

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 8 May 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
S J Clist, F J Colthorpe, J M Downes,
G Duchesne, M Farrell, B Holdman,
M Jenkins, F W Letch, N Letch and D Wulff

Apologies

Councillor(s)

G Cochran and S Robinson

Also Present

Councillor(s)

C Adcock, G Czapiewski and S Keable

Also Present

Officer(s):

Maria De Leiburne (Director of Legal, HR & Governance (Monitoring Officer), Richard Marsh (Director of Place & Economy), Angharad Williams (Development Management Manager), John Millar (Area Team Leader), Christie McCombe (Area Planning Officer), Helen Govier (Principal Planning Officer) and Angie Howell (Democratic Services Officer)

Councillors

Online

J Buczkowski and A Glover

Officers Online

102 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:49)

Apologies were received from Cllr G Cochran with Cllr D Wulff substituting and Cllr S Robinson with Cllr J Downes substituting.

103 PUBLIC QUESTION TIME (00:04:10)

Duncan Manning - Application No. 23/00118/MFUL

Question 1

As Chairperson of the Bampton Allotment Association Ltd. My question is whether a better use for the area of land to the extreme west of the proposed development site would be for allotments rather than a small community wood? All allotments in the area are fully occupied and this development provides the opportunity to provide more.

Cllr Barry Warren, Chairman of Willand Parish Council Application No. 23/00118/MFUL

The officer report under Proposed Development states: *“This application is for the erection of 7 affordable dwellings on disused, Council-owned land off Somerlea, Willand”*. This is not a true statement. There is considerable use of this land which has taken place over a number of years. We are advised that some of the garage users have recently been granted new leases by MDDC. There are photographs in the Design and Access Statements and in a recent drone shot provided to the case officer by the Parish Clerk which shows some 26 vehicles on the site.

Question 1

Will members of committee satisfy themselves as to the true position of the use of land before making a decision?

Many of the vehicles on the site will be displaced and have to park on adjoining roads which are already congested with parked vehicles. There is a suggestion that some of the householders who park on the land at the rear of their properties can park on the road at the front. That position is close to a busy road junction from Station Road to Somerville Road where there are bus stops either side of the road. See paragraph 5.4 on page 74.

Question 2

Is it sensible for Committee to approve the application for more housing whilst ignoring or dismissing the problems which will be caused to existing residents or infrastructure by potential parking problems caused by the displaced vehicles?

In paragraph 5.4 on page 74 of your papers are these words: *“In responding to these concerns, the applicant has also advised that as a result of the tenure type, it is anticipated that the occupiers would have lower car ownership rates, in which case it would be feasible to allocate one space per property and leave the remaining spaces unallocated (albeit this cannot be guaranteed).”*

These words are judgemental and discriminatory in respect of potential Council tenants. Working members of families in occupation may well need to bring home works vans to park as well as their own vehicles.

Question 3

Is it appropriate for an officer to include such comments in his report from an applicant on behalf of the council, particularly taking into account the comments at the end of the report which says: *“This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.”*?

Paul Elstone - Application No. 23/01381/FULL

Question 1

Very precisely why have Mid Devon District Council decided not to use their declared Partner i.e. ZED PODS to build these 6 affordable/social properties?

Application No. 24/00039/FULL

Question 2

Why is it not being brought to the attention of this Committee that there are two bedroom windows in a property that immediately faces bedroom windows of the new proposed modules? That there is only around a 10-meter separation between these windows. That privacy will be significantly impacted?

Question 3

Why is the applicant being allowed to locate the refuse storage and collection area and for all 7 properties immediately on the boundary fence line of an adjacent bungalow and around 5 meters from the bungalow's front door?

Question 4

In the Zed Pod Design and Access Statement Section 6.2 Reference is made to Factory Built Quality Control. Specifically, in-house manufacturing quality control. Can it be fully confirmed that Zed Pods firstly own, then manage and that they have full operational control of their own factory?

Question 5

If not, who does own, manage and operate the factory?

Denise McGowan - Application No. 23/00118/MFUL

Question 1

Please consider the previous emails and correspondence already sent to you in recent weeks regarding how this proposal is going to affect the residents already living in the areas of Market Close and West Street, Bampton. It will affect lighting, privacy and security. There will be an increase in traffic and the play area will cause problems with litter and noise.

Kim Aitkin - Application No. 23/00118/MFUL

Question 1

I don't understand why the current houses are being knocked down. The play area proposed will have an impact on the residents living in the area.

104 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:18:33)**

Members were reminded of the need to declare any interests where appropriate.

- Cllr F J Colthorpe referred to Plan List 3 Application No. 23/00118/MFUL and declared a Protocol of Good Practice as her husband used to work with Duncan Manning (who had asked a question during 'public question time') a long time ago and she also had dealings with him when she was County Councillor for Tiverton West.
- Cllr S Clist referred to Plan List 1 Application No. 23/00510/FULL, Plan List 2 Application No. 24/00039/FULL, Plan List 3 Application 23/00118/MFUL and Plan List 4 Application No. 23/01381/FULL and declared that he had an Other Registerable Interest.

105 MINUTES OF THE PREVIOUS MEETING (00:19:22)

The minutes of the previous meeting held on 10th April 2024 were agreed as a true record and duly signed by the Chairman.

106 CHAIRMAN'S ANNOUNCEMENTS (00:19:42)

The Chairman reminded Members of the Committee of the Informal Planning Committee scheduled to take place on the 29th May 2024.

107 WITHDRAWALS FROM THE AGENDA (00:20:15)

There were no withdrawals from the Plans List.

108 THE PLANS LIST (00:20:22)

The Committee considered the applications in the *Plans List.

Note: *List previously circulated.

- a) 23/00129/MFUL – Erection of 13 affordable dwellings following demolition of 4 existing dwellings and garage blocks with associated parking, landscaping and works at Dwelling Block 2 - 8 Holly Road and Garage Blocks Sycamore Road, Tiverton.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The site currently comprised of 4 existing dwellings and a number of dilapidated garage blocks which would be removed and replaced with 13 affordable dwellings, which would form part of the Council's affordable housing stock.
- The site location was on the corner of Holly Road and Sycamore Road.
- The main issues raised were principle of development, design and impact on surroundings, residential amenity, highways and parking, flood risk and drainage, impact on protected species and habitats/biodiversity and climate change.
- The properties comprised of 3 terraced houses with 2 bedrooms and a larger block of 10 properties with 1 bedroom.
- All units built would comply with the National Space Standards.
- 28 parking spaces would be provided and the site also included secure bike storage.
- The scheme also provided for the storage of waste and recycling through the provision of external storage space with the provision of a communal bin area for the other properties that would not have storage provided.
- The front elevation would be cream rendered half way with metal standing seam external cladding at the first floor and to the roof.
- Solar Photovoltaics (PV) panels would be installed on the roof slopes of the building.
- There was a mix of private gardens and communal landscaped areas.

- Due to the time that the application was submitted there were no requirements for Biodiversity Net Gain (BNG) however it would provide a BNG of 13.57% in habitat units and 916.15% in hedgerow units.

Discussion took place regarding:-

- Whether the units were on a level access as the properties were being built on a slope.
It was **AGREED** that delegated authority be given to the Development Management Manager to check the plans in more detail regarding the design of the properties.
- The communal gardens and who would manage and maintain them going forward for the lifetime of the development and the amendment of a condition regarding this.
It was **AGREED** that condition 8 would be amended regarding the communal gardens and who would be responsible for the maintenance of them.
- Recycling and bin storage and the inclusion of a condition regarding this.
It was **AGREED** that additional conditions would be included regarding recycling/bin storage to ensure provisions were in place prior to occupation.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and delegated authority be given to the Development Management Manager to check the plans in more detail regarding the decision of the properties and to amend condition 8 to reflect the management and maintenance of the communal gardens and to draft additional conditions regarding the recycling/bin storage to ensure provisions were in place prior to occupation.

(Proposed by Cllr B Holdman and seconded by Cllr G Duchesne).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Laura Eimermann spoke on behalf of the Applicant.
 - (ii) Cllr M Farrell and Cllr G Czapiewski spoke as Ward Members.
- b) 24/00039/FULL - Erection of 7 affordable dwellings with car parking, landscaping and other minor works following demolition of existing garages at Land at NGR 303611 111116, Somerlea, Willand.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The application was for the erection of 7 affordable dwellings on disused Council-owned land off Somerlea, Willand, which would form part of the Council's affordable housing stock.
- A total of 12 car parking spaces would be provided.
- The main issues raised were principle of development, design and impact on surroundings, residential amenity, highways and parking, flood risk and drainage, impact on protected species and habitats/biodiversity and climate change.
- All units would be built to comply with the National Space Standards.

- The properties would comprise of a rendered finish with a metal standing seam roof.
- Solar PV panels would be installed on the roof slopes of the building.
- The storage of waste and recycling would be provided through the provision of a secured communal refuse storage area.
- Due to the time that the application was submitted there were no requirements for Biodiversity Net Gain (BNG) however it would provide a BNG of 20.63% in habitat units.
- The Highways Authority had no concerns with regard to the single access track to the site.

In response to the public questions the Area Team Leader answered as follows:-

Barry Warren

Questions 1 and 2

It had been confirmed that the site was originally a Garage Ground Rent site, however most of the garages had now been removed. There were 5 of the original garages that remained tenanted. Those tenants would be served notice once planning permission was obtained. Otherwise there was no legal right to park, despite the use by some local residents.

While some local residents would no longer be able to park on the site, which they had no right to do, several of the vehicles were owned by a local business that had been using the site to park vehicles and carry out business activities, much of which would not be able to take place on the public highway.

As indicated in the report, and as raised in the following question, it was indicated that there was a likelihood that residents may have a lower vehicle ownership rate, which could allow the allocation of one space per property, with other spaces being unallocated.

Question 3

No. This statement was based on fact. While it was not suggested that all tenants would not have more than one vehicle, figures released by the Office of National Statistics did clearly show that occupiers of Council social rented properties did generally have lower vehicle ownership levels than other tenure types.

Paul Elstone

Question 2

This related to a property directly opposite one of the units, which did not have any windows on its gable end. There were two roof lights, however these were set higher than the windows of the proposed unit, and at an angle, at which it was considered that there would be reduced levels of overlooking, which would not be unacceptable to the occupiers of that property, and future residents. This property also had its main window on the north facing elevation, with roof lights to both roof slopes for additional light.

Question 3

The location of the waste storage area was considered to be acceptable. I did run this past the Environmental Health Officer before they left and they did not raise any concerns. It was suggested that provision of signage for users could assist with management of the bin store area. It was suggested by Mr Elstone that the bin storage area could become smelly and attract flies and wasps, as bins were only collected every three weeks. Despite this, food waste should not be placed in bins, with separate food waste collection made on a weekly basis.

Questions 4 and 5

Not relevant to planning, unable to answer.

Discussion took place regarding:-

- The communal gardens and who would manage and maintain them going forward for the lifetime of the development and the amendment of a condition regarding this.
It was **AGREED** that condition 7 would be amended regarding the communal gardens and who would be responsible for the maintenance of them.
- Recycling and bin storage and the inclusion of a condition regarding this.
It was **AGREED** that additional conditions would be included regarding recycling/bin storage to ensure provisions were in place prior to occupation.
- Whether the tenants would be eligible for "Right to Buy"? It was confirmed that this would be the case.

It was therefore **RESOLVED** that planning permission be granted subject to conditions including the prior completion of a S106. Delegated authority be given to the Development Management Manager to amend condition 7 to reflect the management and maintenance of the communal gardens and to draft additional conditions regarding recycling/bin storage to ensure provisions were in place prior to occupation.

(Proposed by Cllr F J Colthorpe and seconded by Cllr M Jenkins).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Elizabeth Lawrence spoke on behalf of the Applicant.
- (ii) Debbie Bird, Parish Clerk for Willand spoke on behalf of the Parish Council.
- (iii) Cllr A Glover spoke as the Ward Member.

- c) 23/00118/MFUL - Erection of 18 affordable dwellings following demolition of 10 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works at School Close, Bampton, Tiverton.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The application was for the erection of 18 affordable dwellings following the demolition of 10 existing properties which would form part of the Council's affordable housing stock.
- The main issues raised were principle of development, design and impact on surroundings, impact on heritage assets, residential amenity, highways and parking, flood risk and drainage, impact on protected species and habitats/biodiversity and climate change.
- The properties would comprise of a mixture of 1, 2, 3 and 4 bedroomed homes.
- The properties would comprise of a rendered finish with a metal standing seam roof.
- Solar PV panels would be installed on the roof slopes of the building.
- Plans were amended to ensure all rooms met and complied with the National Space Standards.
- Due to the time that the application was submitted there were no requirements for Biodiversity Net Gain (BNG) however the landscaping provided a BNG of 20.85% in habitat units and 295.11% in hedgerow units.

In response to the public questions the Area Team Leader answered as follows:-

Duncan Manning

Question 1

This matter had been discussed, with the approved plans amended to include indicative locations for raised beds. It was not considered appropriate to condition these, as the provision of allotment space/raised beds was not necessary in order to make the development acceptable. As such, a condition to that effect would not meet the 'tests for conditions'. It was noted that the Council as landowner had indicated a willingness to discuss the matter of providing raised beds, outside of the planning process.

Denise McGowan

Question 1

The points raised are all answered in the officer report, however to clarify, no play area is proposed. The space referred to was an open communal landscaped area. The triangular area of land referenced also has no intended use other than forming part of the landscaped area providing biodiversity net gains.

Mr Atkins

Question 1

Unable to comment on the need for the type of accommodation being lost, however the development would provide for a much needed affordable (socially rented) accommodation, with the terrace replacing the existing bungalows providing two 2 bed homes, and six 1 bed homes. Again confirmation was provided that no play area was proposed.

Discussion took place regarding:-

- Whether the properties were currently vacant – it was confirmed that the properties would be vacant by June 2024.
- The communal gardens and who would manage and maintain them going forward for the lifetime of the development and the amendment of a condition regarding this.
It was **AGREED** that condition 8 would be amended regarding the communal gardens and who would be responsible for the maintenance of them.
- Recycling and bin storage and the inclusion of a condition regarding this.
It was **AGREED** that additional conditions would be included regarding recycling/bin storage to ensure provisions were in place prior to occupation.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and delegated authority be given to the Development Management Manager to amend condition 8 to reflect the management and maintenance of the communal gardens and to draft additional conditions regarding recycling/bin storage to ensure provisions were in place prior to occupation.

(Proposed by Cllr J Downes and seconded by Cllr B Holdman).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Elizabeth Lawrence spoke on behalf of the Applicant.
 - (ii) Cllr C Adcock spoke as the Ward Member.
- d) 23/01381/FULL - Erection of 6 dwellings following demolition of 4 existing dwellings at 7-10 Wordland Cross, Cheriton Fitzpaine, Crediton

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The application was for the erection of 6 dwellings following demolition of 4 existing dwellings.
- The main issues raised were policy and principle of development, highways impacts and parking, design and amenity issues, impact on the character and appearance of the rural area, ecology and biodiversity, flood risk and drainage.
- The application included small gardens and a layby parking area for 12 parking spaces.
- The dwellings included solar panels to the North East and South West elevations.
- The properties would comprise of a brick plinth, painted render walling, cladding, slate tile roofs and uPVC windows and doors.
- Each property would have individual bin/recycling storage.

In response to the public questions the Principal Planning Officer answered as follows:-

Paul Elstone

Question 1

We are required to determine the application before us on its merits and, as set out in the officer report, the design of the scheme was considered to be acceptable in this context therefore any possible alternative approaches to construction on the site were not considered to be relevant at this stage.

Discussion took place regarding:-

- Why the properties were set further back than the current properties. It was explained this was to accommodate parking and recycling storage.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F Letch and seconded by Cllr J Downes).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr F J Colthorpe spoke as the Ward Member.
- e) 24/00250/MFUL - Variation of Condition 2 and Removal of Conditions 24 and 25 of planning permission 21/00128/MFUL - Erection of 86 dwellings to include public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure - to allow self build units (plots 195-199) to be open market units at Land at NGR 298634 113714 (Braid Park), Uplowman Road, Tiverton.

The Area Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The application sought to vary Condition 2 of the Application and remove Conditions 24 and 25.
- 5 of the plots were identified as custom and self-build units through a S106 agreement.
- After a 22 month marketing period the plots were not sold.
- The application was to now regularise the planning conditions to remove the reference to self-build and to allow construction of 5 units and 5 single garages on the site in keeping with the existing dwellings.
- Main issues raised were loss of custom and self-build plots, affordable housing provision and surface water discharge.
- The application for 5 open market units did not reach the threshold to make contributions in the form of affordable housing as the original 2013 application had previously secured the affordable housing provision and had been provided.

Discussion took place regarding:-

- Whether there was sufficient drainage. It was confirmed that further drainage works had been carried out which the Flood Authority had overseen.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and a Deed of Variation to the S106 Agreement.

(Proposed by Cllr S Clist and seconded by Cllr F J Colthorpe)

Reason for the Decision – as set out in the report.

109 **MAJOR APPLICATIONS WITH NO DECISION (02:34:28)**

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

The Committee agreed that the application remained as per the report.

Note: *List previously circulated.

110 **APPEAL DECISIONS (02:34:45)**

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

Note: *List previously circulated.

(The meeting ended at 4.50 pm)

CHAIRMAN