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All Members

Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP  
[www.middevon.gov.uk](http://www.middevon.gov.uk)

Contact: **Sally Gabriel**  
Telephone  
:  
Email: **01884 234229**  
**[sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)**

**16 September 2016**

Dear Member

## **Extraordinary Meeting of Council – 22 September 2016**

I am now able to enclose, for consideration at the next meeting of the **Council**, the following reports that were unavailable when the agenda was printed.

### **Agenda.No. 6**

To add to your agenda for the meeting on **22 September 2016**

6 **Cabinet Report - 15 September 2016** *(Pages 3 - 10)*

To receive and consider reports, minutes and recommendations of the meeting of the Cabinet held on 15 September 2016.

Minutes now available.

Yours sincerely

**Sally Gabriel**  
**Member Services Manager**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 15 September 2016 at 10.00 am

### **Present**

#### **Councillors**

C J Eginton (Leader)  
R J Chesterton, N V Davey, P H D Hare-  
Scott, C R Slade, Mrs M E Squires and  
R L Stanley

### **Also Present**

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

Mrs E M Andrews, Mrs H Bainbridge, Mrs A R Berry,  
Mrs J B Binks, Mrs G Doe, Mrs B M Hull, R F Radford and  
R Wright

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett  
(Director of Finance, Assets and Resources), Jill May  
(Director of Corporate Affairs and Business  
Transformation), Amy Tregellas (Head of Communities and  
Governance and Monitoring Officer), Jenny Clifford (Head  
of Planning and Regeneration), Adrian Welsh (Forward  
Planning Team Leader) and Sally Gabriel (Member  
Services Manager)

## 59. **APOLOGIES**

There were no apologies.

Cllr F J Rosamond (Chairman of the Scrutiny Committee and Ward Member for Upper Culm) had requested that his apologies for the meeting be noted.

## 60. **PUBLIC QUESTION TIME (00-01-00)**

Mrs Webber referring to Item 4 on the agenda stated that – I am the owner of Jo Amor which is an independent shop on Bampton Street. I'd like to take this opportunity to speak and to raise concerns over the leisure and retail development at Junction 27. My main concern relates to the over 1071sq of designer outlet village. That is equivalent to approximately 80 of my shops, which I consider will have a negative impact on my business and Tiverton town centre as a whole. I have run my business in the town for over 20 years and I have worked really hard to create a shopping experience that is unique and adds to the draw of the town. I am proud and passionate about what we have achieved. Over the years we have gradually expanded from just woman's wear into men's wear, gifts and now a café. I feel that it really adds to the vibrancy and variety along Bampton Street. I also employ a number of local people who are part of the business success and keeping it local. In recent years all the businesses in the town have worked hard to ensure the town's long term success. This has been helped by successfully winning the Portas bid and the more recent introduction of Electric Nights Street Food in the council owned Pannier Market. However, we constantly have to work really hard to compete with online sales and the continued draw of Exeter and Taunton. Local retailing is vulnerable to

external influences which will alter where the shopper chooses to shop and spend their money. Once open the designer outlet village will inevitably draw visitors and local shoppers away from Tiverton, Crediton and Cullompton. This could potentially lead to more vacant units and really undermine the long term vision and success of our vital high streets and our independent shops. The designer outlet village will have a negative impact on my business and the Tiverton town centre. This allocation is too soon at a time when we are starting to work together to create a local destination that we are all proud of. Please don't undermine all the hard work that the local businesses and the council have done to get Tiverton where it is today. Therefore I ask you, that you not include this development in the new Local Plan submission. Based on my concerns I ask are members completely satisfied that the proposed Junction 27 allocation will not have a detrimental impact on existing businesses in Crediton Tiverton and Cullompton?

Mr Disney again referring to Item 4 on the agenda stated - My question is about the perception of the requirement for extra housing if Junction 27 is allocated for employment use. Some 60% of the working age population of Mid Devon migrate out of the district to find employment and I would like to know what that actually relates to in numbers of employees and how many go through Junction 27 at the moment. I hope the planning officer can provide those figures. There appears to be a presumption that extra housing will be required if Junction 27 is brought forward for employment use, is that actually the case if the current migration is a figure that can be applied. To me there seems to be a real question as to why extra housing needs to be provided above what is already in the local plan. Is there really a need for extra housing if Junction 27 comes forward?

Mr Colin Passey - Chair of Sampford Peverell Parish Council and referring to Item 4 on the agenda stated that in April we were assured that consideration of Junction 27 in the plan would result in no further delay of the plan's submission, we were told that it could be submitted in August. Now September and we are advised that should it be included there will be a further six months delay at best at putting forward the Local Plan. In the meantime we are aware that there are developers approaching local residents in Sampford Peverell and no doubt in other villages too, looking to buy land for speculative development. They are saying that they are doing so because there is no fit for purpose Local Plan in place. Are you happy to recommend that there is a further period during which local communities are at the mercy of developers for unplanned and unwelcome development and if so I'd be grateful what message you want to pass onto the residents of Sampford Peverell who, most of them, see no advantage to the development at Junction 27.

Cllr Wilson - speaking as a Member of Tiverton Town Council and referring to Item 4 on the agenda stated that I am concerned that if Junction 27 is included in the plan additional housing will have to be provided. Allocated sites were looked at when I was on the Council and were either deleted or put as reserves. Having looked at the papers online I notice that some sites are still on there, in particular Hay Park, Tidcombe Lane and Hartnoll Farm. Will they be looked at as a separate issue or as part of Junction 27? If you do include it will it be a separate issue or part of today's business?

Mr Saunders, referring to Item 4 on the agenda stated that with regard to housing accommodation attached to this, in particular the Higher Town site for 60 houses.

The Higher Town site is in an elevated position. It is suggested that 60 houses go on it, and at the moment there is one. This house has panoramic views and can be seen from the station, the canal and Wellington Monument so it is clear that any development is going to be seen and will be a blot on the landscape. Given those circumstances that the proposal is to change the use of land on a site that can hold more than 60 houses, have Members any idea how many houses might be built on the land and on the basis that it is so visible, landscaping will never hide this from view. It concerns me that we have a disingenuous view that only 60 houses will be provided. Clearly there will be many more, in an elevated position and they will sell due to the view. I suggest the site may have been selected due to the value of the properties and Members should be sure that it has not been selected for opportunistic impropriety at all.

The Chairman read a letter from Cullompton Town Council regarding the delays in the adoption of the Local Plan and the knock on effect to the Cullompton Neighbourhood Plan:

Cullompton started work on its Neighbourhood Plan in March 2014 and completed the first phase of the process and had a consultation draft ready by January 2016.

However, due to delays in the adoption of the Mid Devon Local Plan, it has not been possible to complete the final phase of the Neighbourhood Plan process so that the Plan can be adopted as planning policy. Due, in part to this delay, and anticipated further delays if it is decided to include the J27 proposals in the Plan, the preparation of the Plan will cost the Town Council far more than it had originally envisaged. The reason for this letter is a request that Mid Devon District Council considers making a contribution towards these additional costs.

There will be financial benefit to Mid Devon once the Plan is completed as the basic level of funding a local planning authority receives on completion of a Neighbourhood Plan is £30,000. The first payment of £5,000 is made following designation of the neighbourhood area. The second payment of £5,000 will be made when the final pre-examination version of the neighbourhood plan is publicised by the local planning authority prior to examination. The third payment of £20,000 will be made on successful completion of the neighbourhood planning examination.

The Neighbourhood Plan is looking at allocating extra land for housing. This would be more land than in the MDDC local plan. There would be extra land in the NW Extension and in East Cullompton. Once built these extra houses will provide extra revenue for MDDC and Cullompton. It would therefore help Cullompton if in the short term MDDC can provide finance to support the Neighbourhood Plan.

A concern of the Neighbourhood Plan is that the original consultation evidence is getting old and it is likely a planning Inspector would require more recent evidence. Therefore the Neighbourhood Plan expects to have to hold an additional public consultation and then update all the data. This is a costly process.

If MDDC vote to include Junction 27 in the Local Plan, and Junction 27 development progresses then MDDC can expect to obtain several millions in business rates, even though the MDDC local plan is delayed. Therefore providing some extra funding to Cullompton Town Council to help the Neighbourhood Plan to be completed would be helpful.

The Council would be grateful if this matter could be considered by the Cabinet at its meeting on 15 September 2016 and look forward to receiving a response.

The Chairman also read an email from Mrs Gillian Evans –

I was hoping to be at Cabinet today to raise questions I have regarding allocation of land south of the A38 at J27.

Should Cabinet approve the allocation of land at J27 I trust that Members will take cognisance of the recommendations that your own officers give in relation to timescales and the delays envisaged in having to prepare a new document, go out to consultation and collate the representations made during that process. What will be plan 'b' should there be any slippage in the timescales.

Is this a land allocation or a pre determination of a future planning application. The wording of the proposed policy in respect of "protecting" the type of development at J27 is a straight lift from Eden/Westwood's own exhibition material. If Eden/Westwood fail to bring the project forward do we tie other developers to having to comply with the Policy? Why would another developer wish to take on a project that has an element of unviability in it?

The Chairman indicated that answers to questions would be dealt with when the item was discussed.

#### **61. MINUTES OF THE PREVIOUS MEETING (00-19-55)**

The minutes of the previous meeting held on 4 August 2016 were approved as a true record and signed by the Chairman.

#### **62. LOCAL PLAN REVIEW (JUNCTION 27 AND ANY ASSOCIATED HOUSING NEED) (00-21-29)**

The Cabinet had before it a \* report of the Head of Planning and Regeneration requesting it to consider the implications to the Local Plan of making a major modification to the Local Plan Review to allocate land at J27 of the M5 for leisure/retail/tourism and employment development.

The Head of Planning and Regeneration outlined the contents of the report stating that before the meeting today was the issue of land allocation and that the Cabinet were not being requested to determine any particular scheme by the land promoter or an application by the land promotor. She also clarified that business rate revenue was not a material planning consideration and should not form part of consideration of an allocation. She outlined the history of the site and the various schemes that had come forward over many years, the agreement for the new area of growth identified east of Cullompton and that a new settlement limit option north of Willand was not pursued; the proposed submission plan of 2014 that had omitted J27 as allocated land and the work that had taken place to date to address the issues raised in 2014.

She identified the site by way of presentation, highlighting the elements of the allocation and the land ownership evidence. The tourism and leisure opportunity would be supported by a retail facility in the form of a designer village outlet. She

addressed the work that had taken place by the Council's Retail Consultant and the issue of trade draw which had been highlighted during public question time, it had been suggested that there would be some trade draw impact but that this would be offset by expenditure growth and was not considered significant. She also explained the "Duty to Cooperate" consultation that had taken place with surrounding local authorities and although some concerns had been raised with regard to the impact on retail, the allocation was still thought to be sound. However objection from certain Duty to Cooperate partners was still expected.

With regard to the movement of people who chose to shop outside Mid Devon, it was anticipated that such an allocation would have the potential to claw back some expenditure leakage. The officer addressed the housing issue identified during public question time. An updated assessment for the whole of the Local Plan had resulted in an additional 400 houses as the result of finalisation of the Strategic Housing Market Assessment. It was felt that the additional dwellings could be met within allocated sites taking into account permissions granted. The National Planning Policy Framework acknowledged the importance of ensuring housing numbers and employment opportunities were considered in tandem. There was a need to allocate additional land to accommodate 260 dwellings in the vicinity of Junction 27 if the land were to be put forward. Potential sites were then outlined; with regard to the site at Sampford Peverell and the questions posed in public question time: the suggestion that the site was fairly prominent meant that the density would be lowered to allow for areas of landscaping to be progressed, there were also issues with regard to level differences at the access to the site, a portion of land would be required to deal with that issue.

The tourism study and tourism policy were also highlighted, it was felt that there was an identified tourism need and that the allocation would make a significant contribution to tourism in the area meeting certain themes within the study. Extensive discussions were taking place with Devon County Council Highway Authority and Highway England with regard to junction improvements should the allocation be approved were ongoing. Landscaping and ecology issues were also addressed including the need for appropriate assessment.

The officer then outlined the submission timetable for the Local Plan review with or without the allocation of land at J27. It was likely that the inspector would require further consultation to the adjustments made within the plan following submission or that this could take place prior to submission.

Referring again to the questions posed at the beginning of the meeting, she felt that she had addressed the issues with regard to trade draw; additional housing was required if the allocation was supported as outlined in national planning policy. There would be a delay in the estimated adoption date of possibly 3 months. The additional local housing would need to be agreed alongside the allocation of J27 as stated in national planning policy. The site at Sampford Peverell would be for 60 dwellings allowing for part of the land to be used to mitigate against the access and landscaping issues.

The Cabinet Member for Planning and Economic Regeneration referring to the concerns from Cullompton Town Council with regard to its Neighbourhood Plan, stated that he would look into the matter with the Head of Planning and Regeneration.



Consideration was given to:

- The low unemployment rates in the area and whether there was a need for the additional employment on the site
- The fact that local people would continue to use local services
- Whether additional consultation was required prior to submission of the Plan
- Whether any delay in submission would have a long term impact
- Supporting local business, tourism and employment were all core objectives of the Council
- The allocation of land would be of benefit to local business in nearby towns
- Allocation of land for housing at Blundells Road would make good use of derelict land
- Whether the site would be developed one way or another.

**RECOMMENDED** to Council that:

- a) A 6 week consultation period take place prior to the submission of the Local Plan;
- b) Land at Junction 27 of the M5 be allocated for leisure, retail and tourism development;
- c) Associated additional housing sites giving the extra provision of 260 additional homes be allocated at Blundells Road, Tiverton and Higher Town, Sampford Peverell.

(Proposed by the Chairman)

Notes:-

- (i) Cllr P H D Hare-Scott made the following statement: "I have sought advice from the Monitoring Officer over whether I have a Disclosable Pecuniary Interest in terms of my pension from Friends Life (who are associated with Eden Westwood). As this decision is about whether or not to allocate land at J27 as a major modification to the Local Plan, which could be implemented by any developer and is not a decision on proposals from Eden Westwood, I have been advised that I do not need to make any declaration" Cllr R L Stanley also stated that he had a pension with Friends Life;
- (ii) Cllr Mrs H Bainbridge declared a personal interest as she owned holiday cottages;
- (iii) Cllr Mrs E M Andrews declared a personal interest as a Member of the Cullompton Neighbourhood Plan Steering Group and as a Town Councillor;
- (iv) Cllr Mrs J B Binks declared a personal interest as she had been in discussions with the land proposers and objectors;
- (v) Cllr Mrs A R Berry declared a personal interest as she had made contact with both sides.



(vi) \* Report previously circulated, copy attached to minutes.

63. **ACCESS TO INFORMATION ACT - EXCLUSION OF PRESS AND PUBLIC (2.00.00)**

As there was a need to discuss financial information which was commercially sensitive, it was

**RESOLVED** that: under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Proposed by the Chairman)

64. **ROOFING 2016/17 - CONTRACT AWARD**

The Cabinet had before it a \* report of the Head of Housing and Property Services regarding the results for the roofing contract 2016/17 and requesting approval to award the contract.

The Cabinet Member for Housing outlined the contents of the report.

The meeting returned to open session and it was:

**RESOLVED** that the recommendations within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

Note: \*Report previously circulated.

(The meeting ended at 12.15 pm)

**CHAIRMAN**

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