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Planning Committee



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19 September 2019

Dear Member

Planning Committee 25 September 2019

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

4 MINUTES OF THE PREVIOUS MEETING

Members to consider whether to approve the minutes as a correct record of the special meeting held on 18th September 2019.

Yours sincerely

Sally Gabriel
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 18 September 2019 at 10.00 am

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs C P Daw, Mrs C Collis, R F Radford,
E J Berry, L J Cruwys, S J Clist, F W Letch,
E G Luxton, D J Knowles and B G J Warren

Also Present

Councillor(s)

Mrs E M Andrews and R J Chesterton

Present

Officers:

Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Tina Maryan (Area Planning Officer), Ian Sorenson (DCC Highway Authority), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

45 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

46 **PUBLIC QUESTION TIME (00-03-00)**

Elizabeth Pole referring to item 6 on the agenda stated as Chairman of Tiverton and Honiton Constituency Labour Party: I am here with a question about housing in Cullompton. The Council is currently proposing to erect 600 houses in Cullompton representing only phase 1 of the urban extension. The people of Cullompton are being asked to forfeit large chunks of their natural environment and one of the promises of those elected to this council made to them was that 28% of any houses built would be so called affordable housing. The proposal before this committee today would disappointingly but unsurprisingly reduce the number of affordable units from 28% to a mere 10% of the total. That is to say instead of moving their families into 168 homes local people will have to compete for the keys to just 60. And let us look at what it means for affordable housing, we are talking about homes available at 80% of market rates. While they provide some relief for people struggling to afford to live in their communities people who live here are struggling on wages which are on average, and bear in mind, this average will be skewed by perceived increases in inequality which we have seen since 2010 on wages which are on average 0.10% of the amount the government says is needed to be able to live in a house in Cullompton. So what should be done? This Council's own Corporate Plan for 2016-2020 is to build 250 new council houses in Mid Devon. We are now $\frac{3}{4}$ of the way through this period and so far the cumulative number of council houses Mid Devon District Council has built towards its own grand total of 250, according to the

performance indicators from Scrutiny Committee report is 6. 6 council houses against a total plan of 250, as a percentage about 2.4% of target. Now that we are approaching the end of the planning period there are 244 council houses yet to be built against the district target, Cullompton is to get 600 new houses of which according to the local plan 101 homes should be for social rent. My proposition to the committee on behalf of the Labour Party and standing up for the people of Cullompton who are attempting to live in their own community on incomes which cannot keep up with the cost of housing, taking into consideration the underlying spend of this council against its budgeted housing revenue account is this. As a minimum all 60 of the affordable homes that would result from the proposal now before the committee should be built as council houses. These 60 council houses would represent 36% of the affordable homes Cullompton residents were promised in phase 1 of the urban extension and would represent barely 24% of the council houses that the people of Mid Devon were led to expect from the Councils 2016-2020 Corporate Plan. Building 60 council houses for Cullompton is the very least the council could do to start making good on its very recent housing strategy promise.

The Chairman indicated that answers would be provided when the item was debated.

47 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-06-55)

Members were reminded to make any necessary declarations of interests when appropriate.

48 MINUTES OF THE PREVIOUS MEETING (00-07-03)

The minutes of the meeting held on 28 August 2019 were approved as a correct record and signed by the Chairman.

49 CHAIRMAN'S ANNOUNCEMENTS (00-07-45)

The Chairman informed the meeting that the items on the agenda were intertwined in terms of the Section 106 agreement and that the process was not straightforward, she informed the meeting how she proposed to handle the agenda.

Item 6 would be opened for discussion so that Members could explore the total section 106 package on offer. She would then adjourn the decision on the package, so that the individual applications could be discussed.

Items 7 and 8 had already been decided by this Committee, subject to the Section 106 package being finalised. She was therefore proposing to bring forward item 9 which had yet to be decided. This would follow the initial discussion on the Section 106 package under item 6.

Items 7 and 8 would then follow – but only for noting the update report.

Depending on what happened earlier in the meeting, she then proposed to return to item 6 to formally resolve on the Section 106 package.

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50 **S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT (00-10-37)**

The Committee had before it a * report of the Head of Planning, Economy and Regeneration considering the overarching S106 package between the three planning applications currently under consideration.

The Area Planning Officer outlined the contents of the report explaining that the 3 applications for North West Cullompton were all intertwined via the proposed Section 106 Agreement. Agenda items 7 and 8 had already been determined subject to the acceptance of the S106 agreement. Item 9 on the agenda had been deferred from the previous meeting for consideration of various issues raised and therefore required determination.

She referred members to the revised recommendations within the report highlighting the timing, funding and delivery of the linking road through the application site, the offsite highway works proposed, which included the pedestrian footway and crossing in Willand Road, the traffic calming proposals and the footpath extension in Millennium Way to link to the bus stops; the financial contribution to the Town Centre relief road, the land for the primary school and other education contributions, the expansion of the doctors surgery, the provision and maintenance of the Rull Hill green infrastructure, the upgrade to the existing public rights of way and the creation of a health garden. She also outlined the proposals within Phase II of the development, that of: the contribution towards the bus improvements, recycling facilities, the community building, the additional sports pitch, allotments, the second community orchard and the additional footpath extension works in Millennium Way. She added that the S106 agreement would be apportioned in the event that one or more of the applications in question did not come forward for development.

The Head of Planning, Economy and Regeneration then responded to questions posed in public question time with regard to the amount of affordable housing proposed within Phase 1 of the development, she stated that there were clear reasons why 10% of affordable housing had been proposed during Phase 1, extensive discussions had taken place with regard to the provision of a large amount of infrastructure during this phase, that of the new road through the development and the contribution towards the Town Centre relief road as well as education contributions as previously explained. There had been a large amount of front loading in respect of these additional requirements in Phase 1 hence she felt that there was justification for 10% affordable housing. With regard to the provision of Council houses and planning policy, the committee were required to consider the development plan policies and material considerations, not the corporate approach nor the workings of the Housing Revenue Account.

Consideration was given to:

- The contributions to the Education Authority (DCC) and the timetable for the provision of the new school
- Whether to include consultation with the Chairman and Vice Chairman of the Planning Committee and Ward Members with regard to any apportionment required of the various obligations between the 3 individual Section 106 agreements and the exact composition of the Rull Hill green infrastructure

- The view of the applicants representative with regard to the amount of work that had taken place with the Local Planning Authority and the community over 6 years which had included the provision of a masterplan for development, the additional upfront costs that were required for infrastructure within Phase 1 of the development, the change in the construction access to the site which now did not include St Georges View, the development of the school and the total cost of the package which was proposed. 60 affordable houses were still proposed as well as the additional infrastructure and that the development on completion would deliver 300 affordable homes.
- The views of the representative from the Town Council who stated that the Town Council had agreed the principle of development in the area and supported the detail of the S106 agreement
- The view of one of the Cullompton Members who was disappointed at the amount of affordable housing being proposed

At this point the Chairman indicated that she felt that a decision on the S106 package should take place following consideration of the following application.

Notes:

- (i) Mr Turner on behalf of the applicants spoke;
- (ii) Cllr Guest spoke on behalf of Cullompton Town Council;
- (iii) Cllr Mrs E M Andrews spoke;
- (iv) * Report previously circulated, copy attached to minutes;
- (v) The following late information was provided:

HIGHWAY AUTHORITY – 9th September 2019

The Highway Authority has looked at the time taken to reach the Station Road roundabout from the site via various routes and the journey time to the roundabout via Head Weir Road is longer than using the roundabout at Millennium Way. It is for this reason that traffic calming has been requested for Saxon Way to increase journey times and dissuade its use. As Head Weir Road takes longer than the preferred route, there is no reasonable reason to seek further restrictions.

51 APPLICATION - 17/01178/MFUL - ERECTION OF 200 DWELLINGS, FORMATION OF NEW ACCESS, PROVISION OF PHASE OF LINK ROAD, PRIMARY SCHOOL SITE, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS - LAND AT NGR 302103 108277 (WEST OF WILLAND ROAD) CULLOMPTON DEVON (00-35-05)

The Committee had before it a * report of the Head of Planning, Economy and Regeneration regarding the above application.

The Area Planning Officer outlined the contents of the report highlighting by way of presentation an aerial view of the site which depicted the site layout, the proposed number of dwellings, the school site, landscaping proposals, the proposed link road,

walking routes, attenuation ponds and the pedestrian link to Rull Lane. She informed the meeting that the issues raised at the previous meeting had been addressed, that of the parking layout in the school area, clarification with regard to the size of the gardens and the positioning of the retaining wall within some of the gardens and the traffic calming proposed. She outlined the street elevations across the site, the site sections, the house types which all now complied with the National Space Standards, the garages and bin stores and Members viewed photographs from various aspects across the site.

Consideration was given to:

- The police concerns with regard to the fencing which had been addressed by Condition 23
- Issues to do with the public right of way which had been addressed by Condition 8
- The number of electric car charging points, addressed within condition 9
- Possible visual impact issues
- Maintenance and general upkeep of the trees and hedges within the development site
- The pedestrian routes and cycleways and their segregation
- The views of the applicant with regard to the issues raised at the previous meeting and the amendments that had been made to the application: the issue of parking arrangements had been resolved, electric charging points could be increased where possible, the character areas within the development, the cycleways and footpaths set back from the road, the issues with the gardens and that the dwellings would be built in line with 'Fabric First Design'.
- The views of representative from the Town Council with regard to the width of the road and pavements and the provision of adequate car parking on the site, the reality of using cars rather than walking or using public transport, the need for adequate garage sizes, the aging population and the need to reflect on this with regard to pedestrian access and house types and the position of the attenuation ponds.
- The views of one of the Cullompton Members with regard to the size of the houses proposed.

It was therefore:

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration subject to the following:

Condition 7: the reference to "condition 4" in 7.D. should read "condition 5".

Condition 23: this condition should be amended to read:

First occupation of any dwelling shall not take place until the boundary treatments for that dwelling have been installed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be installed.

and the prior signing of a S106 agreement for:

- i) The overall S106 package between the three applications set out in the separate over-arching Section 106 report at Appendix A to this report, and
- ii) To secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.

(Proposed by the Chairman)

Notes

- i) Cllr Guest (Cullompton Town Council) spoke;
- ii) Mr Smith, the applicant spoke;
- iii) Cllr Mrs E M Andrews spoke;
- iv) *Report previously circulated copy attached to signed minutes.
- v) The following late information was provided:

HIGHWAY AUTHORITY – 9th September 2019

The Highway Authority has confirmed as follows:

1. The spine road will be along the route as shown on the detailed plans submitted with the application. Any variations from these details will require an amendment to the plans which the Town Council will be notified of.
2. The junction priority will be for Willand Road to enter the site and run through to Tiverton Road. The remaining part of Willand Road to the signals at Station Road will be subservient with a give way marking. Mini-roundabouts would not be acceptable to provide access to a new development and are contrary to that set out by Design Manual for Roads and Bridges. An alternative option is for a full roundabout, however, this is likely to introduce a greater stop start element in the Air Quality Action Zone.
3. The Highway Authority has agreed a mini-roundabout design at the school entrance which will cater for a Leopard Coach (52 Seater). The Highway Authority would not advocate a second access, and would wish to see inclusion of the off-line parallel parking bays to dissuade any parking on the spine road. The spine road would also be subject to appropriate Traffic Regulation Orders where necessary and appropriate.
4. The residential roads will be 4.80 metres wide, compliant with Government advice on road widths and in keeping with the adopted Masterplan SPD. Turning heads will be of sufficient size to cater for turning manoeuvres. Any vehicle that parks on the public highway and causes an obstruction can be prosecuted under the Highway Act by the police. There are no rights to park on the public highway within the Highway Act and the primary function set out by the Highways Act is for all traffic to pass and repass.
5. The Highway Authority does not consider that the Willand Road/Millennium Way junction will be problem for construction traffic. However, as part of the Construction Management Plan a swept path analysis can be requested and any mitigation measures put in place.

6. A formal restriction to stop motorised vehicles from using the pedestrian accesses onto Rull Lane can be part of the Section 38 Agreement (highways adoption agreement) design.
7. Part of the Section 106 Agreement improvements is works to the public rights of way, which includes consideration of this footpath.
8. With regard to the consideration of the impacts of increased traffic on Willand, this was considered alongside traffic generation from the two outline applications and initial concerns over the increased queues were superseded by the Planning Inspector's decision on the Willand site. There is a desire to see contributions towards the Town Centre Relief Road being sought through Section 106 monies and given these improvements, congestion in Willand is not considered an issue.

ENVIRONMENTAL HEALTH – 9th September 2019

1. The low emission assessment provided detail regarding the Travel Plan and cumulative air quality impact. Given that the revised application makes no changes impacting on air quality, there are no additional comments to be added by Environmental Health. The distribution of development traffic, according to the Travel Plan, indicates only a minor adverse impact along Willand Road, Cullompton as a result of the development and cumulative developments. Subsequently, there are no adverse concerns regarding the air quality in Willand. MDDC currently monitor the air quality to the closest receptors at Ash Close along the B3181 in Willand and the results are well under the air quality objective as required by Defra.

Conditions – 17 September 2019

1. Condition 7: the reference to “condition 4” in 7.D. should read “condition 5”.
2. Condition 23: this condition should be amended to read:

First occupation of any dwelling shall not take place until the boundary treatments for that dwelling have been installed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be installed

52 **APPLICATION - 17/01170/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 200 DWELLINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OTHER WORKS, INCLUDING VEHICULAR ACCESS, ON LAND COMPRISING NORTHERN PORTION OF PHASE 1 OF THE NORTH WEST CULLOMPTON URBAN EXTENSION - LAND AT NGR 302186 108607 NORTH OF RULL LANE AND TO THE WEST OF WILLAND ROAD CULLOMPTON DEVON (1-16-06)**

The Committee had before it * report of the Head of Planning, Economy and Regeneration regarding the above application.

RESOLVED that the updated report be **NOTED** as the application had already received planning permission subject to the approval of a Section 106 Agreement.

(Proposed by the Chairman)

Note: *report previously circulated, copy attached to minutes.

- 53 **APPLICATION - 17/01346/MOUT - OUTLINE HYBRID PLANNING APPLICATION FOR THE ERECTION OF 200 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE AND FULL PERMISSION FOR PORTION OF LINK ROAD (LAND COMPRISING SOUTHERN PORTION OF PHASE 1 OF NORTH WEST CULLOMPTON URBAN EXTENSION) - LAND AT NGR 301536 107900 NORTH OF TIVERTON ROAD, CULLOMPTON DEVON (1-17-05))**

The Committee had before it * report of the Head of Planning, Economy and Regeneration regarding the above application.

RESOLVED that the updated report be **NOTED** as the application had already received planning permission subject to the approval of a Section 106 Agreement.

(Proposed by the Chairman)

Note: *report previously circulated, copy attached to minutes.

- 54 **S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT (CONTINUED) (1-17-52)**

Following consideration of the applications on the site, Members as mentioned in Minute 50 further considered the S106 package.

It was **RESOLVED** that:

1. The Section 106 package of obligations to be applied in total across applications 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT, is agreed as follows:
 - 1) 10% affordable housing across the whole of Phase 1
 - 2) Timing, funding and delivery of a linking road between Willand Road and Tiverton Road including financial contribution towards its provision (latter, application 17/01170/MOUT)
 - 3) Off-site highway works: improvements to J28 of the M5, pedestrian footway and crossing in Willand Road, traffic calming in Saxon Way, Plantagenet Drive and Norman Drive, and footpath extension in Millennium Way to link to bus stops
 - 4) Financial contribution of £3.0 million towards the Town Centre Relief Road
 - 5) Transfer of 1.2 hectares of land for primary school (with access and servicing) and school sports pitch to Devon County Council
 - 6) Financial contribution of £672,361 towards St Andrews primary school expansion
 - 7) Financial contribution of £1,577,972 toward delivery of the new primary school
 - 8) Financial contribution of £150,000 towards early years provision
 - 9) Financial contribution of £795,072 towards secondary provision
 - 10) Financial contribution of £87,339 towards special educational needs provision
 - 11) Financial contribution of £231,224 towards expansion of doctors surgery
 - 12) Provision and maintenance of Rull Hill green infrastructure to include landscaped areas, multi-use games area and play area
 - 13) Upgrade to existing public rights of way (Goblin Lane and bridleway between Willand Road and Rull Lane)
 - 14) Transfer of land to Culm Valley Integrated Health Centre (College Surgery) for a health garden

2. It be agreed that the following Phase 1 items be delivered in Phase 2 to aid viability:
 - 1) Financial contribution of £1.2 million towards bus improvements
 - 2) Financial contribution of £96,000 towards recycling facilities
 - 3) Provision of land for community building at the beginning of phase 2 (community building itself in Phase 2)
 - 4) Provision of additional sports pitch
 - 5) Allotments and second community orchard
 - 6) Additional footpath extension works in Millennium Way
3. Delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chairman of the Planning Committee and Ward Members to negotiate the apportionment of the various obligations between the three individual Section 106 Agreements and the exact composition of the Rull Hill green infrastructure and enter into S106 agreements accordingly.
4. Delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chair of Planning Committee and Ward Members to negotiate and enter into a fall-back position in the S106 agreements that seeks to prioritise and apportion S106 requirements in the event that one or more of the planning applications in question do not come forward for development.
5. The S106 in respect of application 17/01178/MFUL also secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.

(Proposed by Cllr B G J Warren and seconded by Cllr C A Collis)

(The meeting ended at 11.37 am)

CHAIRMAN

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