and the provisions of the National Planning Policy Framework 2023 in particular paragraph 135.
2. Having regard to the limited internal floor area of this dwelling set over three levels and the poor outlook resulting from a reliance on only velux windows to light the upper bedroom, the proposed development would fail to provide an adequate level

of amenity for future occupiers contrary to the provisions of the National Planning Policy Framework 2023, in particular paragraph 135.

105 **23/1278/FUL (Minor) YARTY**

**Applicant:**

Mr Hamish Bengough.

**Location:**

Dennings Down, Smallridge, EX13 7JN.

**Proposal:**

Replace garage store with timber frame two-storey educational classroom space and farm office.

Councillor Simon Smith left the meeting.

**RESOLVED:**

Approved contrary to officer recommendation subject to planning conditions to be agreed in consultation with the Ward Members and Chair and which should include conditions to:

- Restrict the use of the building to that applied for.
- The use to be associated with the farm.
- Usual conditions regarding materials, method of construction within RPA, tree protection measures, drainage, landscaping etc.

Members considered that the proposal would not put pressure upon the four mature oak trees on the site to be removed, thinned, lopped or topped, and so it would not conflict with Strategy 46 (Landscape Conservation and Enhancement and AONBs), and Policies D1 (Design and Local Distinctiveness), D3 (Trees and Development Sites) of the East Devon Local Plan NE 1 (Conserving and Enhancing the Natural Beauty of our Parish) of the Membury Neighbourhood Plan and the provisions of the National Planning Policy Framework 2023.

106 **23/1997/FUL (Minor) YARTY**

**Applicant:**

Sharon and Nigel Harding.

**Location:**

Land and building south east of Courshay Springs, Hawkchurch.

**Proposal:**

Demolition of existing buildings and construction of a dwellinghouse (alternative to conversion of a redundant building to form a residential dwelling and associated works approval reference 21/3211/FUL).

**RESOLVED:**

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Approved as per officer recommendation subject to an amendment to the ecology condition to require specific compliance with Section 6.3 of the report.

**Attendance List**

**Councillors present:**

B Bailey  
I Barlow  
C Brown  
J Brown  
A Bruce  
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)**

P Faithfull  
B Ingham  
G Jung

**Officers in attendance:**

Wendy Ormsby, Development Manager  
Damian Hunter, Planning Solicitor  
Wendy Harris, Democratic Services Officer  
Paul Golding, Senior Planning Officer  
Andrew Digby, Senior Planning Officer

**Councillor apologies:**

S Chamberlain  
H Riddell  
D Wilson

Chairman .....

Date: .....