

## 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.)

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**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 tarmacadam 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.

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**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 .....