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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 2 March 2022 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
S J Clist, Mrs F J Colthorpe, L J Cruwys,
Mrs C P Daw, C J Eginton, B Holdman,
D J Knowles, F W Letch, B G J Warren and
R F Radford

Apologies

Councillor(s)

E J Berry

Present

Officers:

Richard Marsh (Director of Place), Maria De Leburne (Operations Manager for Legal and Monitoring), Angharad Williams (Interim Development Management Manager), Oliver Gibbins (Planning Officer), Helen Govier (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

157 **APOLOGIES AND SUBSTITUTE MEMBERS (00-03-28)**

Apologies were received from Cllr E J Berry who was substituted by Cllr R F Radford.

158 **PUBLIC QUESTION TIME (00-04-08)**

Mr Rowe referring to Item 1 (Westcott Park) on the Plans List outlined his application, the various officers he had dealt with and the advice received. He highlighted a successful appeal on the site and the views of the inspector and asked: why have Mid Devon planning changed their stance on fully supporting my application to now recommending it for refusal?

The Chairman indicated that an answer would be provided when the application was considered.

159 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-07-00)**

The following declarations were made:

Cllrs: S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal, B Holdman, D J Knowles, F W Letch, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to application 21/02137/MFUL (Westcott Park).

160 **MINUTES OF THE PREVIOUS MEETING (00-08-13)**

The minutes of the meeting held on 2 February were agreed as a true record and duly signed by the Chairman.

161 **CHAIRMAN'S ANNOUNCEMENTS (00-09-15)**

The Chairman had the following announcements to make:

- He welcomed Cllrs B Holdman and D J Knowles back to the committee
- He reminded Members that a special meeting of the committee would be held on Wednesday 16 March.

162 **DEFERRALS FROM THE PLANS LIST (00-09-44)**

There were no deferrals from the Plans List.

163 **THE PLANS LIST (00-10-00)**

The Committee considered the applications on the *Plans List

Note: *List previously circulated and attached to the minutes.

- a) Application 21/02137/FULL – Erection of 21 dwellings with associated open space, landscaping and infrastructure – land and buildings at NGR 302094 104175 (Westcott Park) Westcott.**

The Planning Officer outlined the application by way of a presentation highlighting the location of the site and an aerial view which provided context of the location of the site with the town of Cullompton; he explained that Westcott was not highlighted as a settlement within the Local Plan.

He then set out the complex planning history of the site stating that a series of conversions had been permitted in 2019 and that two further applications for 'Permission in Principle' had been proposed which included 5 dwellings as a rural exception site which had been refused but granted at appeal and in 2021, 6 self-build properties that had been granted on the site.

Members were able to view the spatial site plan which identified the permissions granted and the fall-back position was explained. The site was not within the settlement limit but in open countryside, the scheme was not providing an exception level of affordable housing and the site was deemed to be unsustainable given that it fell outside the settlement boundary of the Local Plan.

In response to the question posed in public question time, the officer stated that he had tried to work with the applicant and suggestions had been made so that the fall-back position could be used.

Members also considered plans for the proposed 21 dwellings (12 market houses and 9 affordable dwellings), the proposed house type and the proposals for open space and viewed photographs from various aspects of the site.

Consideration was given to: The views of the agent for the application who outlined the merits of the proposal, the pre-application advice received, the series of applications and confirmation that the proposed 21 dwellings would override the previous applications which in their opinion would limit 21 dwellings on the site. He highlighted the areas of open space, the residential garden, the design of the low carbon dwellings and stated that in his view the development was not unsustainable and within a settlement.

Discussion took place with regard to:

- Access to the site
- The history of the site and the applications that had been considered
- The number of dwellings proposed which may include revocation of the previous 21 dwellings
- The number of dwellings in Westcott

It was therefore:

RESOLVED that planning permission be refused as recommended by the Interim Development Management Manager.

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs F J Colthorpe)

Notes:

- i) Cllr S J Clist requested that his abstention from voting be recorded;
- ii) Mr Rogers spoke as agent to the application;
- iii) The following late information was provided: Officers are aware that the applicant has provided Members of the Planning Committee with a position statement. Officers will respond to this during the verbal presentation to the committee.

b) Application 21/02113/FULL – Conversion of former doctors surgery to 4 new dwellings with associated landscaping and parking – Newcombes Surgery, Clifford Gardens, Crediton.

The Principal Planning Officer outlined the application by way of a presentation highlighting the site location, the proposed site plan, the existing and proposed design of the building, the proposed floor plans and photographs from various aspects of the site. She explained that this was one of two applications submitted for the site and that the proposal before Members needed to be considered on its own merits.

Consideration was given to:

- The views of the objector who outlined the concerns of local residents and referred to both applications for the site and requested that they be considered side by side and that a site visit take place. There was no objection to the

proposal for four dwellings but he questioned the design of the proposals and that if approved then unregulated supported living could take place on the site.

- The views of the representative from the Town Council who questioned the layout of the proposal; the lack of private and amenity space and the lack of interior storage, play space and renewable energy in the proposals.
- The views of one of the Ward Members (via a statement read by the Chairman) which highlighted the impact of the proposal on the amenity of local residents.

Discussion took place with regard to:

- The number of conditions to be approved post decision
- Waste storage issues
- Whether a change of use was required for supported living
- Whether Conditions 5, 6, 7 and 8 could be amended (with the approval of the applicant) to state prior to work commencing rather than prior to occupation

It was therefore:

RESOLVED that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager and subject to:

- i) A legal agreement with DCC to secure the education contribution of £17,097 towards primary education infrastructure;
- ii) Delegated authority being given to the Interim Development Management Manager to request of the applicant amendments to Conditions 5, 6, 7 and 8 to remove the wording 'prior to first occupation' and replace with the wording 'prior to work commencing'. Should such a proposal not be agreed by the applicant, then the application return to the next available committee meeting for further consideration.

(Proposed by Mrs F J Colthorpe and seconded by Cllr Mrs C P Daw)

Notes:

- i) Mr Howells spoke in objection to the application;
- ii) Cllr Mrs Brookes-Hocking spoke on behalf of Crediton Town Council;
- iii) The Chairman read a statement on behalf of Cllr A Wyer (Ward Member);
- iv) Cllr F W Letch requested that his vote against the decision be recorded;
- v) The following late information was provided:

Since the time of writing the officer report two further representations have been received, they key concerns are summarised below;

- Works have already been undertaken on site
- Concern that the applicant's intention is to use the C3 dwellings proposed to provide supported living accommodation.

In light of the concern raised above regarding the intended use the developer has provided the following response (email 24th February);

My understanding is that Supported Living is also C2 Use Class and that the C3 applications allow conversion to open market residential only. Duplicate applications with different use classes have been made for development flexibility moving forwards. Central and Southern have only operated under consented C2 use class approvals from Exeter City Council, Cornwall Council and Mid Devon District Council (in the case of the existing annexe bungalow).

Central and Southern Homes recently gained permission for a supported living project in Exeter and in that case the permission specifically identifies the use class and operator :

Variation of conditions 12 and 13 of 18/1604/FUL to permit the approved special needs housing (C2 use) to be used by Central and Southern Homes.

Similarly, Blockworks worked alongside the YMCA to provide Move-On Accommodation in Exeter and the application specifies the use and end user :

Variation of condition two of application 20/0843/FUL (Additional storey and change of use to YMCA move-on accommodation), to approve amended materials and elevation details.

In each case information was provided regarding the building operator and proposed use and the planning permissions are particularly prescriptive.

In the case of Bodmin , Fairview House was a former NHS training facility and benefitted from an existing C2 use class. This was confirmed to us in a letter from Cornwall Council, the contents of which are below :

I refer to the above application and the current use of Fairview House. Planning records show that in 2008 consent was granted to change the use of the former hospital buildings into a training centre for healthcare staff and on the balance of probability this change of use did occur. Therefore Fairview House has a lawful planning use for a training centre (C2).

I can confirm that within the Town and Country Planning (Use Classes) Order 1987 it states that class C2 (residential institutions) allows the following uses; Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

On this basis I would confirm that the use of Fairview House as a children's home would fall within the permitted C2 use.

As previously advised no prospective Children's Home will be considered by Ofsted without the correct planning permission in place and rigorous inspections ensure that only proficient companies are able to provide this type of residential use.

We trust the above is informative and allays any concerns but please do not hesitate to contact me again if you have further queries.

OFFICER COMMENT:

Class C3 of the Town and Country (Use Classes) Order 1987 (as amended) is defined as;

Use as a dwellinghouse (whether or not as a sole or main residence) by—
(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household where care is provided for residents; or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Therefore in some circumstances a supported living arrangement may fall within C3(b) use class.

164 MAJOR APPLICATIONS WITH NO DECISION (1-25-55)

The Committee had before it, and **NOTED**, a *list of major applications with no decision.

It was agreed that:

- Application 22/00338/MOUT – 43 Dwellings, Cummings Nursery, Culm Lea, Cullompton be determined by the Planning Committee and that a site visit take place.
- Application 22/00067/MFUL – 18 dwellings and 4 commercial buildings – Wellparks, Exeter Road, Crediton be determined by the Planning Committee and that a site visit take place.

Note: *list previously circulated and attached to the minutes.

165 APPEAL DECISIONS (1-30-47)

The Committee had before it, and **NOTED**, a *list of appeal decisions

Noted: *List previously circulated and attached to the minutes.

(The meeting ended at 3.47 pm)

CHAIRMAN

Minute Annex

PLANNING COMMITTEE AGENDA - 2nd March 2022

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>21/02137/MFUL - Erection of 21 dwellings with associated open space, landscaping and infrastructure - Land and Buildings at NGR 302094 104175 (Westcott Park) Westcott Devon.</p> <p>01.03.22 Officers are aware that the applicant has provided Members of the Planning Committee with a position statement. Officers will respond to this during the verbal presentation to the committee.</p>
2.	<p>21/02113/FULL - Conversion of former doctors surgery to 4 new dwellings with associated landscaping and parking - Newcombes Surgery Clifford Gardens Crediton.</p> <ol style="list-style-type: none"> 1. Since the time of writing the officer report two further representations have been received, they key concerns are summarised below; <ol style="list-style-type: none"> i. Works have already been undertaken on site ii. Concern that the applicant's intention is to use the C3 dwellings proposed to provide supported living accommodation. 2. In light of the concern raised above regarding the intended use the developer has provided the following response (email 24th February); <p>My understanding is that Supported Living is also C2 Use Class and that the C3 applications allow conversion to open market residential only. Duplicate applications with different use classes have been made for development flexibility moving forwards. Central and Southern have only operated under consented C2 use class approvals from Exeter City Council, Cornwall Council and Mid Devon District Council (in the case of the existing annexe bungalow).</p> <p>Central and Southern Homes recently gained permission for a supported living project in Exeter and in that case the permission specifically identifies the use class and operator :</p> <p><i>Variation of conditions 12 and 13 of 18/1604/FUL to permit the approved special needs housing (C2 use) to be used by Central and Southern Homes.</i></p> <p>Similarly, Blockworks worked alongside the YMCA to provide Move-On Accommodation in Exeter and the application specifies the use and end user :</p> <p><i>Variation of condition two of application 20/0843/FUL (Additional storey and change of use to YMCA move-on accommodation), to approve amended materials and elevation details.</i></p> <p>In each case information was provided regarding the building operator and proposed use and the planning permissions are particularly prescriptive.</p> <p>In the case of Bodmin , Fairview House was a former NHS training facility and</p>

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