

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 28 July 2021 at 2.15 pm

### **Present Councillors**

G Barnell, S J Clist, L J Cruwys,  
Mrs C P Daw, R J Dolley, C J Eginton,  
P J Heal, F W Letch and B G J Warren

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

Mrs F J Colthorpe and E J Berry

### **Also Present Councillor(s)**

S J Penny and D J Knowles

### **Present Officers:**

Myles Joyce (Interim Development Management Manager), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Christie McCombe (Area Planning Officer), Oliver Gibbins (Planning Officer), Michelle Woodgates (DCC Highways Officer), Janet Wallace (Public Health Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

## 51 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.32)**

Apologies were received from Cllrs Mrs F J Colthorpe (Vice Chairman in the Chair) and E J Berry.

## 52 **HYBRID MEETINGS PROTOCOL (0.03.56)**

The Committee had before it, and **NOTED**, the \*Hybrid Meetings Protocol.

Note: \*Protocol previously circulated and attached to the minutes

## 53 **PUBLIC QUESTION TIME (0.04.09)**

**Mr Salter** – referring to Item 9 on the agenda (Tiverton EUE)

Nationally, there is a consensus that key requirements for affordable homes on new developments are:

- that there should be proximity to local services, and facilities, and access to public transport,

- that such housing should be indistinguishable from market housing in terms of visual appearance and its location within the development site,
- that it should contribute positively to the high-quality design of the scheme,
- that, on larger developments, this housing should be distributed in small clusters of no more than 10-15 dwellings throughout the development site,
- that social housing should form part of mixed and balanced communities, and,
- that all those living in this type of housing should share and enjoy with other residents equally high levels of quality of life and good health.

In Tiverton Civic Society's first objection to this planning application, we approved of the provision of much needed social housing, but we argued against the construction of the large visually obtrusive three storey Neighbourhood Hub in Plot C, which had been introduced without consultation since the Outline Application, and we suggested that, to encourage greater social cohesion, affordable housing should be distributed throughout the development site. Russell Smith, for Walsingham Planning, countered by stating that the hub will be of an appropriate scale and that it is not a sensitive location, going on to write that 'affordable housing has been provided in a mix of apartments and two storey dwellings, with affordable housing being spread across all phases'.

Examination of the recently posted plan of affordable housing shows this statement to be somewhat economical with the truth. In particular, apart from the Neighbourhood Hub, there is no other housing of this category in Plot C, the extensive development south of Blundell's Road, it being entirely concentrated in the north-west sector in two small Plots, 1A and 1B, of mixed, low- cost, market and affordable housing the affordable housing being located on either side of the new linking road leading to the A361 junction, shared equity housing being located to the west of this road and social housing to the east. In terms many of the criteria listed above it is very hard to justify these locations and this concentration.

We have specific concerns about the line of affordable housing comprising units 140-149, which will face the potentially very busy linking road. At this point the gap between these dwellings and this road will be no more than five metres, thus exposing the occupants to the highest potential levels of air and noise pollution on the complete Redrow site, and compromising the safety of families, especially those with young children.

During meetings with Redrow Homes the MDDC Planning Officer was very aware of the need to establish a green boundary space on the western side of the linking road, thereby setting these affordable properties, much further back. However, this was refused by the applicants, thus suggesting that they have little interest in the quality of life and well-being of the future occupants, as well as laying them open to the charge that they will be treated as second-class citizens. The problems of this location are compounded when it is also considered that, neither Plot 1A or Plot 1B area has any public open green space and no play area, and no controlled crossing point is shown on Blundell's Road giving access to these, as well as other services and facilities.

#### Question

- a. Do the MDDC Planning Officers consider the location of affordable housing in the Redrow Homes Development, particularly units 140-149, to be equitable

and socially responsible, and do they consider that such housing should be distributed much more evenly throughout the complete application site?

- b. Does the Planning Committee consider that a final decision on this application should be delayed until the many unsatisfactory elements have been resolved?

**James Hudson** referring to Item 2 on the Plans List (Shortacombe) stated that:

The Applicant has failed to provide a percolation test as required by Public Health and that issue was emphasised by the concerns of Crediton Hamlets Parish Council whose members have direct experience in Vortex water treatment. She has ignored the regulations of South West Water in their submission of April 23rd by already placing hardcore over the water main and not saying how she will meet regulations and move the water main with the additional works required.

The officer has placed conditions of occupancy on the applicant which are unenforceable and I would like to know:

1. Why he has ignored the technical issues raised by Public Health, South West Water and the Parish Council and
2. Which particular statute of planning legislation leads him to believe he can impose conditions on an individual rather than on the site or development in question?

**Graham Knight** referring to Item 2 (Shortacombe) on the Plans List stated that he lived at Binneford and that given the type of soil which is heavy clay and sets like rock in summer and is waterlogged in winter and will never pass a percolation test and that there is no ditch or water course or public sewage system and public health won't support a compost toilet, can Mr Devereaux please explain what he is saying as the alternative drainage system which is found on page 71 of the public document pack because according to treatment plants installation requirements, there aren't any.

**Sasha Scougall Knight** also referring to Item 2 on the Plans List stated that her question related to safe and convenient access to local facilities. The nearest shop to the site is in Cheriton Bishop but this is a convenience store for a top up shop, for a full shop the applicant would need to travel to Crediton which is 5 miles from the site. The nearest doctor's surgery is in Cheriton Bishop but it is not the catchment for new arrivals to the site postcode; the applicant would have to travel 5 miles to Crediton. The nearest hospital is in Crediton, but it does not have an A&E department so the applicant would have to travel to Exeter which is 15 miles away. There are no direct public transport links to site so in relation to Policy DM7, can the Planning Officer explain that without a car how can access to local facilities be provided.

**Sam Scougall Knight** again referring to Item 2 on the Plans List stated that his questions relate to the location and environment of the application. The site is located in open countryside and it has trees overhanging the location of the static caravan and can only be accessed by a single track lane which is narrow, hilly and uneven. In autumn and winter, rainfall flows in rivers down this lane, which can be completely blocked with snow for days in the worst weather. Photographs have

previously been shared with the Planning Department clearly showing these conditions. How can the Planning Officer claim that this location provides suitable environmental quality and is a safe location as per policy DM7?

David Pearson - again referring to Item 2 on the Plans List stated that South West Water clearly stated 23<sup>rd</sup> April that "that no development would be permitted within 3 metres of the water main and ground cover should not be substantially altered, and should the development encroach on the 3 metre the water main will need to be moved at the expense of the applicant. The planning officer is very well aware of this fact and that there would be building works over the water mains, the hard core placed at the entrance already contravenes south west waters requirement as does the ditch and hard core additions as shown on the plans . Why has the planning officer simply ignored this as this relates to the water supply safety of the community of Binneford?

**Stephanie Crawford** again referring to Item 2 on the Plans List stated that the plans show a vortex treatment plant and a drainage field, Public Health on 9 April clearly stated that a percolation test must be carried out prior to any decision being made, this is to ensure that there is no risk of contamination that as all inhabitants and farmers know that the clay soil on the site will flood. Can the Planning officer explain why he did not follow this up with the applicant? A percolation test could have easily been arranged in the time frame or was it because the applicant and the planning officer knew it would fail the test and chose to ignore Public Health and the welfare of the inhabitants of Binneford community.

**Mr Elston** referring to Item 9 (Tiverton EUE) on the agenda stated that page 113 of your briefing notes (section 9) makes reference to a representation relating to a lack of public consultation entered into by the applicant Redrow Homes at the urban design and architectural principles stage of the planning process. The Tiverton EUE Masterplan SPD page 23 section 1.7 design process says that MDDC will expect landowners and developers to follow the prescribed process which is adopted as an integral part of the SPD. This is a prescriptive, must do requirement, there is no scope for any misinterpretation. Specifically and under the urban design principles heading section 177 states that there is a requirement for public consultation, stakeholder workshop and liaison at this stage of the process, none of this requirement happened. Another requirement of section 1.7 not complied with by the applicant is that they failed engage in a design review panel process prior to submitting the reserved matters application. Even the applicants own published EUE planning process for flow chart shows that the design panel will be engaged before submission of the reserved matters application. Redrow failed to engage with the panel experts of which echoing 1.7 says the involvement of the design panel in scrutinising the quality of the designs as they come forward at one or more stages in the design process will provide invaluable support to MDDC as they make planning decisions. This has yet been another very serious noncompliance of the process.

Redrow Homes only engaged with the Design Review Panel on the 9th June 2021, some 12 weeks after submitting the reserved matters application and just 7 days before the application came before the Planning Committee on 16 June. The review panel report was not issued until the 18th June, just 2 days after the first planning meeting. The Design Panel reports makes some very concerning reading, including that the Panel emphasised that much earlier would have made recommendations more compatible, that the panel was mindful of avoiding comment at this late stage,

that the panel gave advice of when the design panel be engaged in future phases and very concerning the panel says that Redrows are responding to requirements of what they consider a UAPD document. The Tiverton EUE SPD design process has become totally corrupted, the design quality has suffered as a result. My question is did the MDDC planning officers at any time attempt to enforce the requirements for Redrow Homes to enter into the public consultation or stakeholder workshops or the Review Panel Process in compliance of 1.7 of the masterplan SPD and at the most critical time of the Tiverton EUE design process.

**Mary Seaton** again referring to Agenda item 9 stated that her schooling and that of my family have been in Tiverton, I live in one of the 10 existing properties to the south of Blundells Road that was built in the 1950's and please note clearly that these are the only residences that have direct abutment to this proposed development by Redrow Homes. I wish to bring to your attention that they propose to build a street of 21 houses, 230 metres long and just 11 metres from the boundary of our homes on rising ground allowing which is effectively a terrace. Before my questions, the committee members should be aware that a) the original outline plans show just 8 properties, well-spaced and with differing aspects within 20 metres of the existing properties, sympathetically allowing views for all and a feeling of space. Redrow Homes massively increased that number to 18 houses and a road setting when submitting their urban and architectural principles document, they then increased the number to 21 houses in their reserved matters presentation, a terrace with no relief, they also introduced a neighbourhood hub, not on any previous plan, whose sole purpose seems to be to squash more dwellings including flats into the plan. The Design Panel Review on June 18 this year remarked upon the lovely view which makes a significant contribution to the character and the space. Despite this Redrow have reduced the space between the houses, have effectively obliterated the ground floor and far reaching view from the existing residences as well as compromising our privacy. The Design Review Panel was very critical of this row of 21 houses and thought that it should be varied, by having gaps including pockets of trees and the street frontage was relentless in form and could be softened and there was scope to do this in the design. In all correspondence made available to the public, not one mention is made by Planning officers of the following contraventions let alone challenge to the design. Why are Redrow Homes being allowed to be non-compliant with the centre to edge policy as set out originally, i.e. less density of housing to the edge of the plan? Why have Redrow Homes been allowed to create another unplanned area which they call a neighbourhood hub, an area which generates the highest density of housing unsympathetically next to our existing properties? Redrow Homes are in contravention of the Tiverton EUE masterplan SPD and design guide and are not considering the outcome from the Design Review Panel. All of these are material considerations which should encourage committee members to reject this application as it stands, Tiverton deserves and needs something better than this, we are not getting the special tailored design for the promised garden village. This is a piecemeal design for a routine Redrow estate that you could sadly find in any other part of the country built for maximum profit. I respectfully ask you to consider what you have been asked to approve, this is the biggest building programme that Tiverton has seen ever and this is the first step which will be used as precedent for the rest of the huge EUE extension. The whole of the extension need to be cohesively planned and not bit by bit as land becomes available; and this design needs to be seen in the context of the whole development.

**Hannah Kearns** again referring to Item 9 on the agenda stated that she would like to ask questions in relation to the neighbourhood hub shown in Redrow's plans for development of land immediately adjoining existing dwellings on Blundells Road. For context para 1 of page 104 of your briefing notes makes reference to a representation to you in relation to high density of housing immediately against the original residences and has been justified by a neighbourhood hub. She spoke of the proposed density in the area against that in the residential core and referred to the lack of reference to a neighbourhood hub in that area in the master plan document or the design guide, further there were no drawings of any of the MDDC adopted plan documents. She referred to drawings that stated that the neighbourhood hub would be positioned elsewhere in the development and that outline permission would not have been granted with the hub in the current location and she made reference to the lack of public consultation. She felt that Redrow Homes had fabricated a hub to justify high density housing in the area immediately by the Blundells Road properties and in doing so had freed up the land to the south for higher valued properties to take advantage of the high value vistas that exist commented on by the Design Review Panel. She referred to the centre of edge policy and stated that the plans show the exact reverse. She asked - can the planning officer provide details of where the neighbourhood hub was mentioned in any of the MDDC planning documents and referred to page 79 of the SPD, she asked why officers had not challenged this and why had the area to the north of Blundells Road been treated as a northern gateway hub, where the master plan centre to edge policy was not being adhered to. She referred to the density of properties and the lack of play areas for children in the area.

**Sir David Jephcott** again referring to Item 9 on the agenda stated: Redrow Homes seek to provide a 1.5 metre or 3 metre buffer strip to the rear of the Blundells Road properties rather than a 5 metre strip that the planning officers had previously expected. Page 105 in your notes states that 3 properties have long gardens so would be subject to only a 1.5 metre buffer, this statement is factually incorrect. Additionally one of the properties with a reduced buffer 'Barnshollow', has a swimming pool which covers a significant amount of the garden and therefore an increased buffer is needed for privacy. Redrow indicate that the gardens are reduced from 11 metres to 8.5 this reduction is in the garden rather than where they are actually building the houses, therefore best fit is not compromised. He then referred to emails that were in the public domain between MDDC and Redrow. Why do the planning officers now consider acceptable that the 5 metre strip is no longer required and referred to the detail of the emails which referred to the landscape buffer being 5 metres wide, and in another email with regard to 1 metre planting, and how the officers were uncomfortable with the amount of space identified. He asked why the planning officer was put under such pressure and by whom. He stated that the Head of Planning had changed position with regard to the buffer zone to the detriment of the Blundells Road homes, what caused this change of position? Why should Redrow Homes be treated any different to David Wilson Homes at the top of Post Hill, a 5 metre strip was signed off by the then Planning Manager for David Wilson Homes, the same Planning Manager is now the same for Redrow. He referred to the contents of an email which stated that it would not be equitable to treat the Blundells Road properties any differently.

The Chairman indicated that answers to questions would be provided when the items were debated.

54 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.34.03)**

Members were reminded of the need to make declaration where appropriate.

55 **MINUTES OF THE PREVIOUS MEETING (0.34.43)**

The minutes of the meeting held on 14<sup>th</sup> July 2021 were agreed as a true record and were duly **SIGNED** by the Chairman

56 **CHAIRMAN'S ANNOUNCEMENTS (0.35.20)**

The Chairman reminded Members that there would be a Special Planning Committee on 18<sup>th</sup> August 2021 and that Planning Training was being held on 9<sup>th</sup> August 2021.

57 **DEFERRALS FROM THE PLANS LIST (0.36.18)**

There were no deferrals from the Plans list.

58 **THE PLANS LIST (0.36.27)**

The Committee considered the applications in the plans list \*.

Note: \*List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

**RESOLVED** that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) No 3 on the Plans List application 21/01086/HOUSE - Erection of side porch at Bluebell House, 18 Court Barton Close, Thorverton** be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

**Reason for decision – as outlined in the report**

Note:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the applicant was known to them

- b) Application 21/00461/FULL – Erection of extensions to existing agricultural storage building 600sqm at land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine**

The Area Team Leader explained that at the Planning Committee on 14<sup>th</sup> July Members had deferred a decision on the application until additional information had been provided and that the information requested by Members was included within his report.

He then reminded Members of the application by way of a presentation which highlighted the site location plan, proposed plans, the position of the approved agricultural workers dwelling and photographs of the site.

The Officer explained that the proposed extension would house livestock and that Public Health had no objections to the scheme. A waste management plan had been received and approved by Public Health.

The Area Team Leader confirmed that although there was no requirement for the applicant to provide an agricultural appraisal one had been submitted as part of the application for the approved agricultural workers dwelling.

Consideration was given to:

- The views of the Public Health Officer who had no objection to the application
- The views of the objector who stated that there was no business case or management plan provided and evidence was lacking for the need for the scheme
- The views of the applicant who reminded Members that they had granted permission for an agricultural workers cottage on the site specifically to expand his stock and that the scheme was supported and partly funded by Natural England
- The views of Members that the Parish Council had not made strong views known either way
- Members concerns with the size of the building in the open countryside
- Members views that agricultural buildings had to be put in the countryside and that the application was contemporary for agricultural use

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

### **Reason for decision – as outlined in the report**

#### Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Brian Thompson spoke as the objector
- iii.) Mr Thorne spoke as the applicant

**c) Application 21/00580/FULL - Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family at Land at NGR 276600 96594 (North of Shortacombe Farm), Shortacombe Lane, Yeoford**

The Area Team Leader provided Members with a background of the application and explained that the proposal in front of them today was nearly identical to one brought before them in August 2020 which had been refused. The applicant did appeal the previous decision but the submission was not made in time and therefore had not been determined by the Inspectorate. For this reason the Planning Authority had a duty to determine the latest proposal.

The Officer reminded Members of the previous reason for refusal and confirmed that the revised application included a personal condition regarding who could reside at the site. He explained that a personal condition was not common but could be justified in exceptional circumstances.

He then reminded Members of the application by way of a presentation which highlighted the site layout, site elevations, proposed shed, visibility splays and photographs of the site.

In response to public questions he responded that South West Water had commented that should the development encroach on the 3 metre easement, the water main would need to be diverted at the expense of the applicant.

Consideration was given to:

- The Public Health Officer's views that percolation tests were not critical to determine the application and would be used to determine what soakaways would be required
- Issues regarding foul water drainage had been dealt with via condition 7
- The solar panels were portable and therefore did not need planning permission
- The neighbouring property being 200 metres away
- The development did not require any removal of existing hedge bank
- The views of the objector that the applicant and other users would be in mortal danger and that there was a risk of raw sewage from the site running down the hill causing flooding and contamination
- The views of the agent who stated that every traveller site had opposition and the only reason the appeal was not lodged in time was due to a witness catching covid. That drainage would be via a soakaway and that personal conditions were common on traveller sites
- The views of the Ward Member who stated that the application was identical to the previous proposal and that if approved it could increase the population in the hamlet by 20 people. That the gypsy accommodation was destructive to the environment and that there was no need for gypsy sites in this area. There were no local facilities and the proposal had an adverse visual impact and was contrary to Policy DM1
- The advice of the Legal Advisor who confirmed that the fact that the planning application was retrospective had no bearing on the determination of the proposal

- Members views that nothing they had heard minded them to refuse the application and that it complied with current planning policies

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs C P Daw)

(Vote 4 for – 4 against (Chairman’s casting vote)

**Reason for the decision: as set out in the report**

Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Cllr F W Letch declared a personal interest as the applicant was known to him
- iii.) Cllrs P J Heal and C J Eginton declared a personal interest as they knew a neighbour of the site
- iv.) Cllrs C J Eginton, S J Clist and B G J Warren requested that their vote against the decision be recorded
- v.) Cllr F W Letch requested that his abstention from voting be recorded
- vi.) Roderick Crawford spoke as the objector
- vii.) Simon Rushton spoke as the agent
- viii.) Cllr S Penny spoke as Ward Member
- ix.) The following late information was provided:

26th July 21

Response from Public Health Officer – 19/07/21

I think that in view of the new proposed system and the confirmation by the landowner that the land for the drainage field is in his ownership and has shown no signs of being waterlogged it would be fine to accept the system as described. So now the condition should read:

The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the package treatment plant shown on the approved plans, have been installed and implemented. The approved measures shall thereafter be retained for the life of the development.

Therefore condition 7 would be as follows:

7. The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the package treatment plant shown on the approved plans, have been installed and implemented. The approved measures shall thereafter be retained for the life of the development.

59 **APPLICATION - 21/00454/MARM Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon (2.15.09)**

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

The Planning Officer provided the following responses to public questions:

- An overview of the siting and size of affordable housing
- Environmental Health had raised no concerns
- Officers felt that affordable housing was distributed throughout the development
- There had been extensive public consultation through the master planning and planning process
- Early consultation with the Design Review Panel was sought
- Outline applications were illustrative and defined reserved matters applications determined the final design
- There was a minimum separation standard between detached properties
- The applicant had complied with centre to edge principles
- South of Blundells Road was identified a residential core area in the Tiverton EUE Design Guide
- The Neighbourhood hub had been developed through the emerging application process and within the Adopted Masterplan SPD and Tiverton EUE Design Guide centre to edge principles
- The buffer strip would have restricted access
- There was no requirement for a 5 metre buffer within the Adopted Masterplan SPD or Tiverton EUE Design Guide
- The pressure upon Officers was to gain a decision within statutory time frames; within a timely manner

The Officer then provided Members with an overview of the reserved matters application by way of a presentation which highlighted the site location plan, the Tiverton EUE illustrative framework plan, aerial view, character area plans, planning layout, detailed landscape plans, land ownership plan, storey heights plan and photographs of the site.

She explained that the reserved matters proposal included a softer landscape, changes to building types, a buffer strip and detailed landscape plan which were recommendations of the Design Review Panel which met on 9<sup>th</sup> June 2021.

Consideration was given to:

- The applicant had tried to identify different character areas including a neighbourhood hub
- Justification for smaller flats had been identified in the Housing Needs Survey and was not a reserved matters consideration
- The flats fitted in with the different character areas

- Maintenance of shared areas would be by a management company
- A 5 metre buffer zone was not established or a requirement in the EUE masterplan and would be assessed on a site by site basis
- Approval of the Urban Design and Architectural Principles document had been delegated to the Head of Planning, Economy and Regeneration
- Confirmation from the DCC Highways Officer that there was no Highways Policy which determined there had to be two accesses onto a site if over a certain number of units and that they were content with the layout of the first part of the development
- Concerns of Members that there was no leisure space on the north side of Blundells Road or safe crossing areas
- The views of the objector who felt that the officer had not answered all of the public questions, the master plan had turned into fiction, there had been no recognition of the visual impact and that TPO's had not been protected
- The view of the agent who stated that Redrow had an agreement with Chettiscombe Estate to complete this phase of the EUE, that they were a high quality builder, the application reflected the EUE master plan and local policies and design guide
- The view of the Town Council who stated that they felt the infrastructure should be in place before work began, there were concerns with the types of properties proposed, the lack of recreation facilities and highways concerns. That gas boilers were now redundant and every property should have an electric car charging point
- The view of the Ward Members who felt that there was a previous commitment to a 5 metre buffer zone and concerns about the length of any agreements to maintain the green zones. That they did not agree with the 3 storey houses and the proposal failed to comply with the EUE masterplan. That there were concerns with flooding and environmental risks and there were not sufficient electric car charging points
- The views of Members who had concerns about the size of houses proposed and density of the scheme
- The views of Members that further public consultation on the reserved matters application should be sought

It was therefore **RESOLVED** that:

The decision on the application be deferred and that delegated authority be given to the Head of Planning, Economy and Regeneration, in conjunction with Members of the Planning Committee to renegotiate with the developer with regard to the appearance, scale, characteristics, design and density of the scheme.

(Proposed by Cllr L J Cruwys and seconded by Cllr R Dolley)

**Reason for the decision: No decision was made and the determination was deferred**

Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors

- ii.) Cllr D J Knowles declared a personal interest as may of the objectors were known to him
- iii.) Paul Elstone spoke as the objector
- iv.) Russel Smith spoke as the applicant
- v.) Cllr P Hill spoke on behalf of the Town Council
- vi.) Cllr D J Knowles spoke as the Ward Member
- vii.) Cllr N Davey provided a statement as Ward Member which was read out by the Chairman
- viii.) The following late information was provided:

1 21/00454/MARM - Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT - Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton.

26 July 2021

#### Consultations

##### 1. Lead Local Flood Authority – 16 July 2021

The Lead Local Flood Authority (LLFA) object to this planning application because as it does not satisfactorily conform to Policy S9/DM1 of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Following my previous consultation response FRM/MD/00454/2021, dated 07.04.21, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Drainage Strategy Sheet 1 15255-HYD-XX-XX-DR-C-1600 P06
- Drainage Strategy Sheet 2 15255-HYD-XX-XX-DR-C-1601 P06
- Drainage Statement R402 FN05 Rev A

The above information answers queries raised in my previous response however the submitted information raised further queries.

The applicant should explain where the storage features identified as s14 and s30 within the Micro Drainage Model for the central catchment are located within the Surface Water Drainage Masterplan R402/06 Rev D. According to the model outputs these features are upstream of basins C1A and C1B but it is unclear where they are located.

Only one soakaway test is located in the southern area which is not sufficient coverage for a reserved matters application and is not line with BRE365 Soakaway Design. The LLFA require more coverage of the area of the site proposing soakaways due to the variable nature of the geology and the tests should be undertaken at the proposed depth of the soakaway. The applicant should also submit the calculations for the soakaways for review.

##### Lead Local Flood Authority – 22 July 2021

Our objection is withdrawn and we have no in-principle objections to the above planning application.

Following the previous consultation response FRM/MD/00454/2021, dated 16.07.2021, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 20/07/2021, for which I am grateful.

- Residential Drainage Statement RN402 FN05 Rev B

Due to the results of the recent site investigation which reported slower infiltration rates and elevated groundwater levels, the drainage strategy has changed to a solely attenuated strategy. All the runoff from the central catchment will now be attenuated within basins C1B and C1A. The applicant has submitted updated Micro Drainage model inputs which indicate that the basins have capacity to accept this additional runoff whilst restricting flows to the Qbar greenfield runoff rate as approved at the outline stage of planning.

Officer Response:

Objection removed. The development proposal will be a solely attenuated strategy. All the runoff from the central catchment will be attenuated within basins C1B and C1A. Micro Drainage model inputs indicate that the basins have capacity whilst restricting flows to the Qbar greenfield runoff rates as approved at the outline stage of planning.

2. Tiverton Civic Society – 19 July 2021

Main issues including:

- a) Lack of consultation, by the applicant, with local residents and stakeholders on Blundell's Road, the wider Post Hill area, Uplowman Road and West Manley Lane.
- b) More consideration is required in the design, as confirmed by the Design Review Panel, to introduce more design features and materials evident in the local vernacular. The design represents a relentless form of similar-feel areas.

Officer Response:

Please refer to Committee report Para. 9.1 confirming that some public consultation was undertaken by the applicant and Para. 3.11 relating to building design.

3. Historic England – 19 July 2021

No comment.

Officer Response:

Noted

4. South West Water – 23 July 2021

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Surface Water facilities

The proposed surface water disposal for this development to a surface water ditch at an attenuated rate) is an acceptable method of disposal.

Officer Response:  
Noted

5. Tiverton Town Council – 20 July 2021

For the reasons outlined below Tiverton Town Council are unable to support this application:

a) Area north of Blundell's Road

The road layout precludes any on site access to the proposed plots immediately adjoining Blundell's Road, although these plots are not part of the present application, by approving the proposed amended plan it would confirm the entrances to those houses to be directly onto Blundell's Road; which the town council strongly opposes. We therefore cannot support this part of the application until it shows a road layout within the phase to serve all the plots there in.

Officer response:

The Tiverton EUE Design Guide establishes the principle of semi-detached dwellings facing Blundell's Road (page 58) with shared drives encouraged for the those properties fronting Blundell's Road (page 60 Fig 3.26). This is further supported by section A-A (Page 63) that identifies vehicle parking on the frontage of new residential development.

The Committee report, para 2.8 makes reference to contributions towards traffic calming of Blundell's Road. Traffic calming will result in a change in the character of Blundell's Road.

An indicative layout of properties fronting Blundell's Road, whilst outside of the scope of this application, serves to demonstrate how this application can be delivered in accordance with the Tiverton EUE Design Guide.

b) Area south of Blundell's Road

Plots 1-21, whilst described as 21 detached houses are so close with a maximum of 1m between each other, and therefore will appear to the ten present occupiers in Blundell's Road as a terrace. This is considered, as with most of this phase, to be too dense; more space between each house is required.

Officer response:

The minimum width between houses is 1.35m with the wider gaps (up to 4.7m) between plots 11, 12 & 13. All dwellings (Plots 1-21) have hipped roofs which moderates the impact of the roofline and sense of space between dwellings. The southern parcel has a net density of 22dph. This accords with the Adopted Masterplan SPD and Tiverton EUE Design Guide.

c) It is not clear if the 5m green strip between the existing houses and the proposed new houses has been confirmed as part of the plan.

Officer response:

Please refer to Committee report Para. 3.14-3.17 confirming a 1.5-3m buffer strip south of Blundell's Road. North of Blundell's Road a minimum 3m buffer strip is provided. Please refer to the Planning Layout, Boundary Enclosures Layout, Land Ownership Plan and Landscape details.

d) The affordable properties do not appear to provide owners the same respect in design and facilities that are afforded to the majority of properties.

Officer response:

Please refer to Committee report Para. 3.11, 3.17 and 3.21 for context as regards to green setting and access to public open space including play and health facilities. The identified need for affordable homes is for smaller households (1& 2 bed). The majority of affordable dwellings therefore provided as terraced or apartment dwellings.

e) Will properties be completed before the 2025 Gas Burner rules come into place?

Officer response:

Phasing plan to be submitted by condition but the greater part of completion likely to be prior to 2025. Please also see Committee report, Para 3.25- 3.30 and Low Emission Strategy. Properties are required to accord with Building Regulations and relevant provisions and proposals to achieve carbon reductions through energy efficiency measures, sustainable design and construction.

f) There seems to be no provision for electric car charging points

Officer response:

Please see Committee Report, Para 3.12. Provision is made for 26 EV charging points equating to 15% (in excess of the Local Plan requirement of 10%).

g) There is a lack of refuse and recycling storage facilities on this plan.

Officer response:

The Refuse Collection Layout shows wheelie bin storage locations and refuse collection points.

h) There are concerns regarding drainage facilities for this amount of housing

Officer response:

Please see point 1 above. The Local Lead Flood Authority have confirmed that drainage facilities are acceptable.

There does not seem to be any provision for a pedestrian crossing on Blundell's Road to accommodate the additional foot traffic generated by this proposal.

Officer response:

The provision of pedestrian crossings on Blundell's Road lies outside the scope of this application.

j) We feel that the proposed roundabout should be installed as soon as possible and not later in the scheme

Officer response:

The construction of the roundabout on Blundell's Road lies outside of the scope of this application. Nonetheless, application 20/01787/NMA provides triggers for the delivery of the roundabout.

k) Concerns expressed by both elected members and the public at the growing number of amendments to this proposal.

Officer response:

The amendments that have arisen have sought to respond to comments raised from the Local Planning Authority, consultees, residents and the Design Review Panel. A single change results in the need for multiple plans to be amended each time.

Other Representations

6. RSPB – 6 July

We remain disappointed that the Habitat Assessment and Mitigation Plan remains unchanged as regards to nest box provision

Officer response:

The Habitat Assessment and Mitigation Plan, March 2021 (para 3.3.4) now makes provision for 42 Schweglar Lightweight Type 1A swift boxes, or similar, to be integrated into the walls of new buildings.

Representations

7. Objections from a number of individuals, the main points assimilated:

a) Redrow Homes say that because the landowner did not sell the complete parcel of land to them they cannot comply with the Adopted Tiverton EUE Masterplan SPD or Tiverton EUE Design Guide. This creates a damaging precedent.

Officer response:

Please refer to the Committee Report that seeks to set out the details of the appearance, landscaping, layout and scale of the proposed development and its compliance with the Adopted Mid Devon Local Plan 2013-2033, the principles established in the Adopted Masterplan SPD, Tiverton EUE Design Guide, as well as other Adopted Mid Devon Supplementary Planning Documentation and the National Planning Policy Framework.

b) Failure to comply with the Tiverton EUE Masterplan SPD or Design Guide key principle requiring a Centre to Edge housing density. i.e., the lowest densities at the edge and the highest in the centre. Redrow Homes doing the exact reverse and for commercial profit.

Officer response:

Please refer to the Committee report (Para 3.10) that sets out the details of net densities and centre-to-edge concept.

c) Failure to treat young families living in affordable plus the lower priced homes with any level of proper consideration. This as Redrow Homes have located the higher density affordable and low-cost homes immediately adjacent to the Linking Road (The Northern Gateway) exposing these families to far higher levels of noise

and pollution than anywhere else on the whole of the Tiverton EUE Development. Similarly, the Nursing home.

Officer response:

For point of reference please refer to the Land Ownership Plan identifying location of affordable housing units north and south of Blundell's Road.

The means of access and principle of development was approved with outline planning application 14/00881/MOUT. The Environmental Statement submitted at outline planning stage set out the risk of air, noise, odour and light nuisances arising during and after construction with mitigation measures. The Planning Statement and Statement of Community Involvement submitted through this application sets out accordance with the Environmental Statement, Policy DM3 and DM4 of the Adopted Mid Devon Local Plan 2013-2033. Please also refer to Committee report 6.1 – 6.3 regarding air quality.

d) Failure to comply with the requirement to limit the Tiverton EUE visual impact on Key Receptors this in respect of Blundell's School when placing a 3-story apartment block in a dominant position to the south of Blundell's Road and with the very minimum of screening. Even the proposed architectural design including roof tile colour further impacting on the 3 story apartment blocks appearance.

Officer response:

Please refer to Committee report Para 3.20 – 3.21 referencing the east bound approach along Blundell's Road, the setting of West Manley Lane, Blundell's School and the conservation area including dwellings set back behind a 10m landscape buffer and retention of existing hedgerow and other planting.

e) Failure to provide a 5-meter-wide landscape buffer strip bordering the existing 10 Blundell's Road South Properties.

Officer response:

Please refer to Committee Report paras 3.14 – 3.17.

f) Failure to provide a 5-meter-wide landscape buffer strip bordering the existing Poole Anthony Drive properties.

Officer response:

Please refer to Committee Report paras 3.14 – 3.17.

g) Failure to provide suitable clearance for trees with TPO's on them and at the rear of the Blundell's Road properties which will very likely cause a high degree of friction between the existing and new Redrow Home property owners.

Officer response:

Please refer to Committee Report para 4.4. Also Arboricultural Impact Assessment (March 2021) identifying TPO trees and Detailed Landscape Design – Public Open Space (Sheet 3) for canopy spread and root protection areas.

h) Construction of a wall of 21 houses over 8 meters high immediately backing against the existing 10 Blundells Road South Properties and with the absolute minimum spacing between them.

Officer response:

Please refer Committee Report para 3.22 and Point 4b above.

- i) Failure to provide a Children's Play Area to the north of Blundell's Road and serving Phases 1A, 1B and 1D of the development.

Officer response:

Please refer to Committee Report para 3.11. Also the Adopted Masterplan SPD Illustrative Framework establishing principle locations for children's play.

- j) Failure to provide suitably sized Communal Amenity Areas for use by Apartment Residents.

Officer response:

Please refer to Committee Report para 3.11

- K) Failure to provide a neighbourhood hub of green space on the western side of the linking road at the northern gateway i.e to the north of Blundells Road.

Officer response:

Please refer to Committee Report para 3.21

- l) The masterplan calls for sensitivity to be exercised in design and layout in relation to existing properties. Redrow have not acknowledged the existing character of the area. In so doing, they set a precedent for future development in the Posthill, Mayfair and Manley Lane areas.

Officer response:

Please refer to the Committee Report paras 3.1 - 3.13 and 3.18 – 3.24 for principles of development, design and layout and accordance with adopted planning policy and guidance.

- m) What provision have Redrow made for accommodating wildlife?

Officer response:

Please refer to Committee Report para 7.4

- n) The buffer zone to the rear of three properties (south of Blundell's Road) is hugely reduced. This is discrimination.

Officer response:

Please refer to Committee Report para 3.14 – 3.17.

- o) A 5m buffer was a condition of outline planning approval 14/00881/MOUT

Officer response:

Please refer to Committee Report para 3.14 – 3.17.

- p) The provision of a Poynton style roundabout would be inappropriate for the volume and speed of traffic along Blundell's Road

Officer response:

Please see point 4j above.

P) A hedgebank is identified to the rear of Barnsmead but not on the eastern boundary adjacent to the spine road. How will the property be secured from intruders?

Officer response:

The landscape proposals on the eastern boundary of Barnsmead relate to Application 21/00374/MARM and are outside the scope of this application. However, Officers are aware that the Applicant is in discussion with the occupiers of Barnsmead with an ambition to resolve concerns.

Supporting Information: Updated  
Arboricultural Impact Assessment

Committee Report Amendment:

Typo: para 3.15, final sentence: 'retained' not 'remained'.

27 July 2021

Revised Drawings

- Planning Layout: POST – 21-04-02 Rev F
- External materials Layout: POST-21-04-03 Rev D
- Boundary Enclosures Layout: POST-21-04-04 Rev E
- Storey heights Layout: POST-21-04-05 Rev C
- Refuse Collection: POST-21-04-06 Rev C
- Affordable Housing: POST-21-04-07 Rev C
- Meter Box Location: POST-21-04-08 Rev C
- Land Ownership layout: POST-21-04-09 Rev F
- Parking and EV Charging: POST-21-04-10 Rev D
- Site Location Plan: POST-21-04-01 Rev C

Officer Response:

Following Officer feedback from the Planning Committee site visit (22 July 2021) the applicant has introduced further amends, principally to the boundary enclosures and land ownerships plans. Amendments introduced include:

- Adjusted garden boundary to Plots 162 & 163 (north of Blundell's Road) to provide a deeper landscape buffer adjacent to Poole Anthony Drive – approx. 6m deep; this acknowledging the more direct relationship with existing single storey properties. The Detailed Landscape Design – Public Open Space (Sheet 8 of 8) confirms the retention of the existing hedge and understorey planting with new planted hedge to supplement the existing, along with new meadow rich grassland within the landscaped buffer.
- Enclosure of the landscaped buffers north and south of Blundell's Road, with secure means of access to prevent unwanted admission and misuse.
- The increased area of land identified as landscape buffer (north of Blundell's Road) identified for adoption by a Management Company.
- All other revised drawings (detailed above) have been updated for consistency.

(The meeting ended at 7.11 pm)

**CHAIRMAN**