

Date: 18 November 2009
Contact number: (01395) 517543
E-mail: cholland@eastdevon.gov.uk
Our Reference: CEH



To:

Members of the Planning Inspections Committee:
(Councillors: Geoff Chamberlain, Iain Chubb, Andrew Dinnis,
Paul Diviani, Ray Franklin, Mike Green (as sub), Helen Parr,
Pauline Stott)

Ward Members:
(Councillor: Ian Thomas)

Head of Planning and Countryside Services
Development Control Manager
Senior Solicitor

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,

**Planning Inspections Committee
Friday 27 November 2009 at 10.15 am**

The above Committee 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 Members of the Inspections Committee for the purpose of any application within their own Ward but do not have voting rights. For the purpose of such applications, they are also entitled to attend the informal site inspections to be carried out by the Committee.

Members are requested to bring their previously circulated copies of the Development Control Committee reports to the meeting. Please note the assembly time of 8.20 am in the Members Area, Knowle, for the visiting Members of the Planning Inspections Committee.

Yours faithfully

MARK WILLIAMS

Chief Executive

Members of the public are welcome to attend and speak at this meeting provided they have given prior notice to do so;

- 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

AGENDA

Page/s

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| 1 | To confirm the minutes of the meeting of the Planning Inspection Committee held on 30 October 2009. | 4 |
| 2 | To receive any apologies for absence. | |
| 3 | 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 specified 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).

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| 4 | 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. | |
| 5 | To consider the following planning application which the permanent, including substitute, Members of the Planning Inspections Committee have informally inspected during the day: | |

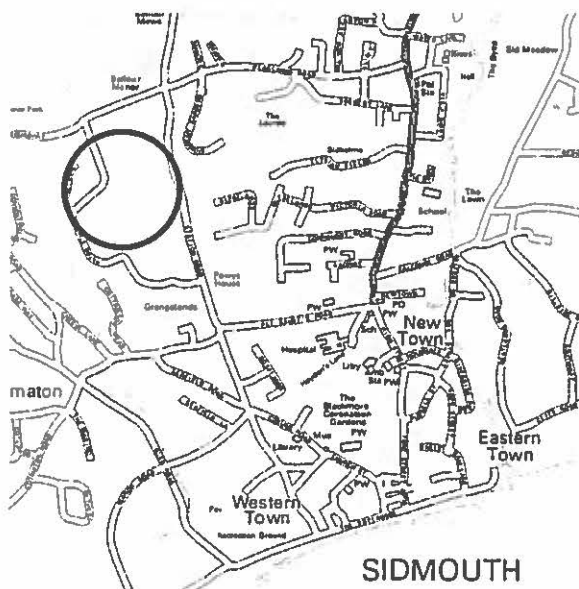
<u>District Ward</u>	<u>Application/Case Number</u> <u>Proposed Development / Site / Applicant</u>	<u>Approximate time</u> <u>of informal visit</u>
Trinity	09/0939/FUL Use of building as dwelling at Land at The Summerhouse, Rousdon for Mr and Mrs Connell	9.00 am
	Committee	10.15 am

Members please note:

In order to minimise the number of cars used for the inspection, Members leaving from Knowle are asked to meet at **8.20 am for departure at 8.30 am**. If you are unable to attend, would you please inform Hannah Jarvis (01395 517542) and your substitute Committee Member as soon as possible. It is advisable for Members to wear stout shoes.

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- 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. A hearing loop system is 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 Planning Inspections Committee held at the Knowle, Sidmouth on Friday 30 October 2009

Present:	Councillors: Paul Diviani (Chairman) Andrew Dinnis (Vice Chairman) Geoff Chamberlain Iain Chubb Ray Franklin Mike Green Helen Parr Pauline Stott
Officers:	Stephen Belli, Development Manager Christopher Holland, Democratic Services Officer Andrew Seddon, Senior Solicitor
Ward Member:	David Cox Roger Giles
Apologies:	Graham Troman

The meeting started at 11.37 am and ended at 12.54 pm

***7 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 7 August 2009 were confirmed and signed as a true record.

***8 Application referred to the Planning Inspections Committee**

The Committee considered the application referred to it by the Development Management Committee. Members of the Planning Inspections Committee along with the Development Manager and Democratic Services Officer had informally visited the site earlier that day.

The following decision was made having taken into account the report previously submitted to the Development Management Committee which had been brought to Members' attention, noted by them and updated during the site visit.

- (a) Sidmouth Sidford: Application No: 09/1531/FUL – Erection of new dwelling and car port with new vehicular access at Land adjacent 47 Livonia Road, Sidmouth

RESOLVED: that the application be deferred with delegated authority being given to the Head of Planning and Countryside Services to APPROVE the application subject to the receipt of a satisfactory and signed Unilateral Undertaking for the full amount of £3698.81 plus the standard administration fee. The application to be subject to the conditions to include:

- 1 Standard time limits
- 2 Materials to be agreed
- 3 Finished floor levels to be agreed
- 4 PD rights removed for fencing and extensions

- (a) Sidmouth Sidford: Application No: 09/1531/FUL – Erection of new dwelling and car port with new vehicular access at Land adjacent 47 Livonia Road, Sidmouth

Members resolved against the Officer's recommendation of refusal as they considered the principle of a dwelling on the site to be acceptable. They considered that the design and site layout was appropriate both in townscape and general design terms, and that the proposal would not result in a cramped form of development.

- (b) Ottery St Mary Town: Application No: 08/2881/MFUL – Construction of 4 no. Dwellings, 8 no. Apartments and a commercial building with associated parking and amenity facilities

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

- 1 The proposal by virtue of the inappropriate design of the apartment block would neither compliment nor reinforce local architectural and townscape distinctiveness nor preserve or enhance the character, appearance or setting of the Conservation Area, and the works would therefore conflict with the terms and objectives of national and local planning policy and guidance as set out in PPS1 - Delivering Sustainable Development, PPS 3 – Housing, PPG 15 - Planning and the Historic Environment; policies C06 (Quality of New Development) and C07 (Historic Settlements and Buildings) of the Devon Structure Plan 2001 to 2016, and; policies S4 (Development within Built-up Area Boundaries), D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the Adopted East Devon Local Plan 1995-2011.
- 2 The proposals due to their height and proximity to the southwest boundary would have an overbearing and unacceptable impact on the amenity and outlook of neighbouring occupiers in Franklea Close, and as such the proposal is contrary to policy C06 (Quality of New Development) of the Devon Structure Plan 2001 to 2016 and policies D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.
- 3 The occupation of the proposed development would result in additional demand in the locality for the provision of public recreational space and educational infrastructure. No mechanism has been offered to or agreed with the Local Planning Authority that would secure the provision of (in the case of public recreational space) or an appropriate contribution towards the provision of such public recreational space and education infrastructure. The proposed development would therefore not satisfy the criteria of the Development Plan set out in policies ST3 (Self Sufficiency of Devon's Communities), ST4 (Infrastructure Provision) and CO6 (Quality of New Development) of the Devon Structure Plan 2001 – 2016 and policies S7 (Infrastructure Related to New Development) and RE3 (Open Space Provision in New Housing Developments) of the Adopted East Devon Local Plan 1995-2011. It is not considered that the developers case put forward, setting out viability issues, is of sufficient weight to warrant the setting aside of established policies, particularly in this case where there are no clearly defined community benefits.

***8 Application referred to the Planning Inspections Committee (cont'd)**

- (b) Ottery St Mary Town: Application No: 08/2881/MFUL – Construction of 4 no. Dwellings, 8 no. Apartments and a commercial building with associated parking and amenity facilities

(Councillor Roger Giles declared a personal interest in this application as he was an Ottery St Mary Town Councillor, a member of the of the education authority, Devon County Councillor and a Governor of the King's School, Ottery St Mary. He remained in the Chamber to speak on the application)

(Councillor Paul Diviani declared a personal interest in this application as he was a Member of the education authority, Devon County Council)

Chairman

Date