

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 16 March 2022 at 2.15 pm

### **Present Councillors**

E J Berry, S J Clist, Mrs F J Colthorpe,  
L J Cruwys, Mrs C P Daw, C J Eginton,  
B Holdman, F W Letch and B G J Warren

### **Apologies Councillor(s)**

D J Knowles

### **Also Present Councillor(s)**

P J Heal, R J Dolley and R Evans

### **Present Officers:**

Richard Marsh (Director of Place), Maria De  
Leiburne (Operations Manager for Legal and  
Monitoring), Angharad Williams (Interim  
Development Management Manager),  
Adrian Devereaux (Area Team Leader),  
Christie McCombe (Area Planning Officer),  
Sally Gabriel (Member Services Manager)  
and Carole Oliphant (Member Services  
Officer)

## **166 APOLOGIES AND SUBSTITUTE MEMBERS (0.05.39)**

Apologies were received from Cllr D J Knowles.

Cllr P J Heal attended via ZOOM and the Vice Chairman took the Chair.

## **167 PUBLIC QUESTION TIME (0.06.43)**

Hannah Kearnes, a local resident, referring to no1 on the plans list provided the following questions which were read out by the Vice Chairman.

### **QUESTION 1**

Why does the application submitted by MDDC fail to comply with Building Regulations 2021 Part O – Overheating? This is a regulation that is intended to provide protection to both young children and the medically vulnerable and which recognises both the impacts and subsequent risk of global warming.

### **QUESTION 2**

Why does the application submitted by MDDC fail to comply with Building Regulations 2021 Part L - Thermal Efficiency? Specifically why does the application not provide the required full range of thermal efficiency calculations or detailed information on thermal bridging reduction?

### QUESTION 3

Why is there a requirement for ALL widows on the rear and side elevations overlooking existing properties, gardens and green spaces, to be frosted or the views obliterated with 1.7 meter high frosted screens? Is it not agreed that this requirement seriously impact the new modular home's residents living conditions and well-being?

### QUESTION 4

Are Planning Officers and Members aware that there is an increasing concern about the fire and safety risk of modular homes, in particular multi-story constructions? Are they aware of the fact that in 2020, a 2 story high modular built accommodation unit burnt down very rapidly? The full circumstances are still being investigated with the potential of legal action being taken. Fire experts amongst others are now even suggesting that modular built multi accommodation units are the next Grenfell Tower waiting to happen.

### QUESTION 5

Have MDDC as the "Responsible Entity" undertaken checks on the fire safety design with independent experts including the Devon and Somerset Fire Service, rather than just relying on ZED PODS providing a materials statement etc?

It is understood that the Somerset Fire Service may already have concerns about modular build fire safety.

### QUESTION 6

Having regard to my previous question on fire safety, this question is asked given that the proposed modular development will have 20 car parking spaces beneath it.

Are Planning Officers and Members aware of the reported findings of the very serious multi-story car park fire that occurred in Liverpool in 2018 in which 1400 cars were destroyed? Are they aware of the cause of the fire and the fire spread pattern and the speed of the fire spread?

Mr Paul Elstone, a local resident, referring to No 2 on the plans list provided the following question which were read out by the Vice Chairman:

### QUESTION 1

Can the Planning Officers please explain why the locations of the Self Build Home Sewage and Drainage Lines are NOW being determined This despite the Self Build Homes themselves being and as stated the subject of a future Reserved Matters Planning Application.

### QUESTION 2

Why are the Planning Officers justifying recommending this application for approval yet effectively saying that the drainage and sewage lines are solely being installed by Redrow Homes as part of a contractual agreement with the Landowner i.e. the Chettiscombe Estate and in respect of the Landowners future plans.

### QUESTION 3

Why are the Planning Officers apparently justifying the location of the Sewage and Drainage Lines based the Self Build Homes having driveway access onto Blundells Road?

#### QUESTION 4

Are the Committee Members aware that should Redrow Homes be permitted to use all the road access points to their building development as they have applied for there will be a total of 6 separate points yes 6 access points and all within 400 meters of each other.

Each access point would be joining an increasingly busy arterial road with bad safety records.

#### QUESTION 5

Given serious road safety concerns will the MDDC Area Planning Officer confirm that Redrow Homes will not use the access point opposite Long Meadow on Blundells Road for construction traffic access for the Attenuation Pond and to install the various drainage and sewer pipelines.

This in full recognition that there is a totally suitable and far safer access point already available off the new Linking Road to the north of Blundells Road.

Very importantly an access point which would run across the field owned by the Landowner i.e., the Chettiscombe Estate and therefore easily get approval given they want the work done. Surely this cannot be permitted and for very sound, justifiable and well proven road safety reasons?

#### QUESTION 6

Will the MDDC Planning Officers confirm that they will not give permission and as requested in Redrow's Condition 14 Application for the entrance opposite Long Meadow on Blundells Road or be permitted to use West Manley Lane solely to create to a building development storage areas, workers car parking or for site office buildings.

This in full consideration that there is already a safer and more suitable access point available from the newly constructed Linking Road to the north of Blundells Road. And the spur road to the South.

This in full consideration that there is already a far more suitable and safe access point from the newly constructed Spur Road to the south of Blundells Road available and already in use.

Also, in full recognition that Redrow Homes have acquired more land from the Chettiscombe Estate allowing the far safer location of the storage areas etc.

The Vice Chairman indicated that the answers would be provided when the application was considered.

### 168 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.15.52)**

The following declarations were made:

Cllrs C Daw and C Eginton 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 21/01957/FULL Shapland Place, Tiverton

Cllrs S J Clist, L J Cruwys, C Daw, B Holdman 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 21/0214/MARM Land at NGR 297844 113446, Blundells Road, Tiverton

Cllrs S J Clist 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 21/02113/FULL Newcombes Surgery, Crediton

Cllr F W Letch made a personal declaration with regard to application 21/02113/FULL Newcombes Surgery, Crediton as he was the ward member.

#### 169 **MINUTES OF THE PREVIOUS MEETING (0.15.55)**

The Minutes of the meeting held on 2<sup>nd</sup> March 2022 were agreed as a true record and duly **SIGNED** by the Vice Chairman.

#### 170 **CHAIRMAN'S ANNOUNCEMENTS (0.16.33)**

The Vice Chairman reminded Members that the next scheduled meeting was on 30<sup>th</sup> March 2022

#### 171 **DEFERRALS FROM THE PLANS LIST (0.16.49)**

There were no deferrals from the Plans List

#### 172 **THE PLANS LIST (0.17.11)**

The Committee considered the applications on the \*Plans List

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

- a) ***Application 21/01957/FULL - Demolition of garages, erection of a two-storey block of 8 dwellings, raised above a podium structure atop car parking level with associated soft and hard landscaping works at Garages and Forecourt, Shapland Place, Tiverton.***

The Area Team Leader provided responses to public questions and explained that the fire safety concerns raised were a building regulations issue and were not a material planning consideration. The building would be alongside adopted roads for access and that the applicant had provided further details of the fire strategy. He confirmed that only the east elevation had obscure windows and privacy screens.

In response to questions raised by Members on a site visit he confirmed that Tiverton was not in an air quality management area and there had been no concerns from Public health in relation to air pollution in the car parking area. Any development must meet fire safety standard though building regulations and that the scheme provided 3 electric vehicle charging points which was in excess of the required standard.

The Area Team Leader then outlined the application by way of a presentation which highlighted the location plan, site plan, ground and first floor plans, second floor plans, elevations, section plans, landscaping plan, 3D views of the west elevation and photographs of the site.

Consideration was given to:

- The application site was in flood plain 3 but there had been no objections from the Environment Agency
- The views of the Town Council who highlighted the impact on existing residents, impact on new residents, potential overheating and mechanical ventilation and a potential modular fire risk
- The views of the Ward Member who stated that he supported the scheme but he noted concerns of neighbours with regard to overlooking and potential flood issues
- Members concerns that the design of the scheme made it inaccessible to wheelchair users
- That the scheme was accessible for other disabilities and included disabled parking but that as it was a modular scheme it would be difficult to adapt for wheelchair access as the ground floor was designated for car parking
- Members concerns that condition 10 should remove the option of an alternative timeframe for the installation of the 3 electric charging points

It was therefore:

**RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement as recommended by the Interim Development Management Manager subject to an amendment to condition 10 to remove the option of an alternative timeframe for the installation of the 3 electric charging points

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

**Reason for the decision:** As set out in the report

Notes:

- i. Cllr P Elstone provided a statement on behalf of the Town Council
- ii. Cllr R J Dolley spoke as ward member

***b) Application 21/02014/MARM - Reserved Matters in respect of (appearance, landscaping, layout and scale) for the area associated with the attenuation pond, drainage infrastructure and related details including level changes required for the initial phases of development, following Outline approval 14/00881/MOUT at Land at NGR 297844 113446 (North of Putson Cottages), Blundells Road, Tiverton.***

Consideration was given to:

- The views of the objector who stated he had objections to the routing and drainage of the self-build homes and that no access should be granted from the attenuation pond site from Blundells Road

- The views of the agent who stated that the application had been approved at outline and that as developers they were obliged to provide services to the self-build plots

The Area Planning Officer then gave an overview of the application by way of a presentation which highlighted the site location plan, illustrative framework plan, an aerial view, the infrastructure planning layout, general arrangements, cross sections, landscape details and photographs of the site.

The Area Planning Officer then responded to public questions and stated that the location of the attenuation pond would not determine the location or layout of the self-build plots or their driveway access. The application in front of Members was for one access point into the site and that no construction traffic would access the site directly from Blundell's Road as confirmed when the agent spoke at Committee.

Further consideration was given to:

- The frequency of visits by South West Water to the attenuation pond would be set out in the S104 agreement and was not determined by the Planning Authority
- The application provided a detailed landscape plan including the provision of young sapling trees
- The entrance to the site on Blundells road would cease once the land had been approved and constructed for employment use

It was therefore:

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

(Proposed by Cllr C J Eginton and seconded by Cllr F W Letch)

**Reason for the decision:** As set out in the report

Notes:

- i. Mr Elstone provided a statement as the objector which was read out by the Vice Chairman
- ii. Mr Cattermole spoke as the agent

**173 21/02113/FULL - NEWCOMBES SURGERY, CLIFFORD GARDENS, CREDITON (1.47.28)**

The Committee had before it a \*report of the Interim Development Management Manager presenting further information for application 21/02113/FULL - NEWCOMBES SURGERY, CLIFFORD GARDENS, CREDITON.

The Interim Development Management Manager explained that the application had been approved by the Committee at its meeting on 2<sup>nd</sup> March 2022 and she was bringing it back to clarify the legislation and some further information received.

The Officer clarified that in some instances domestic dwellings could revert to C3 use without a further change of use permission required. She also confirmed that the applicant had provided a landscaping plan which included refuse storage and cycle provision. These additions were provided to Members by way of a presentation.

Consideration was given to:

- The views of the objector who stated that there was a concern with residents that the site could be used for unregulated supported housing without the need to apply for a change of use
- The objectors request to condition a restriction on use not to allow supported living would be unreasonable in planning terms

It was therefore:

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

- a) A legal agreement with DCC to secure the education contribution of £17,097 towards primary education infrastructure;

The conditions would be as set out on the update sheet and the works prior to commencing were not required now, as the plans had been received.

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

**Reason for the decision:** As set out in the report

Notes:

- i. Mr Howells spoke in objection to the application;
- ii. Cllr F W Letch requested that his vote against the decision be recorded;
- iii. \*Report previously circulated and attached to the minutes
- iv. The following late information was provided:

In light of the concerns raised by members regarding the level of information required by conditions 5-8, additional details have been received (10th March 2022) providing further details in respect of the landscaping proposals, cycle stores, refuse and recycling store and car parking. The additional plans are;

NV SK27 A proposed landscape layout

NV SK28 A proposed cycle stores

NV SK27 A propose recycling store

The additional plans are available on the file and will be added to the presentation should members wish to view these items at the meeting.

The landscape layout demonstrates that the existing trees on the site would be retained, with two new specimen trees provided in the garden to the east of the building (1 x Cherry Blossom and 1 x Silver Birch). The gardens would be separated

by 1.8m high timber close board fencing. The new hedgerow is proposed to be a mix of beech, purple beech and hazel. It is your officer's view that the landscaping details are considered to be acceptable, providing a positive contribution to the character and biodiversity of the site. Condition 5 is proposed to be amended (as below) to reflect that suitable details have now been received and to secure the implementation within an appropriate time frame.

Four separate cycle stores (accommodating 4 cycles each) are proposed, the stores for units 1-3 are located at the edge of the parking area as previously indicated. The store for unit 4 is provided within its garden area. The stores are a Dancover Proshed, made of zinc coated steel in Anthracite grey colour. The submitted details confirm that these have double door with a cylinder lock providing each dwelling with a private, secure cycle store area. The details are considered to be acceptable and would not adversely impact the character and appearance of the area. Condition 6 is proposed to be amended (as below) to ensure the facilities are provided in a timely manner.

The proposed bin store is a communal facility providing sufficient space for storage of 2 24 litre wheelie bins per dwelling and two 55 litre recycling boxes above. The store is proposed to be constructed from sawn timber walls and with a grey profiled metal sheet roof, maximum height 2.5m. The submitted details are considered to be acceptable and condition 7 is proposed to be amended accordingly (as below) to ensure the approved facility is provided in a timely manner.

Condition 8 requires details of the allocation of parking spaces to be provided for approval. In light of the increased area given over to cycle storage, 13 parking spaces are now proposed (compared to 14 previously proposed). The submitted landscaping plan demonstrates that 2 spaces would be given over to each dwelling with 5 spaces for use by visitors. The parking provision is still considered to be in excess of the minimum requirements established by DM5 and this proposed layout is considered to be acceptable. Condition 8 is proposed to be amended accordingly.

The conditions as proposed to be amended are set out below, the reasons for these conditions as previously set out in the officer report and are not proposed to be amended.

5. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping (as shown on drawing number NV SK27 A proposed landscape layout received by the Local Planning Authority on 10th March 2022) shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained. The proposed boundary treatments shall be provided in accordance with the approved details prior to occupation of the proposed dwellings and shall be so retained.

6. The cycle stores shall be provided in accordance with the approved details as shown on drawing number NV SK28 A proposed cycle stores (received by the Local Planning Authority on 10th March 2022) and made available for use by residents prior to first occupation of the dwellings hereby approved and retained as such thereafter.



7. Prior to first occupation of any of the dwellings hereby approved the proposed refuse and recycling arrangements shall be provided in accordance with the approved details, as shown on drawing number NVSK27 A and retained as such thereafter.

8. Prior to occupation of any of the dwellings hereby approved the proposed parking shall be laid out in accordance with the approved details and shall be maintained in accordance with the approved plan for the lifetime of the development.

(The meeting ended at 4.32 pm)

**CHAIRMAN**