

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 4 December 2019 at 6.00 pm

### **Present**

#### **Councillors**

L J Cruwys (Chairman)  
G Barnell, E J Berry, W Burke, J Cairney,  
R J Chesterton, Mrs C Collis,  
Mrs F J Colthorpe, D R Coren, N V Davey,  
W J Daw, Mrs C P Daw, R M Deed,  
R J Dolley, J M Downes, C J Eginton,  
R Evans, Mrs S Griggs, Mrs I Hill,  
B Holdman, T G Hughes, D J Knowles,  
F W Letch, E G Luxton, B A Moore,  
Miss J Norton, D F Pugsley, R F Radford,  
C R Slade, Mrs M E Squires, R L Stanley,  
L D Taylor, Ms E J Wainwright,  
B G J Warren, A White, A Wilce,  
Mrs N Woollatt and J Wright

### **Apologies**

#### **Councillors**

Mrs E M Andrews, S J Clist, S J Penny and  
A Wyer

### 95 **Apologies**

Apologies were received from Councillors: Mrs E M Andrews, S J Clist, S J Penny and A Wyer.

### 96 **Public Question Time**

Jamie Byrom – resident of Sampford Peverell referring to item 5 on the agenda stated that:

Just over three years ago, Policy SP2 was added to the Local Plan submission. It was a late and rushed addition caused only by the decision to develop Junction 27. Members of the Policy Planning Advisory Group who put it forward, quickly realised they had made a mistake. They led a move to have SP2 removed in December 2016.

Fearing that the Plan may be delayed, those in charge of the Review added safeguards to SP2. Two of these said

1. There must be no development at SP2 until work had started at Junction 27.
2. There must be no work at SP2 until west facing slip roads had been added to the A361 near the village.

The safeguards worked: enough Councillors were reassured. SP2 went into the Plan, but only with those safeguards ... And today you are being asked to take them out. The Inspector has identified those two criteria as making the Plan unsound.

Besides, he says, the tie between SP2 and J27 'serves no purpose'. That is totally untrue. He is completely wrong. The purpose was explained very clearly in this room three years ago by Mrs Clifford. The audio of that meeting records how she told this Council that a member of the public had asked Cabinet ...

"Is it possible to change the allocation so that it only happens in the event that land at Junction 27 comes forward because its need is based on Junction 27?' And this amendment text now incorporates 'to come forward following the commencement of development of the M5 Junction 27 allocation'. So we have sought to make a clear connection there and sequence between those two sites ..."

In similar vein, Cllr Chesterton who then held the cabinet responsibility for planning, told the meeting that

"if those west-facing slip roads are not built and are not done by Devon County, then I don't see this site as being suitable or able to come forward"

Councillors, we are clear that Policy SP2 makes your proposed Plan unsound. But we are equally clear that removing the two safeguards makes it unfair.

Promises were made then and promises will be broken here today if you cut those safeguards and leave the rest of the policy in your plan. SP2 requires a Main Modification of some sort. By law, you can ask the Inspector at this stage to make your plan sound by a more radical and a much more fair solution: not by cutting the two safeguards, but by deleting the policy entirely.

You do not need the houses. The site is desperately unsuitable as your Planning Committee can tell you. There are strong planning reasons for cutting SP2. But there are even stronger moral reasons to take SP2 out of your Plan. Please will you do so?

Hayley Keary – resident of Higher Town, Sampford Peverell again referring to item 5 on the agenda stated that:

SP2 is unsustainable. We have consistently tried to tell you this. In May 2014, there was a consultation about site options. Effectively, there was a 4 to 1 vote against using the SP2 site - but that has counted for nothing.

In September 2016, the site was first put into the plan proposals. We used the Sustainability Appraisal to argue that it was unsuitable. Our arguments were brushed aside.

- We were told that 'new information' showed the site had safe access. That safe access has since proved to be unacceptable, but this seems to make no difference.
- We were also told that the site was only being allocated to meet additional housing need created by J27. Now we are told that housing there is to meet overall need. So why was the 2016 allocation restricted to sites 'proximate' to J27? This restriction may well have been unlawful .

In December 2016, Councillor Stanley tried to get this Council to remove SP2. The Minutes record a warning given by Mrs Clifford. She advised that the Government

might intervene if Councillors did not submit their plan proposals by the end of March 2017. But the Minister's letter never said that. It clearly referred to Authorities that had never produced a plan since 2004. Mid Devon had no cause to fear Government intervention.

Mrs Clifford's words misled this Council at a vital point in the process and we have been suffering speculative development ever since. In the debate that followed, six Members said they would have supported the deletion of SP2 had it not been for fear of government intervention. The vote was lost by 12 votes to 20: the six votes were crucial.

And then what happened? Officers caused a year long delay anyway. They were afraid of legal challenges over their allocation of sites.

At the Hearings we urged the Inspector to take out SP2. He did not. But we now know that critical information about the Canal Conservation Area had not been passed to him. Officers have still not shown him this evidence.

The evidence comes from a Freedom of Information request. In autumn 2017, the Council's Conservation Officer identified that development at Higher Town would cause significant harm to the setting of the canal conservation area. But in the 2019 Hearings, officers told the Inspector that there would be 'no harm' to this heritage asset. That may prove to be a big mistake.

Since the hearings, officers' errors of judgement over housing supply have caused another five months of delay.

And now, officers tell us that, if SP2 is to be removed, we will be causing a long delay. For the good of the rest of the District, it seems, we must suffer.

Must we? That is down to you.

Please will you find a way to delete SP2 from your Local Plan proposals?

Peter Dumble – resident of Sampford Peverell referring again to Item 5 on the agenda stated:

The recently refused application to build 60 houses on the SP2 site is directly relevant to today's debate.

Your Planning Committee has considered the application twice in just over a year. Of 22 votes cast, only one was in favour of granting permission. This was despite the fact that the case officer says eight times in his report that the application complies with SP2.

The Planning Committee's reasons for refusal challenge the sustainability of the site. Above all, they raise fundamental questions about safe access for all pedestrians.

Officers say that the SP2 policy reflects a Sustainability Appraisal that gives it a clean bill of health. But does it?

The Council voted SP2 into the Plan proposals in December 2016. At that time, the most recent Sustainability Appraisal made no mention at all of a Listed Building or a conservation area that will both be affected. This Council allocated the site without ever having been told about these assets – but the Planning Committee has had to consider them. It turns out that their presence is a real constraint on creating safe and sustainable access.

Above all, the Planning Committee has been brought face to face with a last minute, unsupported textual change to the Sustainability Appraisal. This was made in late 2016. Up until then, every iteration of the Sustainability Appraisal described Turnpike as a ‘dangerous road for pedestrians’. Suddenly, this phrase was dropped from the Sustainability Appraisal that appeared in January 2017. No evidence has ever been produced to explain when or why this dangerous road was no longer dangerous.

But guess what? When an applicant tries to create a safe access into the village along Turnpike, the Planning Committee finds that ... Turnpike is a dangerous road for pedestrians! The Sustainability Appraisal was right after all.

Perhaps officers realised the problem with Turnpike when they wrote their Hearing Statement to the Inspector in September 2017. They told him that ‘An alternative pedestrian route from the site to the village centre ... will be via Higher Town’. But this is not stated in the policy. Officers invented a policy commitment, misled the Inspector and, at the same time, predetermined this part of a planning application that was seeking to achieve access via Higher Town. When it came to it, the Planning Committee found that this access route was also unsafe.

In conclusion, new information arising from the work of the Planning Committee has revealed that the SA for SP2 was flawed, misleading and unreliable.

With SP2 in your plan, you are committing us all to an endless cycle of applications and refusals. The only way out is to ask the Inspector to consider the new information and to recommend deletion of Policy SP2.

Councillors – Please will you listen carefully to your Planning Committee members in the debate that follows and then delete this dreadful and dangerous policy from your plan?

Bob Bond - resident of Sampford Peverell referring to item 5 on the agenda stated: Officers have told the Inspector that SP2’s 60 houses will be fully built-out by March 2023.

Planning Practice Guidance requires that the Inspector’s decisions on site deliverability must be based on ‘robust and up to date evidence’.

The Inspector made his last statement about SP2’s suitability in May 2019. In the six months since then, we have had significant new evidence about SP2 that officers should have passed on to the Inspector. Councillors, you need to be sure they have done so. If they have not, they may be risking long delays after consultation.

So, here are my questions to officers relating to new evidence.

1. Ground water monitoring on the SP2 site must be continued until September 2020. Did you inform the Inspector of this as soon as you heard of it? If so when and where was this advice published?
2. Devon's Historic Environment Team has required a programme of archaeological work that has delayed the latest application to develop the site. The outcomes of these works could significantly delay or even prevent development of the site. Have you informed the Inspector of these facts? If so when and where was this advice published?
3. A Freedom of Information request has revealed that your conservation officer has found a problem with the main access recommended by the Local Highway Authority as being most suitable for the SP2 site. That access would cause significant harm to the canal conservation area. Have you informed the Inspector of these facts? If so when and where was this advice published?
4. On 31<sup>st</sup> July 2019, the Planning Committee refused to grant outline planning permission for a development at the SP2 site. In their report, your own officers said that, in all relevant respects, the application complied with policy SP2. But it was still overwhelmingly rejected. The planning status of a site is a 'material consideration'. Did you inform the Inspector directly that the site had been refused permission? If so when and where was this advice published?
5. In your paper ED21, published in July 2019, you told the Inspector that site Wi1 was subject to an appeal and that '*... Pending the outcome of the appeal, the site is not a reasonable alternative*' for extra housing in the first five years. On 24<sup>th</sup> October you were informed that SP2 is now subject to an appeal. Did you immediately inform the Inspector of this and tell him that it is no longer a reasonable alternative for housing in the first five-year phase? If so when and where was this advice published?
6. Finally, you have said that the SP2 site can be fully built out by March 2023 and that this is in line with the HELAA model that you use. To comply with that model, the SP2 site will need to be granted full planning permission within four months even though the ground water monitoring requires a further nine months. Have you informed the Inspector of this? If so when and where was this advice published?

Mike Aspray on behalf of Sampford Peverell Parish Council stated that the question relates to the site designated as SP2 in the emerging Local Plan.

In September 2017 Mid Devon District Council received an outline planning application for a development comprising 84 dwellings at Higher Town Sampford Peverell, this application was eventually modified to comply with the emerging Local Plan which designated this area, identified as SP2, for the development of only 60 dwellings following the start of the proposed development of a leisure complex at junction 27 and the construction of west facing slip roads onto the North Devon link road to the east of the village of Sampford Peverell.

Objections were made by many local residents and by the Parish Council siting amongst many other matters the absence of a safe pedestrian access to village amenities, including the primary school, the shop and post office, the medical centre,

the village hall and various sports facilities. To the north of the site, Higher Town, is a single track lane with limited passing places for traffic and no footways. To the south Turnpike is the main road through the village from Tiverton to Tiverton Parkway station and the motorway network. It carries buses, farm vehicles, HGV's as well as much other traffic with vehicle speeds being a matter of local concern. The narrow footway on Turnpike that leads to the village ends just before a blind bend on the road at the canal bridge forcing pedestrians to cross the road at this point to gain access to the village itself and to the primary school. Proposals by the Highways Authority to overcome this problem are described by the Highways Authority as substandard. The original planning application was called into committee because of these concerns. The planning committee in the summer of 2018, following a site visit which included a walk into the village from the SP2 site, was refused against officer recommendation to grant planning permission.

The decision was unanimous. An implications report was called for and the application came back to planning committee in the summer of 2019. Because there were, following local government elections in May 2019, new members on the planning committee another site visit was held to include a walk to the village from the site. The planning committee decision this time, 10 votes to 1, was again not to grant permission for the proposed development.

Chairman and Members my question on behalf of Sampford Peverell Parish Council is given the results of the voting of the members of your planning committee on these 2 occasions and the volume of criticism of the application of local residents and by the Parish Council, mostly because of the access problems to the village amenities would it perhaps not be wise to remove SP2 from the Local Plan? The choice of this site for major development is clearly fatally flawed with or without the proposed main modifications.

Mr Grantham speaking with regard to item 5 on the agenda stated that I and others are still against the building on any land at junction 27. A decision has not yet been made and it's still in your hands to throw these stupid buildings out.

In the report supplied by Head of Planning I must refer you to the paragraph 1.6 Examination of main hearings. Its wording said 'Junction 27 and the land at Junction 27 of the M5 motorway, too restrictive'.

And I refer you to 1.7 Inspectors post hearings advice notes, you have only summarised his advice, he did not see the need for changes to the Policy Junction 27 but his full comments don't. I'll read what his full comments state on Junction 27 because I think it's important. 'Policy Junction 27 having previously confirmed that I had no difficulty with the policy and the aspirations it embodies in principle' my questions at the hearing were raised in the light of concerns that the policy as drafted was somewhat inflexible and too far geared towards one specific development model or developer.... and this had been the old story of this site all the way along the years. 'Based on the discussion I am however content and that while the policy makes provision for various elements it does not rule out a scheme which takes a different format and in particular a less ambitious scheme that might not require the outlet shopping village'. Its only in this context he says that he see no changes for the policy so that is what he's said, he's not completely said it's got to stay in he gives some policy there of why he's made this decision.

With regard to Junction 27 again, nowhere in the plan does it state his other option and my question is why doesn't it state his other option for all you people to discuss. We have only been told that he doesn't want it because of what he's said but the planning department do not say that. Going on, the planning permission has run out, I believe on the extension to the garage at Junction 27 which is part of the Junction 27 site. Eden Westward were given 2 years more to start this project, they've only had 22 years already, it is now nearly 3 years since planning permission was granted. This would now I believe remove the ransom strip from Junction 27 and the A38 to assess the Junction 27 site as a whole and make it available to other developers. None of this information is in your brief to the Council tonight.

It seems to me the Mid Devon planning is close to the developer i.e. Eden Westward. As the Inspector says in his report that Mid Devon is very close and I want you to keep that in mind because I think that things could happen in the future. My question is why is the site not being offered to other developers to put forward a revised and alternative scheme?

Goff Welchman speaking with regard to item 5 of the agenda stated that his question was regarding the allocation of land within the Local Plan for housing surrounding Tidcombe Hall between Grand Western Canal and Warnicombe. There is very shortly going to be a planning application from LVA for over 150 homes on that site with access into Tidcombe Lane. You will find a massive list of objectors coming forward when that planning application comes in with a whole raft of objections: environmental, traffic etc. I just want to highlight 1 major objection and ask you to remove that site from you housing allocations.

The problem is that Tidcombe Lane is getting busier and busier and basically cannot be improved because of its structure and in particular Tidcombe Bridge. A lot of children and cyclists use it going to and from school and the more traffic we have the greater likelihood of a serious accident soon. The matters been already exasperated by the traffic calming measures in Blundell's Road because a number of people now use Tidcombe Lane as a rat run to avoid that a peak times. But it's going to get substantially worse when the new A361 exit is open to service the Tiverton Eastern Urban Extension and I don't believe the Highways Department or anybody else has considered the fact that anyone living at Warnicombe, Canal Hill, Lime Tree Mead or anywhere at the top end of Tidcombe Lane, that instead of coming home down the link road, leaving at the existing exit now and travelling up Canal Hill they will come down via the new exit. They will come down Post Hill and up Tidcombe Lane so we are already going to get a dramatic increase in traffic in Tidcombe Lane without another 150 homes who would probably have 300 cars and because LVA have already admitted to me at the consultation that these homes will be of fairly high value marketable homes in order for them to make a profit on the whole scheme. You are going to have fairly well off probably tech savvy people living there. They will be doing a lot of on-line ordering you will get delivery lorries from Sainsbury's and Asda, from Tesco, from DHL, from UPS you name it the whole range of couriers. Only the other day I saw on 2 consecutive days a huge John Lewis delivery vehicle struggling in Tidcombe Lane. You are going to get a lot more than that and it is going to be very very dangerous for the local inhabitants. A suggestion some years ago was made to make Tidcombe Lane one way to avoid people from Post Hill using it as a rat run, the Highways Department at that time said that would be completely unacceptable to force Tidcombe residents to use Canal Hill because there is already too much traffic

on Canal Hill. Suddenly, according to LVA, the Highways Department have done a U turn and said they see no problem in traffic from this proposed new estate turning left when they come out of the estate and go down Canal Hill. So there's no joined up thinking there whatsoever in the Highways Department, either way it's going to lead to chaos. Tidcombe Lane is already going to become unmanageable if we allow these 150 homes it will be a complete disaster. It needs to be removed from your Plan now before the planning application even goes forward.

Stephen Pugh referring to item 5 stated that bearing in mind that at least 200 local residents attended the public exhibition organised by LVA on Saturday regarding their proposed Tidcombe development, approximately 99% of those attending then signed a petition expressing their serious concerns. My question is related to page 113 TIV13 Tidcombe Hall contingency site – 'The Councils update June 2019 can demonstrate that a 5 year supply of deliverable sites will be maintained over the initial 5 years and subsequent periods with the proposed draft of main modifications without the need to bring forward the TIV 13 Tidcombe Hall contingency site'. My question is if this modified plan is ratified by the Council tonight what protection does it provide against speculative planning applications on this site in the next 5 years?

**97 Declarations of Interest under the Code of Conduct (00-32-55)**

It was **NOTED** that all Members had been contacted by those interested in various sites.

**98 Chairman's Announcements (00-34-44)**

The Chairman informed the meeting that he intended to suspend Procedure Rule 16.3 (when a member may speak again) for the next item of business.

**99 Cabinet Report - 21 November 2019 - Local Plan Examination - Main Modifications (00-36-16)**

The Leader presented the report of the meeting of the Cabinet held on 21 November 2019; he highlighted minute 86 (Local Plan Examination – Main Modifications) and the importance of members approving the main modifications so that a sound or legally compliant plan could be achieved.

Arising thereon:

**1. Local Plan Examination – Main Modifications**

The Leader **MOVED**, seconded by Councillor G Barnell

THAT the recommendation of the Cabinet as set out in Minute 86 be **ADOPTED**.

The Cabinet for Planning and Economic Regeneration addressed the Council highlighting the importance of the recommendation before Council, the proposed 55 main modifications which had followed the inspector's advice in his post hearing advice note in order for the plan to be found safe and the process that would follow any decision of the council.



The Head of Planning, Economy and Regeneration was invited to provide answers to questions posed in public question time.

She outlined the history of the plan and the journey to date including the Inspector's advice note following the examination hearings in May 2019 and his concern for the housing trajectory in the early years of the plan and that the plan could be unsound without main modifications. Within his advice note he clearly set out a series of mitigation measures that could address the shortfall: 1. Bringing forward allocated sites restricted by time for not good reason which included Policy SP2 (Higher Town, Sampford Peverell). 2. Bringing forward the contingency sites Policy CU11 (Colebrook Lane, Cullompton) and TIV 13 (Tidcombe Hall, Tiverton). 3. Extending existing allocations or increasing their densities or 4. Allocating a new, large site not constrained by the link road to come forward quickly. The main modifications sought to address the shortfall in supply through the first two measures (Colebrook contingency site only, not Tidcombe Hall) to reduce risk and delay, taking a steer from the Inspector.

With regard to policy SP2, many of the issues raised by members of the public present had already been the subject of detailed representations put before the inspector at the examination hearing; he had looked at the need, the numbers, highway safety, J27 connection, the site selection, the impact on heritage assets including the canal conservation area and had considered the policy criteria, highway safety and pedestrian access. He had also visited the site. The outcome of those considerations were received in the inspector's advice notes of October 2018 and May 2019. He did not share the view that the site selection was flawed and was content with the Council's conclusion that the development could take place with very little or no harmful impact on the setting or significance of the canal conservation area was not an unreasonable one and proposed that the tie to J27 could be severed. It was the officer's view that the main modifications must go forward to allow the plan to be sound or legally compliant, modifications could not come forward for any other reason. The deletion of any policy at this stage was not available.

With regard to the sustainability appraisal for policy SP2, the inspector had considered this and the heritage assets had been discussed at the examination hearings. With regard to the outcome of the planning application, it was for Council this evening to consider the planning policy not the planning application. By removing Policy SP2, the plan would become unsound. The inspector had been informed with regard to the decision of the planning committee on the application. She explained that the methodology used to ascertain how the site could be delivered within specific timescales had been approved and delivery rates for the site assumed that no planning application had yet been submitted. She reiterated the point that a further consultation process on the main modifications would take place and that representations would be received by the inspector.

With regard to Junction 27, the inspector had been satisfied with the allocation and required no changes to the policy. No main modification recommendations had been made by him.

With regard to Tidcombe Hall, the site was not part of the main allocations, it was a contingency site and would only come forward if the housing numbers were not delivered. The emerging development proposals at this site were at a pre-application stage, the issues raised would be considered if the planning application was

forthcoming. With regard to speculative development at the Tidcombe Hall site, with a sound plan, there would be a housing land supply which provided greater defence against speculative applications, the lack of a plan made the authority more vulnerable.

The Chairman informed the meeting that 4 amendments had been presented and that he would take each one individually.

**a) Councillor G Barnell submitted the following AMENDMENT, seconded by Councillor L D Taylor**

“that the policy map for the contingency site CU21 at MM35 be amended to reflect the revised settlement limit (map circulated)”

The Chairman **MOVED** in accordance with Procedure Rule 19.4

‘**THAT** the vote in respect of this **MOTION** shall be by Roll Call’

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: G Barnell, E J Berry, W Burke, J Cairney, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, W J Daw, R M Deed, R J Dolley, J M Downes, C J Eginton, R Evans, Mrs S Griggs, Mrs I Hill, B Holdman, T G Hughes, D J Knowles, F W Letch, E G Luxton, B A Moore, Miss J Norton, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, R L Stanley, L D Taylor, Miss E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt and J Wright.

Those voting **AGAINST** the **MOTION**: None

The **AMENDMENT** was declared to have been **CARRIED**.

**b) Councillor A Wilce submitted the following AMENDMENT, seconded by Councillor B G J Warren:**

That this Council, in accordance with its’ duty in respect of maintaining the health and well-being of Mid Devon residents, **RESOLVES** not to proceed with the recommendation contained in MM35 to remove any conditions relating the prior construction of the Cullompton Town Centre Relief Road, so as not to exacerbate the issue of poor air quality in an area already designated as Air Quality Management Area.

For the removal of doubt, Policy CU21 paragraph b) should read ‘*The development shall not commence until the Town Centre Relief Road has been provided;*’

And the following paragraphs should have their letter identification amended to follow on from b).

And paragraph 3.149 should be amended to read:

*‘Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Any application for development must*

*undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no adverse impacts. The site is expected to contribute to off-site highways infrastructure. Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.*

The mover of the motion outlined his concerns with regard to development taking place at Colebrook Lane/Siskin Chase without the need for the Town Centre Relief Road being in place prior to the commencement of development. He outlined air quality issues in the town and the health and wellbeing of residents.

Consideration was given to:

- The number of dwellings proposed for Cullompton
- The impact on local residents
- The inspectors post hearing advice note and the clear steer that had been given
- The lack of Public Health or the local Highway Authority's concerns
- The need for a sound plan to proceed

The Chairman **MOVED** in accordance with Procedure Rule 19.4

**'THAT** the vote in respect of this **MOTION** shall be by Roll Call'

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors G Barnell, R J Dolley, B G J Warren and A Wilce.

Those voting **AGAINST** the **MOTION**: Councillors: E J Berry, W Burke, J Cairney, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, W J Daw, R M Deed, J M Downes, C J Eginton, R Evans, Mrs S Griggs, Mrs I Hill, B Holdman, T G Hughes, D J Knowles, F W Letch, E G Luxton, B A Moore, Miss J Norton, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, R L Stanley, L D Taylor, Miss E J Wainwright, A White and J Wright.

Those **ABSTAINING** from voting: Councillor Mrs N Woollatt.

The **AMENDMENT** was declared to have **FAILED**.

***c) Councillor Mrs C A Collis submitted the following AMENDMENT, seconded by Councillor Miss J Norton:***

In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme.

The mover outlined her concerns with regard to the allocated site (SP2) and the concerns of local residents with regard to the substandard roads and road safety concerns, she felt that when the inspector had agreed to sever the link with J27 then the site should have been deleted.

Consideration was given to:

- The planning application that had been refused and would now be considered at appeal stage by the planning inspectorate
- The need to keep the allocation in the plan
- Support for the amendment

The Chairman **MOVED** in accordance with Procedure Rule 19.4

**'THAT** the vote in respect of this **MOTION** shall be by Roll Call'

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: G Barnell, E J Berry, W Burke, J Cairney, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, W J Daw, R M Deed, R J Dolley, J M Downes, C J Eginton, R Evans, Mrs S Griggs, Mrs I Hill, B Holdman, T G Hughes, D J Knowles, F W Letch, E G Luxton, B A Moore, Miss J Norton, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, R L Stanley, L D Taylor, Miss E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt and J Wright.

Those voting **AGAINST** the **MOTION**: None

The **AMENDMENT** was declared to have been **CARRIED**.

**d) An amendment proposed by Councillor Miss J Norton was not moved.**

The Chairman indicated that he would **MOVE** the **SUBSTANTIVE MOTION**:

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
2. The following documents are published for a minimum 6 week period of public consultation:
  - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan) **subject to the policy map for the contingency site CU21 at MM35 being amended to reflect the revised settlement limit (map circulated)**
  - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)
  - c) Addendum to the Sustainability Appraisal (Appendix 3),

- d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
  - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.
4. In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme

Upon a vote being taken the **SUBSTANTIVE MOTION** was declared to have been **CARRIED**.

(The meeting ended at 7.50 pm)

**CHAIRMAN**

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# Minute Annex

## AMENDMENTS AND WRITTEN QUESTIONS – EXTRAORDINARY MEETING OF THE COUNCIL – 4 December 2019

### AMENDMENTS

#### 1. AGENDA ITEM 5

##### **Amendment submitted by Councillor: G Barnell**

“that the policy map for the contingency site CU21 at MM35 be amended to reflect the revised settlement limit (map circulated)”

##### **WORDING IF AMENDMENT APPROVED:**

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
2. The following documents are published for a minimum 6 week period of public consultation:
  - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan) **subject to the policy map for the contingency site CU21 at MM35 being amended to reflect the revised settlement limit (map circulated)**
  - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)
  - c) Addendum to the Sustainability Appraisal (Appendix 3),
  - d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
  - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.

#### 2. AGENDA ITEM 5

##### **Amendment submitted by Councillor: A Wilce**

That this Council, in accordance with its' duty in respect of maintaining the health and well-being of Mid Devon residents, RESOLVES not to proceed with the recommendation contained in MM35 to remove any conditions relating the prior construction of the Cullompton Town Centre Relief Road, so as not to exacerbate the issue of poor air quality in an area already designated as Air Quality Management Area.

For the removal of doubt, Policy CU21 paragraph b) should read *'The development shall not commence until the Town Centre Relief Road has been provided;'*

And the following paragraphs should have their letter identification amended to follow on from b).

And paragraph 3.149 should be amended to read:

*'Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no adverse impacts. The site is expected to contribute to off-site highways infrastructure. Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.'*

#### **WORDING IF AMENDMENT APPROVED:**

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant, **subject to:**

(a) the reinstatement in MM35 (Policy CU21) of sub-paragraph b) requiring *"The development shall not commence until the Town Centre Relief Road has been provided"*; and

(b) the amendment of MM36 by including the following words in paragraph 3.149 of the supporting text to Policy CU21:

*"Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no adverse impacts. The site is expected to contribute to off-site highways infrastructure. Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route"*.

2. The following documents are published for a minimum 6 week period of public consultation:

a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan) **with the amendments to MM35 and MM36 as set out in 1 above**

b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)

c) Addendum to the Sustainability Appraisal (Appendix 3),

d) Addendum to the Habitat Regulations Assessment (Appendix 4), and



- e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
- 3 Following this consultation the documents listed in recommendation 2, excluding 2 (b) are submitted to the Planning Inspectorate together with the consultation responses received on them.

### **3. AGENDA ITEM 5**

#### **Amendment submitted by Councillor: Mrs C A Collis**

In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme.

#### **WORDING IF AMENDMENT APPROVED:**

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
2. The following documents are published for a minimum 6 week period of public consultation:
  - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan)
  - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2)
  - c) Addendum to the Sustainability Appraisal (Appendix 3),
  - d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
  - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.
4. In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council's own Local Development Scheme

#### 4. AGENDA ITEM 5

##### Amendment submitted by Councillor: Miss J Norton

That Policy SP2 be amended by way of an Additional (Minor) Modification to include the following text:

'In the event that (a), the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b), planning permission to develop the SP2 site is refused by an Inspector, that an early review of policy SP2 takes place'.

##### WORDING IF AMENDMENT APPROVED:

1. The Council requests the Inspector to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.
  2. The following documents are published for a minimum 6 week period of public consultation:
    - a) Schedule of Proposed Main Modifications to the Mid Devon Local Plan Review (Appendix 1 with amended Main Modification MM36 to show the deletion of the penultimate sentence to paragraph 3.149 in the Local Plan)
    - b) Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review (Appendix 2), subject to an Additional (Minor) Modification to Policy SP2 to include the following as a new sub-paragraph (h) in that policy: *In the event that (a), the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b), planning permission to develop the SP2 site is refused by an Inspector, that an early review of policy SP2 takes place'.*
    - c) Addendum to the Sustainability Appraisal (Appendix 3),
    - d) Addendum to the Habitat Regulations Assessment (Appendix 4), and
    - e) Addendum to the Equalities Impact Assessment 2017 (Appendix 5)
  3. Following this consultation the documents listed in recommendation 2, excluding 2(b) are submitted to the Planning Inspectorate together with the consultation responses received on them.
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No.	Policy/Paragraph	Local Plan Page	Proposed Changes	Reason
Plan MM35	CU21: Land at Colebrook	Policies Map	<p>Mid Devon Local Plan 2013 - 2033  <b>Plan MM35</b>  <b>Proposed Main Modification to Policy CU21</b>  <b>Land at Colebrook, Cullompton</b></p> <p><b>Cullompton</b></p> <p><b>Key</b>  Proposed Residential Allocation Modification to Policy CU21 Land at Colebrook, Cullompton  Proposed Settlement Limit - Amendment</p> <p>© Crown copyright and database rights 2019. OS 100022922  Note: The Ordnance Survey will not have updated the data to show recent changes. Consequently, not all development may be shown.</p> <p>Scale 1:3000  October 2019</p>	<p>Contingency status removed in response to the Inspector's post hearing advice note.</p> <p>The notation on the Policies Map has been modified to show site allocation CU21 as a proposed residential allocation <b>within the settlement limit for Cullompton</b>. This modification is necessary to reflect the proposed Main Modification to the wording of site allocation Policy CU21.</p> <p>Please refer to proposed Main Modification MM35.</p>

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