

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

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

- (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