

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 15 January 2020 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

Mrs C P Daw

Also Present

Councillor(s)

J M Downes

Present

Officers:

Kathryn Tebbey (Head of Legal (Monitoring Officer)), Maria Bailey (Interim Group Manager for Development), Alison Fish (Area Team Leader), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Daniel Rance (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

96 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr C J Eginton.

97 **PUBLIC QUESTION TIME**

Councillor Gordon Guest speaking on behalf of Cullompton Town Council and referring to item 10 on the agenda stated that Cullompton Town Council have on 3 occasions voted to oppose that application based on the fact of access. DCC required access to go through the existing Siskin Chase and Cullompton Town Council do not consider that is adequate for a development of this size and have argued that there should be additional access coming off Colebrooke Lane. The other aspect that Cullompton Town Council are aware of but is not part of this planning application is that there will in the future be houses on the rugby club site when that relocates and therefore DCC have insisted that with Siskin Chase site there is an area of land set aside for a road link between Siskin Chase and the rugby club and so in the future the Town Council feel that there will be additional traffic coming down from the rugby club site through the Siskin Chase development and therefore a proper road link out through Colebrooke Lane would be much more appropriate than what is in the plans.

He added that he would not go through all the Cullompton Town Council objections to plan, just to say that basically the Town Council have rejected the application on each occasion based on that access coming through the existing road and there not being another access from Colebrooke Lane. That's the basis of the Town Councils rejection of the Siskin Chase application.

The second point that I wish to raise with the planning committee is that Colebrooke Lane and the Colebrooke stream which is in two parts and has a culvert which goes underneath Colebrooke Lane floods regularly and the flooding is increasing in regularity and severity and on 19th December 2019 Colebrooke Lane was completely flooded and the depth of water was such that it was impassable to vehicles except very large tractors. The flooding actually went uphill and flowed into Swallow Way which as you know is a major road, then down Swallow Way to the roundabout on Exeter Road. Some three years ago I walked with residents and a lady called Jessica Bishop from the Environment Agency along the stream and at that point she identified a number of obstructions and things that were overgrown to the south of the Colebrook culvert and to the north of the Colebrook culvert but in the time since then nothing further has been done to either of those areas, the south side of the culvert has not been cleaned out and the north side has not been cleaned out and widened. There are questions which would need further investigations as to whether the culvert itself is damaged by tree roots and so on. Years ago DCC cleaned out further down the culvert under the roundabout at Exeter Road and they widened the stream and raised the banks and did a lot of works there to prevent further flooding but they did nothing up at Colebrooke Lane. So the concern at Colebrooke Lane if you are going to put in 105 houses, all the construction traffic is going to disrupt the field and an existing flooding problem is going to be made worse and there aren't any plans to put that in place.

Within the plans for Siskin Chase there are attenuation ponds for the current development but there is nothing in the plan by the developer to sort out the existing problem. In discussion with the developers who said 'if it's a problem that's already there it's not for us to sort it out'. So that's an argument that MDDC can have with various agencies. We are very concerned that the flooding at Colebrooke Lane continues, the frequency continues, it threatens properties in the area and we feel that planning permission shouldn't be granted for the time being to the Siskin Chase development until such plans are in place to sort out the Colebrooke stream either side of that culvert and potentially even the need for an extra attenuation pond in the field to the north, close to the culvert to take excess storm water when that happens. So that's the basis of the rejection for development of Siskin Chase for 105 houses. The road access should be off Colebrooke Lane and the flooding in Colebrooke Lane and the culvert should all be sorted prior to any development taking place on that site.

Mr Norman Harper speaking as a resident of the Padbrook Estate in Cullompton and referring to item 10 on the agenda stated that many of his words had been echoed by Cllr Gordon Guest and that he had witnessed many times now the flooding of Colebrook Lane. This renders the lane unusable by the emergency services. So desperate work, should the development go ahead, will be required to reduce this flooding risk. The flooding itself flows from Colebrooke Lane out onto Swallow Way, continues down Swallow Way to the Exeter Road roundabout then crosses the road affecting properties in Exeter Road, flows past them and into the Knightswood Estate. Knightswood Estate has had some alleviation of flooding hence the previous

work on the B3181 at the Toad Hall Knightswood junction where larger culverts were put in place to stop the stream over topping and that seems to be successful to this day.

Roger Harris, a resident at Siskin referring to item 10 on the agenda stated that at the planning meeting held on Wednesday 5th June 2019 regarding this application I asked two questions:

1. How Siskin Chase could be used as a through road when at one point it is only 3.55 metres wide and not wide enough for two vehicles to pass
2. I pointed out the restricted visibility at the junction of Siskin Chase and Swallow Way due to the houses at the end of Siskin Chase

Neither of these questions were answered. In her presentation Mrs Fish never mentioned the 3.55 metre stretch of road nor did she produce any photographs of it. Neither did she produce photographs of the junction at Siskin Chase and Swallow Way. Mr Sorenson made remarks that the road has to be 5.55 metres wide but again made no reference to the fact that at one point it is 3.55 metres wide. Why did Mrs Fish fail to make any reference to these facts in her presentation to yourselves? Surely it is within her remit to present all the facts to this planning committee, in fairness to all interested parties and not just those supporting her own recommendations. Madam Chairman stated that at the time all our questions would be answered, it is now some eight months since that last meeting and those two questions have never been answered and never been replied to. So I ask the same two questions again. As a former Police Road Safety Officer I would like to know how it is intended to make this stretch of road that is 3.55 metres wide safe for the residents who already live there. Speed humps would lead to a high increase in air pollution, you cannot use priority signs or even traffic lights because of the road junctions immediately at both ends of this piece of road with traffic emerging from the side junctions could not comply with any signs. All the houses in Siskin, Linnet Dean and Starlings Roost are open plan frontage with nothing to stop children or animals running out into the road. The two hundred extra vehicles if Siskin is opened up will be through this road and will add serious problems with road safety. As this has never been mentioned by the Planners can somebody from the Planning Department please explain how such a serious problem will be efficiently, effectively and safely dealt with so that we are protected and our children and our grandchildren are protected. My third question has been mainly covered by the previous speaker again with regard to the flooding. But I would simply say this, we all know that the land adjoining the proposed development which at the moment is owned by the rugby club is going to be sold for development. Now this is an opportunity to build or plan for a through road from Colebrooke Lane to Knowle Lane. The junction for Colebrooke Lane and Swallow Way is clear and unobstructed and could be widened without affecting other properties, there would be no road safety issues and air pollution would be reduced instead of going through Siskin. Is it not time that DCC stopped using Cullompton as a dumping ground for housing without putting something back into the actual community directly affected and build a new road and flood prevention scheme for the benefit of local people. Putting the road through Siskin will save money but it will put lives in danger. What is more important money or people's lives? Money can be replaced lives cannot. Perhaps somebody can explain why money is more important than people's lives. My last question relates to the Local Plan Review 2013 – 2033 where under policy of CU21 'Land at Colebrooke' item C provision of two points of access from Siskin Chase which gives you the impression that's its

already been agreed that Siskin Chase will be opened up and that the traffic from both of these proposed developments will come through Siskin Chase. This means that we will have not only the two hundred vehicles but probably another three hundred vehicles coming through Siskin Chase. Once again putting the lives of our children and grandchildren at risk. It does seem strange that this is already printed and is on policy and yet here we are discussing it at a planning committee meeting.

Mr Jones again referring to item 10 on the agenda stated that he would like to take a rewind and a step back to the last notice of this development to local residents. It didn't describe this last application but a new application by the developer. Subsequently any residents that wished to submit any observations would have to resubmit new observations. This is an anomaly that should have been addressed and I'm not apportioning any blame to the staff of the planning department who have probably got too much work. This anomaly still exists so subsequently a lot of residents were unaware that they had to resubmit their observations and subsequently this gives an unfair advantage to the developer because it can be seen that not so many people have not submitted new observations. Indeed it took a neighbour of mine printing off a slip of paper and dropping it through local peoples letterboxes to notify them of it. I think that councillors need to be aware of this and it is quite undemocratic and unfair.

98 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Members were reminded of the need to declare any interests when appropriate.

99 **MINUTES OF THE PREVIOUS MEETING (00-19-16)**

The minutes of the meeting held on 17 December were approved as a correct record and signed by the Chairman.

100 **CHAIRMAN'S ANNOUNCEMENTS (00-20-00)**

The Chairman had no announcements to make.

101 **DEFERRALS FROM THE PLANS LIST (00-20-05)**

There were no deferrals from the Plans List.

102 **THE PLANS LIST (00-20-18)**

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:

(i) No 1 on the Plans *List (19/01961/HOUSE Conversion Of garage to additional ancillary accommodation to include extension and alterations to boundary wall – 1 Oak Crescent, Willand)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Notes:

- i) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as a member of Willand Parish Council;
- ii) A question was raised with regard to the conversion of the garage and any loss of parking;
- iii) The following late information was available on the update sheet:

All consultation responses have now been received and are summarised below:

Willand Parish Council: 15/12/19 - Willand Parish Council had the following concerns relating to the proposal, firstly as to whether or not the garage extension could become a separate dwelling. Secondly, there does not appear to be sufficient parking for two vehicles and if this is achieved by using part of the front lawn then there is concern as to visibility for vehicles when entering from Meadow Park. The Councillors would wish the Officer to be satisfied that this was not over development of the site.

Highway Authority: 10.12.19 - Standing advice applies please see Devon County Council document
<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>.

Environmental Health: Householder development and alterations within Flood Zone 1 - No EA consultation required.

No other letters of representation have been received.

b) No 2 on the Plans *List (19/01309/FULL Erection of a dwelling including demolition of a garage (Revised Scheme), Fair Havens, Mill Street, Crediton)*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting: the application site, the access off Mill Street, the Conservation Area boundary, plans of the previous dwelling on the site, the proposed landscaping and block plan of the current application along with the layout of the site, the parking areas, proposed elevations and floor plans for the proposal in question. She informed the meeting that the 2003 planning consent had related to a bungalow on the site and provided the approved plans, she also provided comparative drawings of the 2003 application and the current application and stated that approval

had been granted for 3 dwellings on the site in 2014. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The visual impact of the dwelling
- The views of the objector with regard to the proposal and that she had obtained planning permission for a dwelling in Downshead Lane but had followed the correct procedures, this was not the case for the application in question. The large and ugly building that had been built, the fact that it did not conform with any planning permission in place on the site. The orange tiled roof was out of keeping within the Conservation Area and the visual impact of the development could be seen across Crediton
- The views of the agent with regard to the 2003 approval and that work had commenced on the site in 2004, although the works had not been completed it was felt that the permission was still live and had been highlighted within the presentation by the comparative drawings, this was not entirely a new development and that the application should be considered on its merits.
- The views of the representative from the Town Council with regard to the impact on the Conservation Area the contribution to the local character and the setting of the listed building. The dwelling did not integrate with other local buildings due to the size and colour of the roof and the location of the site made it difficult to screen the property
- The views of one of the Ward Member's with regard the development at Wellparks and how that had been designed to fit in with the local area, the need for procedures to be followed and that the development did not include any modern features to mitigate climate change.

It was therefore:

RESOLVED that: the application be deferred to allow a site visit to take place by the Planning Working Group to consider relevant parts of Policy DM2 as follows:

Policy DM2 requires designs of new development to be of high quality based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptable adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - ii) Siting, layout, scale and massing
 - iv) Materials, landscaping and green infrastructure

(Proposed by Cllr F W Letch and seconded by Cllr B G J Warren)

Notes:

- i) Cllr J M Downes declared a personal interest as he could see the site from his house;
- ii) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as a Chairman of Crediton Town Council;
- iii) Ms Partridge spoke in objection to the application;
- iv) Mr Wright (agent) spoke;
- v) Cllr Mrs Brookes Hocking spoke on behalf of Crediton Town Council;
- vi) Cllr J M Downes spoke as Ward Member;
- vii) The following late information was reported:

1. Consultations: Since completion of the officer report the town council have submitted a further representation-

CREDITON TOWN COUNCIL- 9th January- It was resolved to strongly reaffirm the Council's original objections made to the application and to also add that the development is over-scaled, the materials used are unsympathetic and the planting scheme is inadequate compared to what existed prior to development. The Council is also disappointed to note that the developer has proceeded with the development prior to obtaining the necessary planning consents.

2. Representations: since completion of the officer report, three further letters of representation have been received. The additional concerns are summarised below:

- The overgrown grass on the bank adjacent to the driveway has a negative visual impact, proper landscaping should be carried out here.
- Concerns regarding the accuracy of the site location plan in terms of the extent of the applicant's ownership (NB: please note update on this as below)

3. Revised plans: Further to the concerns relating to the extent of the applicant's land ownership, revised plans were received 13/01/2020 which demonstrate a minor reduction in scope of the red line area around the north east corner of the site. On the basis that this is a very minor reduction in the red line area it was not considered to materially impact upon the scheme, and therefore it was not considered necessary to re-advertise the proposal.

c) No 3 on the Plans *List (19/01340/FULL Erection of a dwelling - land at NGR 266108 (Paddons Farm), Wembworthy)*

The Area Team Leader outlined the contents of the report explaining that Wembworthy was a village without a settlement limit, therefore there was no planning policy to support an open market dwelling in the countryside. There had been an application for 2 dwellings on the site in 1991 which had lapsed and he explained that planning policy had moved on since then. He explained the self-build policy and the S106 agreement (the affordable or low cost housing to remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale).

The meeting was shown a presentation which outlined the proposals for a 4 bedroom dwelling, which included the elevations, a landscape plan and photographs from various aspects of the site.

Consideration was given to:

- The detail of the S106, the criteria for a self build and whether the property could be claimed to be affordable
- The views of the applicant with regard to the detail of the S106 which he felt was a restriction but that he fully intended to stay within the village;
- The views of the local County Councillor supporting the application.

It was therefore:

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure the affordable or low-cost housing to remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

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

Notes:

- i) Mr Fowler (applicant) spoke;
- ii) The Chairman read a statement on behalf of Cllr Mrs M E Squires (County Councillor);
- iii) The following late information was reported

Revised comments received from Wembworthy Parish Council via agent for applicant. 13/1/2020 Comments from a councillor were a personal opinion and not written as a representation of the Parish Council. The Parish Council previously voted in favour of the development of the site and instructed the clerk to write to Mid Devon expressing this decision.

Further comments from Parish Clerk 14/1/2020 - The comments sent in originally were the only ones received from the PC during the original timescales and provided by a named councillor. Otherwise the council had no

objections to the application. I have no knowledge of a letter dated 13 January 2020.

d) No 4 on the Plans *List (19/01507/OUT Outline for the erection of a dwelling and formation of access – 48 Twitchen, Holcombe Rogus)*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the location of the application, the existing dwelling on site and the use of the existing access. The site was currently outside of the settlement limit, however the Local Plan Review would amend the settlement limit. He provided an indicative layout of the proposed dwelling and the location of the drainage gully and the open drain adjacent to the site. He explained that the drain collected water from the fields behind the site with the pipe depositing the water into the road, this was a highways issue and would not impact on the site itself. Members also viewed photographs from various aspects of the site which included the flooded road.

Consideration was given to:

- The views of the objector with regard to the build up of water in her garden and that the erection of a dwelling could cause damage to the culvert or if the drain was blocked this would cause her property to flood. The busy road to the village was narrow and prone to flooding and the closeness of the play area to the application site.
- The views of the applicant with regard to the results of the flood risk assessment which had stated that the proposal would not contribute to any more flood water. The proposed dwelling would sit 3 feet above the road level and was just an outline application.
- The views of the Chairman of the Parish Council with regard to the flooding in the area, surface water issues, how much hard surface would be incorporated into the site which could create drainage issues and the lack of facilities in the village with the closure of the village shop.
- The views of one of the Ward Member's with regard to the views of the Parish Council and local flooding issues
- The results of the SUDS report which had indicated the capability of storing water on the site and allowing it to percolate slowly into the drain.
- Whether the additional dwelling would have any major impact on the flood issues already present.

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 E J Berry and seconded by Cllr S J Clist)

Notes:

- i) Cllr R F Radford declared a personal interest as he knew the applicant and chose to leave the meeting during the discussion thereon;

- ii) Cllr D J Knowles declared a personal interest as the applicant was known to him;
 - iii) Mrs Barker (objector) spoke;
 - iv) Mr Archer (agent) spoke;
 - v) Cllr Butler spoke on behalf of Holcombe Rogus Parish Council;
 - vi) A proposal for a site visit was not supported.
 - vii) Cllr Mrs C A Collis requested that her vote against the decision be recorded.
- e) No 5 on the Plans *List (19/01900/FULL The erection of a dwelling and formation of access – Southertons Farmhouse, Westleigh)*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the proposal of a single storey dwelling which was a revised scheme to that approved in 2018, the site location plan, the location of the garden wall which would provide access, the proposed design and elevations and photographs from various aspects of the site. He also provided a comparison drawing of the previous approved permission and the current proposal.

Consideration was given to:

- The views of the objector and the impact that the proposal would have on her property, she felt that any excavations would undermine her property, the proposal would have an adverse impact on her property and therefore would be against policy DM2. She also felt that the proposal would impact on her visual amenity and that there would be a loss of light and that the proposal was too close to her dwelling. She also highlighted a covenant which referred to the height restriction of any dwelling in that area.
- The views of the agent, who referred to the revised scheme being a more appropriate dwelling at only 3 metres high. The neighbouring property had obscured glass on the ground floor overlooking the site, there would be no loss of light and only a small amount of soil would need to be removed.
- The views of a representative from the Parish Council with regard to the loss of light in the kitchen of the neighbouring property, the lack of consultation with the neighbours and concerns with regard to the wall.
- Whether the proposal would result in any material loss of daylight and sunlight to rooms in an adjoining property
- The revised scheme being better than the previous application which already had permission.
- The fact that the covenant was not a planning matter.

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 F W Letch and seconded by Cllr E J Berry.)

Notes:

- i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as she had received a letter from the objector;
- ii) Mrs Wynne-Jones spoke in objection to the application
- iii) Mr Archer spoke as agent;
- iv) Cllr Worrow spoke on behalf of Burlescombe Parish Council;
- v) Cllr Mrs C A Collis requested that her vote against the decision be recorded.

103 **MAJOR APPLICATIONS WITH NO DECISION (2-06-17)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that:

Application 19/02058/MOUT (Land north of Trumps Orchard, Cullompton) be brought before committee for determination , no site visit was required.

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

104 **APPEAL DECISIONS (2-08-19)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

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

105 **APPLICATION 19/00118/MOUT OUTLINE FOR THE ERECTION OF UP TO 105 DWELLINGS, ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ALLOTMENTS TOGETHER WITH VEHICLE AND PEDESTRIAN ACCESS FROM SISKIN CHASE AND PEDESTRIAN ACCESS FROM COLEBROOKE LANE - LAND AT NGR 301216 106714 (WEST OF SISKIN CHASE), COLEBROOKE LANE, CULLOMPTON (2-08-40)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration following the submission of an appeal to the Planning Inspectorate against non-determination, the report requested members to advise how they would have determined the application.

The Area Team Leader outlined the application and the allocation within the Local Plan Review and the fact that the contingency status of the site had been removed within the emerging plan. She provided by way of presentation the site location plan,

the illustrative masterplan for development and photographs from various aspects of the site.

The officer then provided answers to questions posed in public question time:

Cllr Gordon Guest had referred to the wish of Cullompton Town Council to see an additional access off Colebrooke Lane. The application had been deferred at committee on 5th June for officers to investigate this option. The comments from various consultees and the applicant were clearly set out in members agenda papers today.

Cllr Gordon Guest had also referred to the fact that Colebrooke Lane floods regularly and increasingly. He referred to having walked the Cole Brook with a representative of the EA about 3 years ago who identified obstructions and overgrown vegetation at that time. He commented that since that time no widening or clearing had taken place. The Town Council were concerned that developing the application site could result in the existing problem being made worse.

She was aware of correspondence between Cllr Guest and the Environment Agency just before Christmas. The EA make it clear that it is the responsibility of the landowner of the watercourse to ensure that water can flow unhindered and that DCC or MDDC may have powers to serve notice on the owner of the watercourse or carry out clearance works themselves. Members are advised that this is not a power under the Planning Acts but officers can write to DCC and MDDC on behalf of the Planning Committee if that is members' wish. She made it clear that the Environment Agency and the Local Lead Flood Authority were satisfied that surface water from the development could be dealt with and that what has been referred to was an existing problem which should not be exacerbated by the development, but solutions could be explored to try to resolve the existing problem, as set out previously.

Cllr Gordon Guest also referred to the proposed attenuation ponds which were proposed to deal with surface water from the development only and were not there to deal with the existing problem. This is correct. We cannot require a developer to deal with an existing flooding problem, only to mitigate against the development they are proposing.

Mr Harper felt that his issues and concerns had largely been dealt with by Cllr Guest before him and she was not aware that he raised a separate point which I need to address.

Mr Harris was concerned that the questions he asked at the committee in June last year have not been answered to date. His concerns related to the inadequacies of Siskin chase, being only 3.55m wide at one point and the restricted visibility at the junction with Swallow Way. Whilst Mr Harris considers that his points haven't been specifically addressed, Members will recall that Mr Sorenson from DCC Highways was at that meeting and spoke to answer members questions. The minutes of the meeting clearly show that members' consideration of the application included 'the views of an objector who felt that the development was not sustainable and that the access point through Siskin Chase was not wide enough to support additional traffic flow.

Mr Sorenson has previously advised on these points as follows:

“The narrowing in Siskin Close is a standard speed reducing feature utilised on residential estates and is a standard detail in the Devon design guide and the retention of this feature is seen as a safety benefit rather than a safety concern. The access has been tested through the transport assessment and is suitable to cater for the volumes of traffic generated by the development and the existing estate road traffic, it has been looked at through a stage 1 safety audit by the developer and not found wanting”.

Mr Harris went on to ask what measures were intended to make the road safe. The plans do not include any measures on Siskin Chase and the Highway Authority do not refer to the need for any in their consultation response.

Mr Harris referred to an access from Colebrooke Lane rather than Siskin Chase which she had already referred to. Finally, he referred to the allocation in Local Plan Review and referred to this appearing to have already been agreed as its set out in the policy CU21. This was the emerging policy and again the policy position was set out in members agendas.

Mr Jones spoke and referred to a notification neighbours have received relating to the second application. Whilst she understood the confusion, the letter clearly referred to a different application number than the one members were considering today.

The officer then referred to the update sheet and the amended resolution with regard to the required S106 agreement following the receipt of viability information.

Discussion took place regarding:

- The road narrowing arrangements in Siskin Chase and the Manual for Streets
- Additional traffic from the site would have to go through the town prior to the construction of the relief road and the air quality issues that may bring
- The contribution required from the development for the relief road
- The percentage of affordable housing proposed for the development
- The views of one of the objectors with regard to local concern about the access to the site via Siskin Chase, the narrowness of the road and road safety issues, the parking that already takes place in the road in the evenings and weekends. The air quality issues that the development would have on the road network of the town.
- The views of one of the Ward members with regard to the need for a second highways outlet from the site, the pinch point in Siskin Chase, the flooding issues in Colebrooke Lane and a response he had received from Devon County Council Highways with regard to landownership.
- The emerging planning policy within the Local Plan review

It was **RESOLVED** that had the committee had the opportunity to determine the application then it would have refused the application for the following reason:-

The tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the NPPF, taken as a whole. In considering this application, the LPA are of the view that the proposed point of access from Siskin Chase is not considered suitable for the additional increase in traffic anticipated from the proposed development of 105 dwellings. Siskin Chase is a cul-de-sac which was designed to accommodate those vehicles attracted to the housing it currently serves and incorporates features to narrow the road such as a chicane. The increase in car ownership since the development was built has led to an increasing number of vehicles being parked on the public highway. The use of Siskin Chase as the sole access to the proposed development of 105 new dwellings is not considered acceptable and would lead to conflict between existing and proposed residents and would interrupt the free flow of vehicles, particularly emergency vehicles. In the opinion of the LPA this identified harm significantly and demonstrably outweighs the benefits of the proposal when assessed against the policies in the NPPF, taken as a whole and is considered to be contrary to policies COR1 and COR9 of the Local Plan Part 1 (Core Strategy) and policy DM2 of the Local Plan Part 3 (Development Management).

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs C A Collis)

As part of the procedure required for the appeal there was a need to agree a S106 agreement prior to the Inspector's determination of the appeal,

It was therefore

FURTHER RESOLVED

- i) That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Chairman and Vice Chairman of the Planning Committee and the local Ward Members to secure the necessary s106 requirements with the provision of a financial contribution towards the Cullompton Town Centre Relief Road being prioritised at £7,500 per dwelling (£787,500) and the provision of affordable housing being between up to 20% (figure to be confirmed by verification of applicants viability submission) with a split of 75% affordable rent and 25% shared ownership;
- ii) Financial contribution of £7,500 per dwelling towards the provision of the Cullompton Town Centre Relief Road
- iii) Implementation and monitoring of a Travel plan
- iv) Provision of public open space, allotments and play areas on site.
- v) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

(Proposed by the Chairman)

Notes:

- i) Cllr B G J Warren declared a personal interest as one of the objectors was a former colleague;

- ii) Mr D Harris spoke in objection to the application
- iii) Cllr E J Barry spoke as Ward Member for Cullompton South;
- iv) Cllr Mrs F J Colthorpe requested that her vote against the first decision be recorded
- v) The following late information was provided:

1) A letter from the agent has been received as follows:

Section 5.0 on pg75 states as follows:

“Consultation responses from Devon County Council Highway Authority and MDDC Public Health do not raise an objection to the application, however this is based on it making financial contribution towards the delivery of the relief road. The traffic assessment provided with the application indicates the additional traffic generation that is expected to arise as a direct result of this development including additional traffic movements between the site and the M5 motorway junction 28 and the town centre. The development will therefore increase traffic through the town centre, the impact of which on air quality will be mitigated via financial contribution towards the relief road in accordance with the policies set out above.”

The text highlight above is factually incorrect and is misleading.

Neither County Highways nor MDCC Public Health have requested a contribution towards the relief road.

The Public Health response (copy attached) confirms that air quality impact from the scheme is not significant. Moreover, it has been agreed with County Highways that no off-site infrastructure improvements are required to make the development acceptable in Highway terms and it is also agreed that the proposed development could come forward in terms of capacity and safety, in accordance with the Planning inspectors decision relating to Increased traffic set out in relation to application 16/01811/OUT and Appeal decision APP/Y1138/W/17/3172380 without the Town Centre Relief Road (para 5.3 of the attached SoCG refers).

The factual position seems to be correctly recorded at para 2.1 of the report which states as follows:

“Since the application was last considered by Planning Committee, the Council has produced its proposed main modifications which were approved for public consultation by Council on 4th December 2019. Within that document (MM35 and MM36), it proposes that the contingency status of the site has been removed in response to the Inspectors Post Hearing Advice Note, with the site instead becoming an allocation. In addition, Devon County Council has advised the timing of the development of the site is not dependent on the Cullompton Town Centre Relief Road coming forward as long as financial contributions are made towards the delivery of the relief road. As a result of this document being approved for public consultation by Council,

some weight can be attributed to the document as a material consideration in the determination of this application.”

Section 5.0 of the report should be corrected to reflect the factual position.

- 1) Photos have been received from a resident (forwarded to members of the planning committee by email) showing Colebrooke Lane after a period of rain

S106 UPDATE:

Officers have had the viability information submitted by the applicant, independently assessed and this has included the services of a Quantity Surveyor. They are satisfied that the case put forward by the applicants is robust. On this basis, the scheme cannot viably support 35% affordable housing and the £1.8 million s106 package set out on page 69 of the agenda.

The applicants have put forward 3 proposed s106 packages as follows:

- a) No affordable housing and the full £1.8m financial package
- b) 28% affordable housing (which is emerging policy compliant) and £318,015 OR;
- c) 20% affordable housing and £660,030

Members will be aware that MDDC have received Housing and Infrastructure Funding (HIF) for the provision of the Cullompton Town Centre Relief Road (TCRR). The terms of the funding include that MDDC ‘use all reasonable endeavours’ to recover the cost of the road from development. Therefore Officers have requested that the applicant puts forward a s106 package which includes £787,500 (£7500 per dwelling) towards the TCRR with a lower percentage of affordable housing provision. On this basis, there would be no provision for the development to contribute towards items iii) – vii) as set out on the agenda (which includes education provision, bus service improvement and NHS funding)

The Planning Inspectorate have set a deadline of 13th February for the submission of a signed s106.

REVISED RECOMMENDATION:

- 2) That delegated authority is given to the Head of Planning, Economy and Regeneration to secure the necessary s106 requirements with the provision of a financial contribution towards the Cullompton Town Centre Relief Road being prioritised at £7,500 per dwelling (£787,500) and the provision of affordable housing being between up to 20% (figure to be confirmed by verification of applicants viability submission) with a split of 75% affordable rent and 25% shared ownership**

NOTE: Members are advised that as a result of the revised recommendation set out above, the items from page 69 of the agenda would no longer form part of the s106 agreement are highlighted red below, those items which will

form part of the s106 are highlighted green and those items amended but included in the s106 are highlighted blue, as follows:

- i) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- ii) Financial contribution of £7,500 per dwelling towards the provision of the Cullompton Town Centre Relief Road
- iii) A financial contribution towards delivery of the new primary school of £4004.75 per dwelling, (equating to £420,498.00 for 105 dwellings).
- iv) A financial contribution towards secondary education facilities of £345,255.00 (based on 105 dwellings and the DfE extension rate of £21,921 per pupil).
- v) A financial contribution towards Early Years provision for 2, 3 and 4 year olds of £26,250 (based on 105 dwellings at £250 per dwelling).
- vi) A financial contribution of £135,000.00 towards the maintenance/provision/improvement of the bus service
- vii) A financial contribution of £1457.32 per dwelling to the Royal Devon and Exeter NHS Foundation Trust towards maintaining service delivery during the first year of occupation of each unit of the accommodation in the development.
- viii) Implementation and monitoring of a Travel plan
- ix) Provision of public open space, allotments and play areas on site.
- x) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

vi) *Report previously circulated, copy attached to minutes.

(The meeting ended at 5.38 pm)

CHAIRMAN