

Date: 29 July 2009
Contact number: (01395) 517542
E-mail: hjarvis@eastdevon.gov.uk
Our Reference: HJ/CEH



To:

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

Ward Members:
(Councillors: Chris Gibbings, Graham Liverton, Mrs Frances Newth)

Kate Little - Head of Planning and Countryside Services
Stephen Belli - Development Control Manager
Andrew Seddon - 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 7 August 2009 at 9.45 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 9.00 am in the Members Area, Knowle, for the visiting Members of the Planning Inspections Committee.

Yours faithfully

MARK WILLIAMS

Chief Executive

AGENDA

Page/s

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| 1 | To confirm the minutes of the meeting of the Planning Inspection Committee held on 10 July 2009. | 4 - 6 |
| 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). | |
| 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:

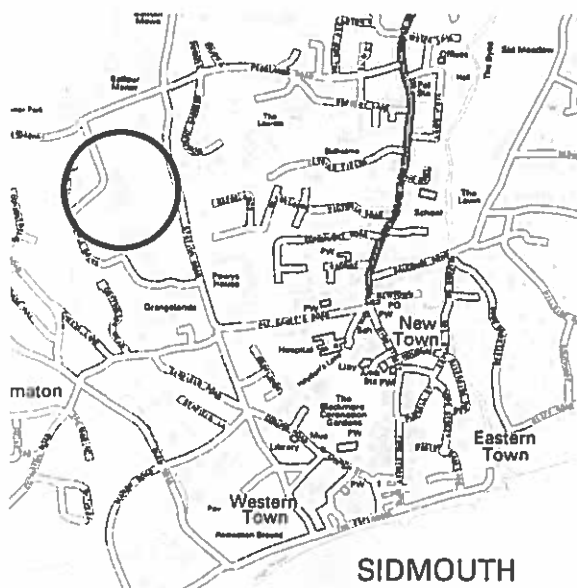
<u>District Ward</u>	<u>Application/Case Number Proposed Development / Site / Applicant</u>	<u>Approximate time of informal visit</u>
Sidmouth Town	09/0880/FUL Two storey extension to residential home at Fourways Residential Home, Glen Road, Sidmouth for Mrs R Evans-White	9.15 am
	Committee	9.45 am

Members please note:

In order to minimise the number of cars used for the inspection, Members leaving from Knowle are asked to meet at 9.00 am for departure at 9.10 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 Popleford – 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 – 340 (Railway Station), 387 (Town Centre)

From Seaton – 52A, 899

From Ottery St Mary – 382, 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 10 July 2009

- Present:** Councillors:
Paul Diviani (Chairman)
Andrew Dinnis (Vice Chairman)
- Geoff Chamberlain
Iain Chubb
Ray Franklin
Ken George
Helen Parr
Pauline Stott
- Officers:** Stephen Belli, Development Manager
Christopher Holland, Democratic Services Officer
Denise Lyon, Corporate Director and Deputy Chief Executive
Andrew Seddon, Senior Solicitor
Amy Taylor, Senior Development Management Officer
- Ward Member:** Andrew Moulding
Douglas Hull
Bob Peachey
- Also Present:** Graham Brown – Portfolio Holder, Environment
Phillip Skinner – Member Champion, Rural Affairs
- Apologies:** Councillors:
Malcolm Florey – Member Champion for Business

The meeting started at 11.45 am and ended at 1.05 pm

*3 Minutes

The minutes of the meeting of the Planning Inspections Committee held on 12 June 2009 were confirmed and signed as a true record.

*4 Application referred to the Planning Inspections Committee

The Committee considered the applications 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 decisions were made having taken into account the reports previously submitted to the Development Management Committee which had been brought to Members' attention, noted by them and updated during the site visit.

- (a) Axminster Town: Application No: 09/0758/FUL – Change of dwelling to children's day nursery at Yarty View, Lyme Close for Tick Tock's Day Nursery

RESOLVED: that the application be 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.)

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

(a) Axminster Town: Application No: 09/0758/FUL – Change of dwelling to children's day nursery at Yarty View, Lyme Close for Tick Tock's Day Nursery

- 2 The nursery shall accommodate not more than 25 children at any one time and the use hereby permitted shall only operate between the hours of 8:00am and 17:30pm Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays.

(Reason - To protect adjoining occupiers from noise and disturbance.)

- 3 The premises shall be used as a Day Nursery only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

(Reason - To protect adjoining occupiers from noise and disturbance.)

- 4 The land indicated on plan no 1 received on the 9 April 2009 for the parking of vehicles shall not be used for any other purpose and shall be kept available for car parking purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety.)

- 5 The site shall not be used for outdoor play except for the area identified on plan no 3 received on the 15 April 2009.

(Reason - In the interests of the amenity of neighbouring properties.)

- 6 The outdoor play area as indicated on plan no 3 shall only be used for a maximum of 2 hours in the morning and 2 hours in the afternoon of any one day.

(Reason - In the interests of the amenity of neighbouring properties.)

- 7 Prior to the change of use taking place an amended site layout plan shall be submitted to and agreed in writing by the Local Planning Authority which shows the removal of the boundary wall to the north of the access, with an enlarged tarmac access way onto the public highway, as well as the removal of the fir tree to the south of the access point. The works as may be approved shall be fully implemented within 6 months of the nursery coming into operation".

Reason – in the interests of highway safety.

(b) Clyst Valley: Application No: 09/0472/MOUT – Change of use of land associated development for uses B2 (industrial) and B8 (storage and distribution) at Waldrons Farm, Sidmouth Road, Farringdon for Mrs S Lockwood

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

- 1 The application site lies within open countryside, wherein new development such as that proposed in this application is strictly controlled. In this case the proposed development is considered to be unsuitable by reason of the remote location of the site, the adverse visual impact of the use of land and buildings upon the character and appearance of the area, the lack of any coherent infrastructure capable of supporting the additional business uses and the detrimental impact that it would have upon the residential amenities presently enjoyed by occupiers of nearby dwellings, by reason of increased noise, smell, fumes and dust arising from the acknowledged "bad neighbour" nature of the uses.

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

(b) Clyst Valley: Application No: 09/0472/MOUT – Change of use of land associated development for uses B2 (industrial) and B8 (storage and distribution) at Waldrons Farm, Sidmouth Road, Farringdon for Mrs S Lockwood

As a consequence, the local planning authority is of the opinion that the application does not exhibit any special circumstances to warrant the grant of planning permission as an exception to Policy S5 of the East Devon Local Plan relating to Countryside Protection or to the provisions of Policy D1 relating to Design and Local Distinctiveness and Policy E4 relating to Bad Neighbour Uses.

- 2 Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road layout and construction contrary to Policy TR10 of the Devon County Structure Plan and TA7 of the adopted East Devon Local Plan.

Chairman

Date

