

**October 2012**

**Dear Secretary of State,**

EAST DEVON DISTRICT COUNCIL

Reasons why the Secretary of State should call in planning application  
12/1847/MOUT

Further to my letter of 20 September, accompanying a petition, I now request that you take the further points set out below into consideration.

1. As you are already aware, the above-mentioned application has been submitted by East Devon District Council to themselves as the Planning Authority. The application is to grant Outline Planning consent for the construction of 50 dwellings and a 60 bed care Home on council owned land in the centre of Sidmouth. The land consists of mainly parkland, plus the Council's offices. The application has been submitted as a prelude to selling parts of the parkland, (about 30%) and the buildings to Developers in order to finance the construction of new Council offices elsewhere in the District. The extent of the land sold off is solely determined by EDDC's wish to make the move cost neutral.

2. The Development Management (Planning) Committee which will determine the application (unless it is called in) is exactly the same Committee that has allocated the site for residential development in the emerging Local Plan. The Council has sought to include the site of the proposed development in the emerging Local Plan which will be subject in due course to Examination in Public by a Planning Inspector and is therefore still many months from adoption). The Council are effectively pre-empting that process by submitting this major application at the present time.

3. There is consequently a very real risk that it will appear to the public that the Committee is predisposed to approve the application irrespective of planning policy and valid planning objections. (See *Magill v Porter* [2001] UKHL 67).

4. This perception is reinforced by the fact that a number of the Members of the Council's Planning Committee would also appear to have fettered their discretion in respect of determining this application by virtue of their membership of either:

The Cabinet (which supports the Council's planning application); or The Council's Relocation Panel (which is overseeing the proposed relocation).

5. A number of the Council's key documents supporting the application are at the present time either inaccurate or missing, including a Business Case setting out whether the proposed development is viable, a Heritage Statement and a Car Parking Statement both of which the Council promised to issue during the Objection period. Several documents, including the Planning Support Statement, and the Economic Impact Assessment contain major errors, The standard of documentation clearly demonstrates the lack of care in their preparation.

6. The Council propose not to release details of the Business Case until after the determination of the planning application, which, in itself, will render any resolution to grant outline permission susceptible to subsequent challenge.

7. The application includes the demolition of the Council's existing offices. No alternative uses for the buildings have been explored. The Council's reasons for wishing to move are strongly disputed and the cost of moving can be demonstrably avoided.

8. As a consequence of the matters set out above there is now a widespread lack of public confidence in the Council's ability to objectively, and, as importantly, fairly, determine this planning application.

9. There are strong policy objections to the application which includes a significant area of public open space. These are clearly set out in the letter of objection from the Sid Vale Association (Britain's first Civic Society) which is attached.

10. Finally, we would also draw your attention to an interview with the Leader of the Council, Paul Diviani, in the Sidmouth Herald on 5th October 2012 (enclosed). Councillor Diviani is reported as saying that Mr Cameron and the Secretary of State know what is happening and that: "They are not going to interfere with the planning authority in this area and we are expected to get on with it". As you will fully appreciate, this is a particular cause for concern. Whilst we fully understand that there is the possibility of events being misreported or Councillor Diviani seeking to use his attendance at a function at Downing Street to further his own agenda, we would be grateful to receive your reassurance that

such “behind the scenes” lobbying has not served to influence your decision as to whether to call-in this application or not.

We look forward to hearing from you at your earliest convenience.

**Yours sincerely,**

**Alan Darrant**  
**Chairman, Sid Vale Association**