

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 17 April 2019 at 10.00 am

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe,  
P J Heal, D J Knowles, F W Letch,  
B A Moore, R F Radford, J D Squire and  
R L Stanley

### **Also Present**

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

Mrs E M Andrews, Mrs A R Berry and  
Mrs N Woollatt

### **Present**

#### **Officers:**

Jenny Clifford (Head of Planning, Economy  
and Regeneration), Tina Maryan (Area  
Planning Officer), Philip Langdon (Solicitor),  
Ian Sorenson (Devon County Council,  
Highway Authority) and Sally Gabriel  
(Member Services Manager)

## 135 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## 136 **PUBLIC QUESTION TIME**

Hon. Alderman Mrs Linda Holloway referring to all applications stated:

S106 obligations between the three applications:

- Will the officers' apportionment be negotiable by the 3 applicants?
- Can an applicant refuse or challenge the apportionment?
- If they can, what assurances will officers give us that there will be no further dilution of the S106 requirements?

Recommendations to approve each application:

- To ensure S106 is delivered for the whole of phase 1, shouldn't permission be conditional on all 3 agreements being signed simultaneously after apportionment, to prevent any reneging and jeopardising the whole package?

Footway from the site to St George's View:

There is a long section alongside an extremely tall wall adjacent to the highway at St George's Well House. The wall received retrospective planning permission but only after DCC Highways insisted on a sloping narrow kerb as a buffer that could not be walked on, to comply with safety issues. Construction of a full width footway was considered not safe for pedestrians.

- Have safety requirements changed?

Full Application - national space standards:

- Why is it deemed acceptable to approve 8 Leicester houses 2 square meters below national space standards?
- Why are 39 Anmouth houses each 10 sq meters less than the required national standard being compromised on?

A terrace of 4 houses has only 3.5 meters garden depth to a wall, below the adequate amenity space.

- They all fall short of national standards, so is this not a compromise too far to be included in 'planning balance' when people will have to live in these conditions?

The report describes 'awkward parking arrangements' in one section

- Why are you saying this is alright?

Several committee members will remember a previous Head of Planning telling us that we should not be satisfied with the ordinary, with standard housing and development, but we should insist on the best.

- Why are members being recommended to approve what the report says is a 'standard layout and standard house type' just because the developer cannot make a better development viable?
- Don't we deserve better?

Adam Powell stated: I live midway between Cullompton and Honiton. I guess from the number of large historic listed buildings and the width of the market high street that Cullompton was originally the richer town. It certainly was a fine market town, built on local wealth by local labour. Of course local people need homes to live in and be proud of. My question is to ask the people in this room, will this development give us that, or will it give us a housing estate tacked onto the edge of an expanding dormitory town that one simply passes through?

I am specifically concerned about the following:

- Significantly below minimum delivery of affordable housing (10% proposed, 35% recommended) with no re-statement of a definition of 'affordable'. What are the average selling prices of these affordable houses predicted to be?
- No delivery of good quality social housing to rent
- No delivery of sheltered housing for the elderly
- A cursory mention of carbon neutral building with no commitment detail
- No commitment on low carbon local energy sourcing: Photovoltaic installations or ground source energy

- No delivery of self-build plots, reference Kevin McCloud's new series Channel 4 'The Street'
- No mention of the new rail station at Cullompton. Though good allocation of monies to bus services but no detail
- No detail on creating local employment, tourism, care of the elderly, workshop space, light industrial units, shops
- No provision for youth services or providing a sixth form

In summary these proposals fall short in delivering truly affordable homes for local wages. Houses that are not committed to be built to carbon neutral standards, that do not allow people to reduce car usage, by either using public transport or working locally. In so many ways this development will not help young people.

Here is a chance for collaboration between the Town Council, Mid Devon, Persimmon and local people to create a beacon of development that delivers creatively on affordability, need and sustainability. There is a wonderful opportunity for creating a community that is proud to say it lives in Cullompton, to shape history to create a future proofed development that serves local people. In twenty years let's still be proud of this development not ashamed of it.

Ian Emmett stated

The 3 outline planning proposals currently being considered will span the entire width of the proposed development at North West Cullompton and deliver the spine road that will transit from Tiverton Road to Willand Road. It is noted that access to the development will be from Willand Road.

Cullompton Town Council requires that:

- All construction traffic accesses the development site via Willand Road and, at no time, are permitted to access the site through St George's View or Tiverton Road
- The spine road is delivered and open for public use in a state fit for adoption by the Highway Authority as soon as is reasonably practicable and within 3 years of the first development commencing
- No dwellings or private off-street parking places (such as garages or driveways) are open directly onto the spine road
- No parking to be permitted along the length of the spine road
- There are off-road places, such as laybys with covered bus stops, for buses to stop to allow passengers to embark and alight

Martin Smith – Town Councillor stated:

I wanted to add on to Adam Powell's questions and it's particularly related to the Neighbourhood Plan. We have been working very hard on that for the last 5 years and many of the questions that Adam Powell has raised are covered in that Neighbourhood Plan, it has not been adopted yet but my question is:

- How relevant the planning committee considers the Neighbourhood Planning document that's been developed over 5 years, covers many of the questions asked, and it will, given a fair wind, be adopted later this year by which time the development will probably still not have begun. So the legal standing of the Neighbourhood Plan when it's adopted means that it will take precedence and

the issues contained in there about affordable housing, construction plans etc and particularly about a community lead development rather than a developer lead development. So can the committee assure us that the emerging Cullompton Neighbourhood Plan will be taken into consideration and its legal standing, when it's adopted, will be acknowledged?

The Chairman then asked the Head of Planning, Economy and Regeneration to respond to this question:

She responded by stating that it was certainly the case that the weight that you can give to an emerging plan with regard to decision making on planning applications related to the stage that the emerging plan had got to towards its adoption. At the moment her understanding was that there has been some public consultation on the Neighbourhood Plan but it was yet to go through an examination process and it was yet to go through a referendum, so before that examination there is still some considerable uncertainty about the final form of the plan. At the stage that we are at now in terms of the decision making on these three applications we would only able to give very limited weight, if any weight at all, to the emerging Neighbourhood Plan. In terms of when it's been through examination and has been adopted, at that stage it becomes part of the formal development plan for the area and it will be given significant weight in decision making. You have asked about legal standing in relation to these applications and we have to look at it at the time of point of the decisions, so Members before you today you have recommendations on these applications and you are being asked to consider them and determine them. It is today that you need to consider the degree of weight the Neighbourhood Plan has, which I'm indicating at this stage, is very little.

The Chairman indicated that the other questions would be considered when the applications were debated.

### 137 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

The following interests were reported:

<b>Councillor</b>	<b>Interest and detail</b>
Mrs F J Colthorpe	All applications – Personal Interest as a member of Devon County Council Public Rights of Way Committee and as a member of the BHS
Mrs N Woollatt	All applications – Personal Interest as the impact of the applications may affect the Leat which was adjacent to her property and as a member of the Cullompton Leat Conservancy Board.
F W Letch	All applications - Protocol of Good Practice for Councillors dealing in planning matters as he had received correspondence with regard to the applications.

**138 MINUTES OF THE PREVIOUS MEETING (00-19-46)**

The minutes of the meeting held on 3 April 2019 were approved as a correct record and signed by the Chairman.

**139 CHAIRMAN'S ANNOUNCEMENTS (00-20-34)**

The Chairman reminded Members of the Committee that the next meeting would take place on Tuesday 23 April 2019.

**140 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 (00-21-06)**

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 by way of presentation highlighting the whole of the site and the 3 individual application sites and their relationship to the adopted masterplan. She provided a list of the S106 package and with them the masterplan trigger points and explained that it was proposed there would be 10% affordable housing across the whole of phase 1 with phase 2 being at a higher percentage. The affordable housing contribution had been reduced because of the high infrastructure costs and the contribution to the relief road. She highlighted the route for the link road which would be cross 2 of the 3 application sites and informed the meeting of the proposed offsite highway works to include footways and cycleways, sports pitch, play area and multi-use games area, the provision of upgraded public rights of way and health garden at Culm Valley Health Centre and financial contributions towards education, special educational needs and the expansion of the doctors surgery. She also outlined the financial contributions and obligations being proposed for phase 2 of the development.

The total package of the S106 agreement would be apportioned between the 3 applications, if 1 or 2 did not come forward, there would be a need to re-prioritise.

The Head of Planning, Economy and Regeneration then responded to questions posed in public question time:

- With regard to the apportionment across the 3 applications, there would be a need to negotiate as the applications did differ. There had been no equalisation agreement between the applicants, so apportionment would take place via the S106 agreement. The applicants could of course challenge the S106 agreement during its negotiation or if there was a dilution of the agreement, the issue would be returned to the Planning Committee.
- With regard to some of the dwellings being below the National Space Standards on the Persimmon application, this formed part of the planning balance issue before committee members. With regard to insisting on the best, through negotiation officers had sort to do that.
- With regard to the wall at St Georges View, Mr Sorenson explained that it was hoped that this road would have a lesser status when the new road had been achieved and that it was proposed to look at the footpath and traffic

management along Willand Road. A safety audit would take place and it was felt that a footpath and a crossing point could be achieved.

- With regard to the questions from Mr Powell, the urban extension had a broad range of policies which covered the green infrastructure, phasing and highway works. The adopted Masterplan Supplementary Planning Document set out how the extension would be delivered. The percentage of affordable housing was significantly less than the normal requirements and they would be 50% rent and 50% intermediate. The definition of affordable housing was in the National Planning Policy Framework. The price for the affordable dwelling would be 20% less than open market values. Self build properties were referred to in the Local Plan Review policies, but this was yet to be adopted; Phase 2 of the scheme could include self build. The railway station project was progressing but had not reached the stage where proposals were being costed, so a contribution to that project could not be sought from developers. The employment land was scheduled for phase 2. With regard to a low carbon, the development was proposed to have a fabric first approach with construction materials and values governed by Building Regulations.
- With regard to the link road, part of the road was in the outline applications with the initial part being within the Persimmon application, the phasing and delivery of the road was set out as described in the masterplan.

The meeting then took questions from Members of the Committee: with regard to: Whether Rull Lane would be used as a rat run through to the road to Tiverton and whether the contents of the S106 agreement could consider this. Mr Sorenson stated he felt the new road would take any pressure off of Rull Lane and gave details of the assessment that had identified potential rat runs, including details of timings to drive via Headweir Road and Saxon Way.

Questions from Ward Members with regard to:

- Confirmation of whether or not the 40 plus houses which were built a few years ago north of Tiverton Road within the CU1-6 allocation would be included when calculating the trigger points which relate to occupation of dwellings? Page 34 implies higher affordable housing delivery in Phase two will compensate for the reduction in Phase one, we have no guarantee that come Phase two there won't be a viability argument made to reduce it again. How can we accept that something which might happen in the future as justification for such a large departure from policy. The Head of Planning, Economy and Regeneration stated that yes, she thought the 40 dwellings on Olympian Way would be included, but she would double check. There was no guarantee over the affordable housing percentage within phase 2, there was potential for 20% affordable housing overall but there was no guarantee.
- Concern regarding the complexity of building the road and the danger of ending up with another road to nowhere if one of the applications ends up not being developed for some reason and not stumping up its share. What guarantee was there that this will not happen? The expectation that the application for the road to come in its entirety but we have applications for different sections and that gives the impression that the developers are not working together and that it will be built piecemeal as a means of opening land up for housing rather than the intention of delivering the road in its entirety at the earliest opportunity. Doesn't piecemeal development of the road by

different developers lead to a danger of all sorts of problems which could affect the timely delivery? The S106 exists to make development acceptable. Without the timely and complete delivery of the entire length of this road none of this development is acceptable.

- With regard to the footpath provision Millennium Way has no footway, that doesn't stop people walking that route though, either on the grass verge or the road itself. It is something I have both observed and had comment made to me by residents. There are bus stops along this road. It is not acceptable that people should be expected to walk through sometimes wet and long grass to access them. The Masterplan talks about walkable neighbourhood principles and identifies a need for 'new and improved off site pedestrian and cycle links'. Creating a footway on Millennium Way would meet some of that need. The following amendment was requested: Off-site highway works: improvements to J28 of the M5, pedestrian footway and crossing in Willand Road, pedestrian footway along western side Millennium Way, traffic calming in ~~Saxon Way, Plantagenet Way, Tudor Grove~~ on existing roads where further assessment deems it necessary. If anywhere was to be used as a rat run I would have thought Headweir Road would be a more attractive route, it is far straighter and easier to negotiate. From the discussions over the years I had also thought there was to be traffic calming in Willand Road which is mentioned in this report but not in the recommendation. I would therefore like to see the requirements and locations for traffic calming reassessed. The Head of Planning, Economy and Regeneration stated that the cost of a footway throughout the whole of Millennium Way would be £780K; the applicant had offered a footway as far as the bus stop which would cost £150k, contributions from developers was all about priorities. Mr Sorenson responded stating that traffic calming measures would be monitored and further measures could also be included within phase 2 of the development if necessary
- With regard to Ward Member consultation and the delegated authority to be given to the Head of Planning, Economy and Regeneration; does this not undermine the existing policy and negate the spirit of Cllr Evans' motion to Council next week regarding seeking consultation and agreement with ward members/or planning committee for changes to S106 agreements and the following amendment was proposed: That delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chair of Planning Committee and relevant ward member/s 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. and brings that back to Planning Committee for their consideration and agreement/disagreement. The Head of Planning, Economy and Regeneration stated that she was happy for any re-negotiated positions to be brought back before the Planning Committee.
- The S106 is there to make this development acceptable. What is proposed is already not delivering everything that is required in the Masterplan policies. There is only so much you can take out before it renders the development unacceptable. We are at the limit in Cullompton of development without improvements to infrastructure, if one of the planning applications do not come forward for development and therefore doesn't stump up their share of the S106, then that renders the whole lot undeliverable. Wasn't that the point of having a Masterplan? The Ward Member objected to this recommendation

because she thought that if there was a problem bringing any of these developments forward this is too big, affects too much and so many people in Cullompton that it should come back to planning committee and be dealt with in the public domain as it is today. she therefore requested members not to support the recommendation unless it is amended

At this point, the Chairman stated that she felt that a decision on the S106 package should take place following consideration of the 3 applications.

Notes:

- (i) \* Report previously circulated, copy attached to minutes;
- (ii) The following late information was reported: Amendment to Recommendation 1, point 3) to refer to traffic calming in Saxon Way, Plantagenet Way and Norman Drive.

Officer comment- Tudor Grove incorrectly listed.

Further response from Highway Authority dated 9<sup>th</sup> April 2019.

I can confirm from a check scale of the drawings 432-100-01 rev B from PM Asset Management application 17/01346/MOUT and 1652/04 rev L from Persimmon Homes application 17/01178/MFUL, the plans show that the roads are aligned and are compliant to a through route.

The PM Asset Management plan shows the route to Willand Road and includes the necessary horse crossing to be built when the right of way is severed; this also allows for the road to be completed should Persimmon not develop their site and the triggers set for its completion are reached. However, this land is still within the ownership of Persimmon Homes. Therefore there needs to be a number of clauses in the legal agreements to cover all eventualities.

Within the Persimmon Homes Section 106 Agreement there needs to be a requirement that the horse crossing sited on PMAM land is constructed if the spine road is built out to the south west of the public bridleway necessitating its closure, and a clause which will allow PMAM to connect the road to the Persimmon built road if it stops short of the bridleway, without financial recourse. This should be reciprocal in the PMAM agreement too. Also there needs to be a clause which will allow PMAM or its successors, or MDDC, should the need arise, the ability to build the distributor road through to Willand Road if the completion date and triggers are activated. Similarly, should Persimmon build the route out to the south west of the right of way, they are able to build out the horse crossing on PMAM land. Such permissions should extend to drainage arrangements as well if it is to be a comprehensive cover. How you are to bring Codex into the equations for equity I am not sure; an agreement signed by all parties for the delivery of the distributor road would be the ideal solution.

Officer comment- These issues will be expected to be addressed in the detailed S106 provisions over the delivery of the new road.

16<sup>th</sup> April 2019

Amended recommendations:

1. 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. That 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.

Additional recommendation:

5. That 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.

**141 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 (1-14-00)**

The Committee had before it \* 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 the location of the application which identified the sports pitch (which would be delayed until phase 2 of the development), the aerial view of the site, the access onto Willand Road and the land identified for employment use (at phase 2), an illustrative plan, the green buffer zone on the hill top, photographs from various locations looking into the site and visual assessment plans.

Consideration was given to

- The view of the representative of the applicant with regard to the work that had taken place to bring the application forward, the masterplanning exercise and the consultation process that had taken place; the delivery of the link road and the provision of land for the school and the delivery of the school. The contribution requested for the Cullompton relief road. The additional costs and contributions had led to the reduction in affordable housing being provided and the further request for the provision of a footway on Millenium Way.

- The view of the Ward Member with regard to: the Millenium Sluice which was built by the Environment Agency to divert water in times of flood. Unfortunately, in practice it has behaved as somewhat of a dam and Cullompton Mill Leat has been starved of its previous level of water supply for many years. No amount of complaints to EA, MP or Ministers by either the Leat Board or Town Council have ever been able to resolve the problem. Currently St Georges Well stream feeds into the leat downstream from this sluice. Because the water supply to the leat is now so poor, the water which enters from St Georges Well catchment is quite precious in assisting to maintain the water level, flow and the amenity and ecological value of the leat. The reports are all concerned with prevention flood risk, which is absolutely as it should be. However the other side is not considered and she would like an assurance that steps will be taken to ensure that the current flows into the leat from St Georges Well stream catchment will not be reduced and also flows further upstream which contribute to the Spratford Stream. she wondered what effect all the ponds would have on the amount of water getting through to the watercourses which frequently already flow at very low levels?

She referred to:

Page 39 – culvert to reduce flooding on B3181

Page 51 – did this mean we will continue to have flooding issues north of Willand Rd/Millenium Way roundabout? Surely land ownership issues can be overcome if it's infrastructure which is needed to prevent flooding on this road?

Page 59 – pleased to see an inspection regime for the attenuation pond construction, from problems we have had in the past this is really important.

Concern with regard the 10% affordable housing proposed, the width of the new road and people parking outside of the dwellings which would have an impact on traffic passing through the site and whether a contribution should have been sought for the relief road.

**RESOLVED** that outline planning permission be granted subject to the prior signing of a Section 106 agreement and conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Notes:

- i) Mr Turner, representative for the applicant, spoke;
- ii) Cllr Mrs N Woollatt as Ward Member;
- iii) Cllr Mrs E M Andrews spoke as an adjacent Ward Member;
- iv) The following late information was reported: Further response from South West Water dated 12<sup>th</sup> April 2019

As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments

any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.

In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.

Condition 23 should therefore be deleted.

Condition 1: The word “access” should be removed from the second line of the condition. This was included in error. Access from the public highway is to be determined under this application.

Condition 18: At the request of the applicant, the first line of the condition should be amended as follows:

“No dwelling ~~part of the development~~ hereby approved shall be commenced until:”

The Highway Authority has agreed this change and your officers consider this amendment to be reasonable.

Condition 20: At the request of the applicant, the condition should be amended as follows:

No development above slab level shall take place ~~shall commence~~ until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.

Again, your officers consider this amendment to be reasonable.

16<sup>th</sup> April 2019 – Amended recommendation

Recommendation:

Grant permission subject to conditions and the prior signing of a S106 agreement.

- v) \*Report previously circulated copy attached to signed minutes.

**142 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 (2-00)**

The Committee had before it \* 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 the location of the proposal to the southern section of the site; this was a hybrid application which also considered a full application for part of the site containing the road link into the neighbouring land parcel over the existing bridleway, and the Pegasus bridleway crossing over the new link road. The latter was provided in detail to ensure alignment with the adjacent section of the road, where it crossed into a separate application site. She highlighted the illustrative plan and provided photographs from various location looking into the site.

Consideration was given to:

- Whether there would be any ransom strips and whether the road would join up, the officer stated that non-ransom provisions were to be included within the S106 agreement, it was intended to build the road all in one go and the road would be 6.5 metres wide.
- Whether the link road would be accessible from the estate
- Maintenance issues
- The views of the Town Council with regard to the houses facing onto the link road in the illustrative diagram: this would be addressed within the reserved matters
- The view of the applicant with regard to the delivery of the road.

**RESOLVED** that planning permission be granted subject to: the prior signing of a Section 106 agreement and conditions as recommended by the Head of Planning Economy and Regeneration.

(Proposed by the Chairman)

#### Notes

- i) Cllr Smith (Cullompton Town Council ) spoke;
- ii) Mr Turner, the applicant spoke;
- iii) Further response from South West Water dated 12<sup>th</sup> April 2019

As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.

In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.

Condition 25 should therefore be deleted.

Condition 20: At the request of the applicant, the first line of the condition should be amended as follows:

"No dwelling part of the development hereby approved shall be commenced until:"

The Highway Authority has agreed this change and your officers consider this amendment to be reasonable.

Condition 22: At the request of the applicant, the condition should be amended as follows:

No development above slab level shall take place ~~shall commence~~ until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.

Again, your officers consider this amendment to be reasonable.

Additional conditions for 'full' part of hybrid application

The application is in two parts: outline for the majority of the site, and full for the part of the link road connecting into the neighbouring land parcel (Persimmon Homes), the full part of the application is subject to a different commencement condition. There is also a need to ensure the plans relating to the full part of the application are identified as the approved details, rather than being subject to the reserved matters application/s. Two additional conditions are recommended.

Additional condition 1:

The development within the land outlined in red on drawing number 1006.P.002 Rev B hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 as this relates to the 'full' rather than 'outline' part of the application.

Additional condition 2

The development of the section of road and bridleway crossing within the land outlined in red on drawing number 1006.P.002 Rev B shall be in accordance with drawing numbers 9158-GA-005 Rev P03, 432-100-01 Rev B, 432-200-01 and 432-200-02, unless agreed otherwise in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure the development is constructed in accordance with the approved details.

16<sup>th</sup> April 2019 – Amended recommendation

Recommendation:

Grant permission subject to conditions and the prior signing of a S106 agreement.

- iv) \*Report previously circulated copy attached to signed minutes.

**143 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 (3-01)**

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

The Area Planning Officer outlined the contents of the report stating that this was a full application which wrapped around the existing health centre on Willand Road. She identified the layout of the site, the location of the spine road, the parallel parking bays, footway and cycle routes, the site of the attenuation ponds, the houses orientated across the site, the school site, the tree line that would be protected and the community orchard and health garden. She highlighted the road access and the priority road changes proposed, the detail of the retaining walls, the street elevations, the layout of the dwellings, site sections, house types, garages and bin stores and provided photographs from various aspects of the site.

Consideration was given to:

- The management plan for the attenuation ponds
- Disappointment with regard to the need for quality design to a specific standard which was not the case
- Lack of provision of renewable energy, ie solar or carbon saving schemes
- Concern with regard to the size of the “Almouth” house design and the size of the gardens
- Electric car charging points
- The views of the applicant with regard to the layout and topography of the site, the access to the sites and detail of the attenuation ponds
- The view of the Town Council with regard to concerns for access to the school site and traffic issues at busy time and whether there would be parking provision at the school
- The view of the Ward Member with regard to the parallel parking spaces on the roadside, were these within the curtilage of the 6.5m road width or in addition? If within the 6.5m road width this was not acceptable we would end up with another Kingfisher Reach with the width of the road diminished by parked cars when we have said all along this road needs to be to the standard of a distributor road. Would there be tree preservation orders on the trees on site? Would there be a condition with regard to preventing netting to stop bird nesting. 47 of the 200 homes were below the national space standard that was 23.5%. Do we want to see a development of rabbit hutches on this site? Small living spaces have an impact on wellbeing and quality of life and can impact on mental health and family relationships. Certainly those that are 10 square metres below standard were not acceptable. NSS should be a minimum requirement. She expected better from a company which made more than £1billion in profit last year and declared on its website that it “places great importance on the contribution the company makes to the communities it serves”. 10% affordable housing delivery was not good enough and neither were substandard house sizes.
- The concerns of the adjacent Ward Member with regard to the lack of renewable energy on the site, she felt that the community health garden

should come forward before building took place, the 10% affordable housing on the site was not acceptable, the design was bland and uninteresting and too many of the houses did not comply with the SPD, she felt that the scheme felt short of what was expected with regard to design and space.

- It was felt that the application would look like little boxes on the hill side.
- General views on the parking calculation, the design issues the lack of affordable housing, the lack of cycling provision, concerns with regard to the S106 agreement, the cost of the proposed footways.

**RESOLVED** that the application be deferred for further negotiation to take place in relation to the percentage affordable housing, renewable energy, the size of dwellings in relation to the National Space Standards, parking provision, layout, property design, design quality, cycle route provision and access/egress to the school site.

(Proposed by Cllr P J Heal and seconded by Cllr B A Moore)

#### Notes

- i) Susanna Knowles spoke as applicant;
- ii) Cllr Smith spoke on behalf of Cullompton Town Council;
- iii) Cllr Mrs N Woollatt spoke as Ward Member;
- iv) Cllrs Mrs A Berry and Mrs E M Andrews spoke as adjacent Ward Members;
- v) Further response from South West Water dated 12<sup>th</sup> April 2019

As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.

In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.

Condition 26 should therefore be deleted.

Condition 15: The reason for condition 15 is missing from the conditions schedule. The reason should read:

15. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan.

All subsequent reasons within the conditions schedule should be re-numbered accordingly.

Condition 20: The drawing number to be inserted in this condition is 453-P-600 Rev E.

16<sup>th</sup> April 2019 – Amended recommendation

Recommendation:

Grant permission subject to conditions and the prior signing of a S106 agreement.

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

**144 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**

Following consideration of the 3 applications on the site, Members (as mentioned in minute 140) further considered the S106 package.

Discussion took place regarding the offsite highway works, the unacceptable level of affordable housing across the site, the need for design issues to be addressed, the viability of the site and the need to include the Ward members and Cabinet Member for Housing in further discussions.

It was therefore **RESOLVED** that the item be deferred for further negotiation over the overall S106 package for applications 17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT to take place in terms of viability, costings, inclusions and in particular the percentage of affordable housing and the inclusion of a footpath/cycleway along Millennium Way. Delegated authority be given to the Head of Planning, Economy and Regeneration to undertake the negotiations in consultation with the Chair and Vice Chair of Planning Committee, Ward Members and the Cabinet Member for Housing.

(Proposed by Cllr P J Heal and seconded by Cllr D J Knowles)

(The meeting ended at 1.10 pm)

**CHAIRMAN**

## PLANNING COMMITTEE AGENDA - 17th April 2019

Applications of a non-delegated nature

### UPDATES

AGENDA ITEMS	
1.	<p><b>S106 Matters, applications comprising Phase 1 of development At NW Cullompton Urban Extension, relating to applications 17/01170/MOUT, 17/01178/MFUL and 7/01346/MOUT.</b></p> <p><b>Amendment to Recommendation 1, point 3) to refer to traffic calming in Saxon Way, Plantagenet Way and Norman Drive.</b></p> <p>Officer comment- Tudor Grove incorrectly listed.</p> <p>Further response from Highway Authority dated 9<sup>th</sup> April 2019.</p> <p><i>I can confirm from a check scale of the drawings 432-100-01 rev B from PM Asset Management application 17/01346/MOUT and 1652/04 rev L from Persimmon Homes application 17/01178/MFUL, the plans show that the roads are aligned and are compliant to a through route.</i></p> <p><i>The PM Asset Management plan shows the route to Willand Road and includes the necessary horse crossing to be built when the right of way is severed; this also allows for the road to be completed should Persimmon not develop their site and the triggers set for its completion are reached. However, this land is still within the ownership of Persimmon Homes. Therefore there needs to be a number of clauses in the legal agreements to cover all eventualities.</i></p> <p><i>Within the Persimmon Homes Section 106 Agreement there needs to be a requirement that the horse crossing sited on PMAM land is constructed if the spine road is built out to the south west of the public bridleway necessitating its closure, and a clause which will allow PMAM to connect the road to the Persimmon built road if it stops short of the bridleway, without financial recourse. This should be reciprocal in the PMAM agreement too. Also there needs to be a clause which will allow PMAM or its successors, or MDDC, should the need arise, the ability to build the distributor road through to Willand Road if the completion date and triggers are activated. Similarly, should Persimmon build the route out to the south west of the right of way, they are able to build out the horse crossing on PMAM land. Such permissions should extend to drainage arrangements as well if it is to be a comprehensive cover. How you are to bring Codex into the equations for equity I am not sure; an agreement signed by all parties for the delivery of the distributor road would be the ideal solution.</i></p> <p>Officer comment- These issues will be expected to be addressed in the detailed S106 provisions over the delivery of the new road.</p> <p>16<sup>th</sup> April 2019</p> <p>Amended recommendations:</p> <p>1. 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.</p> <p>4. That 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</p>

	<p>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.</p> <p>Additional recommendation:</p> <p>5. That 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.</p>
2.	<p><b>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 Culmpton Urban Extension - Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Culmpton.</b></p> <p>Further response from South West Water dated 12<sup>th</sup> April 2019</p> <p><i>As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.</i></p> <p><i>In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.</i></p> <p><b>Condition 23 should therefore be deleted.</b></p> <p><b>Condition 1: The word “access” should be removed from the second line of the condition.</b> This was included in error. Access from the public highway is to be determined under this application.</p> <p><b>Condition 18: At the request of the applicant, the first line of the condition should be amended as follows:</b></p> <p>“No <u>dwelling part of the development</u> hereby approved shall be commenced until:”</p> <p>The Highway Authority has agreed this change and your officers consider this amendment to be reasonable.</p> <p><b>Condition 20: At the request of the applicant, the condition should be amended as follows:</b></p> <p>No development <u>above slab level shall take place</u> shall commence until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.</p> <p>Again, your officers consider this amendment to be reasonable.</p> <p><b>16<sup>th</sup> April 2019 – Amended recommendation</b></p> <p>Recommendation: Grant permission subject to conditions and the prior signing of a S106 agreement.</p>

3.	<p><b>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.</b></p> <p>Further response from South West Water dated 12<sup>th</sup> April 2019</p> <p><i>As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.</i></p> <p><i>In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.</i></p> <p><b>Condition 25 should therefore be deleted.</b></p> <p><b>Condition 20: At the request of the applicant, the first line of the condition should be amended as follows:</b></p> <p>"No <u>dwelling part of the development</u> hereby approved shall be commenced until:" The Highway Authority has agreed this change and your officers consider this amendment to be reasonable.</p> <p><b>Condition 22: At the request of the applicant, the condition should be amended as follows:</b> No development <u>above slab level shall take place</u> <del>shall commence</del> until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.</p> <p>Again, your officers consider this amendment to be reasonable.</p> <p><b>Additional conditions for 'full' part of hybrid application</b></p> <p>The application is in two parts: outline for the majority of the site, and full for the part of the link road connecting into the neighbouring land parcel (Persimmon Homes), the full part of the application is subject to a different commencement condition. There is also a need to ensure the plans relating to the full part of the application are identified as the approved details, rather than being subject to the reserved matters application/s. Two additional conditions are recommended.</p> <p><b>Additional condition 1:</b></p> <p>The development within the land outlined in red on drawing number 1006.P.002 Rev B hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 as this relates to the 'full' rather than 'outline' part of the application.</p> <p><b>Additional condition 2</b></p> <p>The development of the section of road and bridleway crossing within the land outlined in red on drawing number 1006.P.002 Rev B shall be in accordance with drawing numbers 9158-GA-005 Rev P03, 432-100-01 Rev B, 432-200-01 and 432-200-02, unless agreed</p>
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	<p>otherwise in writing by the Local Planning Authority. Reason: For the avoidance of doubt and to ensure the development is constructed in accordance with the approved details.</p> <p><b>16<sup>th</sup> April 2019 – Amended recommendation</b></p> <p>Recommendation: Grant permission subject to conditions and the prior signing of a S106 agreement.</p>
4.	<p><b>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.</b></p> <p>Further response from South West Water dated 12<sup>th</sup> April 2019</p> <p><i>As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.</i></p> <p><i>In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.</i></p> <p><b>Condition 26 should therefore be deleted.</b></p> <p><b>Condition 17: The reason for condition 17 is missing from the conditions schedule. The reason should read:</b></p> <p>17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan.</p> <p>All subsequent reasons within the conditions schedule should be re-numbered accordingly.</p> <p><b>Condition 20: The drawing number to be inserted in this condition is 453-P-600 Rev E.</b></p> <p><b>16<sup>th</sup> April 2019 – Amended recommendation</b></p> <p>Recommendation: Grant permission subject to conditions and the prior signing of a S106 agreement.</p>