

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Development Management
Committee held at the Council Chamber, Knowle, Sidmouth,
on Tuesday 12 January 2010

Present: Councillors:
Paul Diviani (Chairman)
Andrew Dinnis (Vice Chairman)
David Atkins
Bob Buxton
Geoff Chamberlain
Iain Chubb
Ray Franklin
Ann Liverton
Helen Parr
Pauline Stott
Graham Troman
Mark Williamson
Steve Wragg

Ward Members: Councillors:
Vivienne Ash, Eileen Wragg

Officers: Stephen Belli, Development Manager
Christopher Holland, Democratic Services Officer
Hannah Jarvis, Democratic Services Support Officer
Andrew Seddon, Senior Solicitor

Apologies: Councillors:
Ray Bloxham
Derek Button
Jill Elson
Pat Graham
Mike Green
John Jefferey
Graham Liverton
Frances Newth
Tim Wood

The meeting commenced at 2.00pm and ended at 5.26 pm

***57 Minutes**

The minutes of the meeting of the Development Management Committee held on 8 December 2009 were agreed and signed as a true record.

***58 Planning Appeal Statistics**

The Committee received and noted the report of the Head Planning and Countryside Services setting out appeals recently lodged and recent appeal decisions notified.

***59 Applications determined under delegated powers**

The Committee received and noted the Schedule of Applications for Planning Permission which had been determined under delegated powers as set out in Schedule 8 – 2009/2010 (attached).

*60 **Amendment to S106 Agreement on the Exmouth Docks Development**

Members gave consideration to the report of the Head of Planning and Countryside Services regarding the Section 106 Agreement for the Regatta Court and Spinnakers phase of the Exmouth Docks development which prevented the use of public subsidy to facilitate the affordable housing requirement the development had to deliver. Members noted that in the current economic climate the use of public subsidy had become essential to the delivery of all affordable housing and the relevant clause was inhibiting an off-site affordable housing scheme proposed by the developer of the Exmouth Docks scheme, at Fore Street, Exmouth. It was proposed that the relevant Section 106 Clause be varied for a time limited period (12 months) to encourage the development to proceed.

The matter had highlighted the issue of having to re-negotiate affordable housing and other Section 106 requirements during the economic downturn. In order to aid negotiations it was proposed that the delegation scheme be amended to allow the Head of Planning and Countryside Services in consultation with the Head of Legal, Democratic and Licensing Services, the relevant Portfolio Holder and the Chairman of Development Management Committee to amend Section 106 Agreements as appropriate, where such changes would bring forward development earlier and/or improve the viability of the development.

Members were generally supportive of the recommendation to help speed up progress with providing the affordable units. Some Members expressed concern at the length of time at which the development was taking to complete but appreciated that a scheme on such a scale would inevitably be very complex.

RESOLVED: that subject to the requirement of Clause 7 of Schedule 1 of the 2004 Section 106 Agreement for Exmouth Docks, and all reasonable endeavours have been explored to achieve Clause 6, that Clause 6 be varied, for a period of 12 months only, to require affordable housing to be delivered, but without the restriction that “no public subsidy be used for the purpose”.

RECOMMENDED: that the Head of Planning and Countryside Services, in consultation with the Head of Legal, Democratic and Licensing Services, the Portfolio Holder for Communities (in cases relating to affordable housing) and the Chairman of Development Management Committee and Ward Members, be granted delegated powers, under the Council’s Constitution, to authorise amendment or variation of Section 106 Agreements where satisfactory evidence has been provided that the viability of a development scheme has been adversely affected by the requirements of the associated Section 106 Agreement and that the variation would be likely to deliver the alternative provision within the following twelve months, after which the agreement would default to its original provisions if the variation had not been complied with.

*61 **Design Review Panel: Rousdon Estate, Rousdon**

Members gave consideration to the report of the Development Manager and Councillor Andrew Dinnis, Member Champion for Design regarding the work of the Design Review Panel for the Rousdon Estate, Rousdon. The purpose of the Design Review Panel was to consider a number of recent residential developments within the Rousdon Estate in addition to schemes involving new boundary treatments. The schemes included a new build scheme for 20 dwellings on the site of a former building that served Allhallows’ School at a time when it was housed on the estate, the conversion of the former home farm buildings to form 15 residential units and two examples of modern boundary treatment that attempted to reflect the quality and character of the historic environment.

*61 **Design Review Panel: Rousdon Estate, Rousdon (cont'd)**

The Design Champion thanked the Eastern Planning Team for their work to date with the Review panel and encouraged Members to attend similar panels in the future.

RESOLVED: that the report be noted.

*62 **Talaton Parish Plan**

Members gave consideration to the report of the Development Manager which reported that a Parish Plan had been produced which updated the previous Talaton Village Plan produced in Summer 2003. The report recommended that the Parish Plan be formally endorsed by the District Council and referred to by Planning Officers and others when considering applications and work undertaken in the community by other departments of EDDC.

- RESOLVED:**
- 1) that the Talaton Parish Plan be endorsed and used to inform decision making in the District and the production of the Local Development Framework
 - 2) that the Talaton Parish Plan Project Team be congratulated on their work to date.

63 **Planning Scheme of Delegation**

Members gave consideration to the report of the Development Manager which proposed changes to the Planning Scheme of Delegation. Members noted that the Systems Thinking review of Development Management had suggested changes to the scheme of delegation. Following changes made to the Scheme of Delegation as agreed by the Chief Executive and leading Members in 2008, a Planning Delegations working party had been set up to examine the issue further. The working party made further changes to the scheme which were endorsed by the Executive Board and referred back to the Committee for consideration before final discussion and adoption by Council.

RECOMMENDED: that the Planning Scheme of delegation and principles of use as set out in the report be agreed.

64 **Public Speaking Procedure and Guide to Planning Committees**

Members gave consideration to the report of the Head of Planning and Countryside Services regarding the public speaking procedure at Development Management and Planning Inspections Committees and a short guide to those committees for the public.

Members noted that public speaking had been introduced to the Development Management Committee in January 2009. The scheme had been running under a pilot system for a year and it was proposed that Members consider the formal adoption of a speaking procedure for both the Development Management and Planning inspections Committees. In addition, following a number of high profile and contentious planning applications it had been requested to include the adopted speaking procedure into a guide explaining the function and decision making processes of the Development Management Committee. After consideration of the procedure and guide the matter would be referred to Council for adoption.

Members were supportive of standardising the speaking procedure for both planning committees. They suggested minor textual amendments to the guide including highlighting that the Chairman had in effect two votes when using a casting vote. It was suggested that various Members could read through and 'Plain English' the final copy for plain English.

64 **Public Speaking Procedure and Guide to Planning Committees**

Members requested that the guide also highlight more explicitly that Ward Members have a chance to speak at the end of a debate before the vote is taken.

- RECOMMENDED 1)** that Members approve the 'Guide to Development Management and Planning Inspections' booklet for general circulation subject to amendments as suggested by the Committee and minor textual changes as considered necessary.
- 2)** that changes be made to the Council Constitution to reflect the Public Speaking procedure for both Development Management and Planning Inspections Committee as set out in 'Guide to Development Management and Planning Inspections' booklet agreed in (1) above.

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

RESOLVED: that the applications before the Committee be determined as set out in Schedule 9 – 2009/2010 (attached).

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 Paul Diviani	03/F0168 (Enforcement) The Cedars, Otter Valley Park, Honiton	Personal (remained in Chamber to speak and vote)	Councillor was the DCC Member for Honiton St Pauls

Chairman Date.....