

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 4 January 2018 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Also Present**

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

F W Letch and F J Rosamond

### **Also Present**

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

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Simon Trafford (Area Team Leader), Christie McCombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

## **88. APOLOGIES**

There were no apologies.

## **89. MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 29 November 2017 were approved as a true record and signed by the Chairman.

## **90. PUBLIC QUESTION TIME**

Dr Whittlesey speaking on behalf of West Manley Lane Conservation Group and referring to item 13 on the agenda (Tiverton Eastern Urban Extension Area A - Masterplanning - Land South of West Manley Lane) referred to the proposed development South of West Manley Lane highlighted within the 2010 Allocation and Infrastructure Development Plan Document (AIDPD) and the adverse impact development in this area would cause and that there was a need to preserve and protect the area. He highlighted the one mile stretch of land which included the heritage trail, the railway line, the canal and Alisa Brook. He stated that in April 2015 the application for development on the Eastern Urban Extension was put before the Planning Committee, consideration was given to proposals for dwellings south of West Manley Lane. Following discussion the applicant had amended the red line which withdrew any development south of West Manley Lane. People therefore thought that this would be the end of it and therefore the area was safe from development. However the planning policy was never changed and 2 ½ fields were still open for development. He asked what would happen to this area when Area B was developed, the existing houses south of West Manley Lane would still be at risk,

and why were officers still supporting development south of West Manley Lane? He asked that this area be removed from the masterplan.

Mr Collier again referring to item 13 on the agenda stated that there were concerns that proposals for housing south of West Manley Lane were back on the agenda. He referred to the Planning Committee decision in 2015 and stated that the Council had voted to amend the policy. Elected Members had made the decision on behalf of the residents. He stated that he had lived in West Manley Lane for 40 years, at that time there were 4 farms in the area, fields and cattle remained. He stated that the railway walk and the canal were used for walking and come the spring the hedgerows would come to life making the roads very narrow and difficult for vehicles to pass. He felt that the area south of West Manley Lane needed to be protected and that no development should take place.

Mr Pilgrim again referring to Item 13 on the agenda and speaking from a canal prospective highlighted the importance of the buffer between the proposed development and the canal. West Manley Lane was a natural boundary and he had concerns for the vista of the canal and did not want to see development creep towards the railway line and the canal and wanted the buffer zone to be preserved. From the report he felt that officers were trying to pressurise Cabinet Members not to amend the masterplan as further consultation would be required and that this would be expensive. He urged the Cabinet to amend the masterplan and remove any possible development south of West Manley Lane.

The Chairman stated that these views would be considered when the item was debated.

#### 91. **MEETING MANAGEMENT**

The Chairman indicated that he intended to take Item 13 – Tiverton Eastern Urban Extension Area A – Masterplanning – Land South of West Manley Lane as the next item of business. This was **AGREED**.

#### 92. **TIVERTON EASTERN URBAN EXTENSION AREA A - MASTERPLANNING - LAND SOUTH OF WEST MANLEY LANE (00-13-55)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration responding to a request by Cabinet for a report setting out options available to them, should they wish to amend the adopted masterplan SPD with regard to land south of West Manley Lane within Area A of the Tiverton Eastern Urban Extension (EUE).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report by way of presentation stating that the Cabinet had requested that the issue of development south of West Manley Lane be reconsidered following consideration of Area B at a previous meeting. He addressed the issue raised in public question time with regard to consideration of a planning application by the Planning Committee and the formation of planning policy; a planning application could grant permission but that would not automatically change planning policy, this was a separate issue.

He explained that the Masterplan, Supplementary Planning Document for Area A of the Eastern Urban Extension had been adopted in 2014. Prior to this the Allocations and Infrastructure Development Plan Document (AIDPD) had identified the Area (A) as a mixed use site for residential and employment development. He explained that the main area for development was north of West Manley Lane; however there was a small plot of land to the south of West Manley Lane that was within the allocation and formed part of the masterplan. The EUE Design Guide had built on the content of the masterplan as guidance to developers.

He added that the masterplan could be amended but that specific processes would be required. He felt that the decision of the Planning Committee in 2015 not to develop the area south of West Manley Lane should be supported and therefore consideration should be given to amending the masterplan.

Consideration was given to:

- The decision of the Planning Committee in 2015
- The incorrect assumption that a planning application decision would change policy
- The need for a specific buffer zone to be established between development and the railway line/canal
- The views of the legal advisor with regard to the most certain and transparent way of removing the area from the masterplan
- The credibility of the masterplan

**RESOLVED** that:

- a) The existing adopted masterplan for the Tiverton Eastern Urban Extension be amended by removing housing land parcels on the southern side of West Manley Lane (within Area A);
- b) The proposed revisions be submitted for public consultation; and
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise consultation material.

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

Notes:

- i) Cllr Mrs M E Squires requested that her abstention from voting for (a) be recorded;
- ii) \*Report previously circulated, copy attached to minutes.

### 93. **AIR QUALITY ACTION PLAN (00-34-08)**

Arising from a \*report of the Director of Operations, the Community Policy Development Group recommended that the proposed Air Quality Action Plan as attached in Annexe 2 with the addition of wording to emphasise the need for major infrastructure in Cullompton be approved.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the action plan sought to set out the current air quality position and the improvements required taking into consideration public health and planning issues. She highlighted the improvements made in Crediton with regard to the link road and the proposals to improve issues within Cullompton with plans for a relief road.

Consideration was given to:

- Responses from the consultation process
- E- bikes in Crediton
- Air quality and parking issues in Crediton
- Section 106 contributions

**RESOLVED** that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr C R Slade)

Note: \* Report previously circulated, copy attached to minutes.

#### 94. **TOWN AND PARISH CHARTER (00-52-15)**

Arising from a \*report of the Member Services Manager, the Community Policy Development Group recommended that the Charter be approved for a further three years subject to the amendments highlighted within Appendix 1

The Cabinet Member for Community Well-Being outlined the contents of the report highlighting the history of the charter, the review and consultation process that had taken place and the direct link to the Corporate Plan. He felt that the amendments made to the charter were sensible and therefore hoped that the recommendation of the PDG would be approved.

**RESOLVED** that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr C R Slade and seconded by Cllr Mrs M E Squires)

Note: \* Report previously circulated, copy attached to minutes.

#### 95. **DRAFT 2018/19 HOUSING REVENUE ACCOUNT (HRA) BUDGET (00-53-27)**

Arising from a \*report of the Director of Finance, Assets and Resources, the Homes Policy Development Group when considering the options available for the Council to set a balanced budget for 2018/19 made the following recommendation: that garage rents and community alarm charges for 2018/19 be frozen at the current levels for 2017/18.

The Cabinet Member for Housing outlined the contents of the report highlighting the thoughts of the Policy Development Group with regard to the need for improvements

to be made to garages across the district and therefore the wish that both the garage rents and the community alarm remain at their current levels.

**RESOLVED** that the recommendation of the Policy Development Group be approved and considered as part of the budget setting.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Note: \* Report previously circulated, copy attached to minutes.

96. **HEART OF THE SOUTH WEST - JOINT COMMITTEE (00-56-03)**

The Cabinet had before it a \*report of the Chief Executive which had been referred back from Council for reconsideration (due to appendix B being missing from the original paperwork) and approval of the establishment of a Joint Committee for the Heart of the South West and the arrangements to support its future working.

The Leader outlined the contents of the report highlighting the proposed recommendations, the key functions of the joint committee and the supplementary amendment that had been added with regard to the publication of press releases and/or public documentation. All constituent authorities would consider the same report prior to January 2018. He emphasised that the original report was before Members for reconsideration.

Consideration was given to:

- The purpose of the Joint Committee was to increase productivity across the area
- Scrutiny of the Joint Partnership and that Council would be able to provide this function

**RECOMMENDED** to Council that:

1. the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West be approved;
2. the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22<sup>nd</sup> January 2018 be approved;
3. the Leader of the Council and the Cabinet Member for Planning and Economic Regeneration be appointed as the Council's named representative and substitute named representative on the Joint Committee;
4. Somerset County Council be appointed as the Administering Authority for the Joint Committee for a 2 year period commencing 22<sup>nd</sup> January 2018;
5. the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year be approved subject to approval of any expenditure by the Administering Authority;

6. an initial contribution of £1,400 for 2018/19 to fund the administration be approved and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
7. it agrees that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
8. the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy be authorised; and
9. It agrees the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the attached Background Report.

(Proposed by the Chairman)

Note: \*Report previously circulated, copy attached to minutes.

97. **DEVELOPMENT OF AFFORDABLE HOUSING AT SITE NEAR OAKFIELDS, BURLESCOMBE (1-00-05)**

The Cabinet had before it and **NOTED** a report\* of the Director of Finance, Assets and Resources providing information about the Council's interest and involvement for the development of affordable housing at a site near Oakfields, Burlescombe, in advance of a decision in February 2018 to award the contract for the design and build.

The Cabinet Member for Housing outlined the contents of the report stating that funding had been sought for the delivery of 6 affordable housing units on the site. The report outlined the funding implications and the need for development to start on site by 31 March 2018. The intention for some time had been that the Council's own housing Development Company, 3 Rivers Developments Limited would undertake the development, alongside the funding from the HCA, monies to progress the development had already been set aside in the budget.

Consideration was given to:

- The timescales for the start of the development
- The potential loss of funding
- A further report regarding the contract award

Notes

- (i) Cllr R L Stanley declared a personal interest as a Director of 3 Rivers Developments Limited;
- (ii) \* Report previously circulated, copy attached to minutes.

## 98. TAX BASE CALCULATION (1-03-55)

The Cabinet had before it and a report\* of the Director of Finance, Assets and Resources detailing the statutory calculations necessary to determine the Tax Base for the Council Tax.

The Cabinet Member for Finance outlined the contents of the report stating that this was a statutory function and a legal requirement, the Council would set its budget using Council Tax information as at 30 November each year in accordance with The Local Authorities (Calculation of Tax base) (England) Regulations.

Consideration was given to:

- The possible levy increase on base percentage for empty homes
- The number of empty homes taken over by the Council...

**RECOMMENDED** to Council that the calculation of the Council's Tax Base for 2018/19 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **28,297.74** which is an increase of 421.62 above last year's base of 27,876.12 band D equivalents.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr C R Slade)

Note - \* Report previously circulated, copy attached to minutes.

## 99. FINANCIAL MONITORING (1-06-50)

The Cabinet Member for Finance updated the meeting in respect of the income and expenditure so far in the year. He indicated that there had not been any material changes since his last report and that the budget gap remained at £180k. Most of the functions of the Council were performing well. The Director of Finance, Assets and Resources stated that all major income flows were unchanged; there may be an issue with regard to the income from plastic recycling, this matter was being looked into. There was some good news with regard to grant funding for the Garden Village and news from Government that planning fees could be increased by 20%.

## 100. BUDGET UPDATE (1-08-30)

The Cabinet had before it an \*update on the budget from the Director of Finance, Assets and Resources setting out the revised draft budget changes identified.

The Cabinet Member for Finance outlined the contents of the report stating that following initial meetings of the Cabinet and the Policy Development Groups, the Finance team and service managers had been revisiting a range of budgets to deliver more savings or increase income levels. Members discussed the following table which showed the main budget variances affecting the 2018/19 budget:



<b>Variiances</b>	<b>Amount £k</b>
<b>18/19 Budget Shortfall (Cabinet Report 26/10/17)</b>	<b>617</b>
Further Cost Pressures identified	570
Additional savings identified	(231)
<b>18/19 Revised Budget Shortfall</b>	<b>956</b>
2% Staff Pay award offer (1% previously built in)	116
Business Rate 100% Pilot bid accepted (1 year only)	(230)
Business Rate Growth (Solar & Benefit of Devon Pool)	(150)
Funding from sinking funds & reserves (ICT & Leisure)	(215)
Other additional savings identified	(174)
<b>18/19 Revised Budget Shortfall</b>	<b>303</b>
No reduction in Rural Services Delivery Grant	(86)
3% increase in C/Tax (2.6% previously built in)	(22)
<b>Draft budget gap for 2018/19</b>	<b>195</b>

He highlighted the provisional formula grant ward for 2018/19 which amounted to £2.7m and the fact that the Council had also been given the freedom to raise its council tax by an additional 0.4%

Consideration was given to the business rate growth (Solar and Benefit of the Devon pool).

**RESOLVED** the updated General Fund budget proposals for 2018/19 be **AGREED**.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr C R Slade)

Note: \*Update previously circulated, copy attached to minutes.

#### 101. **MEETING MANAGEMENT**

The Chairman indicated that he would take item 14 as the next item of business. This was **AGREED**.

#### 102. **INSURANCE SERVICES CONTRACT AWARD (1-13-06)**

The Cabinet had before it a \*report of the Director of Finance, Assets and Resources advising Members on the results of the procurement of insurance services.

The Cabinet Member for Finance outlined the contents of the report stating that the authority had procured a new contract for insurance services in conjunction with other local authorities and explained the tender process; by working in partnership with other authorities savings had been identified.



**RESOLVED** that contracts be awarded as follows for a period of 3 years with the option to extend for a further 2 plus 2 years:

Supplier 4: Lots 1 and 2

Supplier 1: Lot 3

Supplier 3: Lots 4 and 5

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr Mrs M E Squires)

Note: \*Report previously circulated, copy attached to minutes.

### 103. **LOCAL ENFORCEMENT POLICY (1-15-33)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration outlining the comments received following public consultation undertaken together with resultant changes to the Enforcement Plan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating the Local Enforcement Plan had been considered in draft form in January 2017 and had been out to consultation; consideration of the comments received had been discussed at the Planning Policy Advisory Group. He highlighted the investigation of reported breaches of planning control set out in the report and the prioritisation process suggesting some changes to the wording and the response times for the highest and high priority cases.

Consideration was given to:

- The highest and high priority cases and although the wording with the enforcement plan was setting expectation it was suggested that officers would attend a reported high priority case as quickly as possible.
- The need for conditions on planning approvals to be sensible and enforceable.

**RECOMMENDED** to Council: that subject to the following amendments to the wording on page 176 of the report:

In order that we are able to use the resources available most effectively, we prioritise all cases received. The Council has a range of powers to address urgent issues of public safety. Reference to responding to public safety concerns below is in a planning enforcement context only. Prioritisation in connection with planning enforcement complaints is as follows:

#### **Highest Priority:**

Where it appears that urgent enforcement action under planning legislation may be essential to safeguard amenity or public safety in the locality or to prevent serious or irreversible harm to the environment in the surrounding area.

Unauthorised works that are in the process of being seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.

Works that are currently taking place to protected trees or hedgerows.

**Response time** – 90% of first site visits before the end of the next working day following registration.

**High Priority:**

Where it appears that enforcement action under planning legislation may be essential to safeguard amenity or public safety in the locality or to prevent serious or irreversible harm to the environment in the surrounding area.

The unauthorised works or use of land or buildings that present a danger to the public.

Unauthorised works that could be seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.

Unauthorised development that causes serious harm yet has gone undetected and the statutory time limit for taking enforcement action is imminent.

Works to protected trees or hedgerows.

**Response time – first site visit within 3 working days of registration**

The Local Enforcement Plan be adopted and that delegated authority be given to the Head of Planning, Economy and Regeneration in conjunction with the Cabinet Member for Planning and Economic Regeneration to make minor changes to the document to update contact and service information.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: \*Report previously circulated, copy attached to minutes.

**104. NOTIFICATION OF KEY DECISIONS (1-24-59)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for December/January containing future key decisions.

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

(The meeting ended at 3.41 pm)

**CHAIRMAN**