

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 19 January 2022
at 2.15 pm

Present

Councillors

P J Heal (Chairman)
G Barnell, E J Berry, S J Clist,
Mrs F J Colthorpe, L J Cruwys,
Mrs C P Daw, R J Dolley, C J Eginton,
F W Letch and B G J Warren

Also Present

Councillor(s)

B Holdman

Present

Officers:

Stephen Walford (Chief Executive), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Angharad Williams (Interim Development Management Manager), Christie McCombe (Area Planning Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

Also Present:

Michelle Woodgates (DCC Highways Authority)

141 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

142 **PUBLIC QUESTION TIME (00-03-53)**

The Chairman read a set of questions from Mrs Bingham referring to Item 6 (application 21/00454/MARM) on the agenda:

Why are Redrow Homes being allowed to place 20 properties against the boundary of the existing 10 Blundell's Road properties, which is a ratio of 2-to-1 and yet David Wilson placed only 11 properties against the 14 existing properties at The Fairway - a ratio of 0.8?

Why are Redrow Homes being allowed to present that there are no amenity impacts by having this higher density housing against the existing 10 Blundell's Road properties?

Why are Redrow Homes only providing 2 bungalows when there is a pressing requirement for more bungalows in Tiverton?

The Chairman also read a set of questions from Hannah Kearns with regard to the same application:

How can it be justified for the Planning Officer to state “that Members also noted ongoing concern in relation to road safety? However, road crossings on Blundells Road/Linking Road Spine Road lie outside the parameters of this Reserved Matters application”. The matter of road safety surely cannot simply be dismissed in this manner?

If road safety matters cannot be discussed by Planning Committee Members in relation to this application, then when have they been discussed in the past, or when will they be in the future?

Why are Redrow Homes being allowed to totally ignore the road safety concerns highlighted by the belatedly formed Specialist Design Review Panel?

Why have Redrow Homes been allowed to totally remove the fully segregated off road cycle lanes either side of the Linking Road and Spur Road?

Why are Redrow Homes being allowed to totally remove the Green Boulevard to the north of Blundells Road i.e. the Linking Road?

Mr Salter referring to the same application and referring to an email written by the Cabinet Member for Planning with regard to the Ministerial Statement of 22 November 2021 with regard to the provision of EV charging and stating that despite this statement it is observed that Redrow Homes are only intending to install working charging points to market homes, and only ducting, with no cables to affordable homes. Can the Planning Officers please explain what has changed, and why do Redrow Homes appear to be discriminating against Affordable Home owners?

Again referring to the Ministerial Statement or a change in policy he asked: as the policy has changed will the Planning Committee now give material consideration to the fact that Redrow Homes are not providing active charging points to all, irrespective of tenure?

Referring to the approved revised Building Regulation L – Conservation – Fuel and Power which would come into effect in June 2022: Do the Redrow Homes already meet this standard, and do Redrow Homes currently meet all the other revised standards in the new Regulation Part L?

Given that Redrow Homes have stated in a separate document that they do not expect completion of this first phase of the Tiverton EUE Development until 2026, is this just one more material consideration for the Planning Committee Members to consider?

Mr Elstone again referring to Item 6 on the agenda asked the following questions:

Why did the MDDC Area Planning Officer in an email, dated 9 December 2020 say she felt both pressured and backed into a corner to sign off on the key Urban Design and Architectural Principles Document?

Why did the MDDC Area Planning officer send an email on the same day as signing off the UDAP stating the importance of the urgent sign off of the document?

Why did MDDC Planning Officers allow Redrow Homes to totally ignore the prerequisite and prescribed requirement to consult with the stakeholders and the general public at the key UDAP stage of the masterplan design process?

Why did MDDC Planning Officers allow Redrow Homes to totally ignore the prerequisite and prescribed requirement to engage with the important external and specialist Design Review Panel prior to submission of their reserved matters application?

Why did MDDC Planning Officers allow Redrow Homes to totally ignore even their own UDAP flow chart requiring them to engage with the Design Review Panel prior to the submission of the reserved matters application?

Why did it take the persistence of a member of the general public and not the MDDC Planning Officers to make Redrow Homes even engage in a Design Review Panel despite it being far too late in the process?

Why did MDDC Planning Officers not intervene when the Design Review Panel had been given to believe that the UDAP document was an MDDC protected document when it was not?

Why did MDDC Planning Officers say in an email that the MDDC Ward Councillors had been consulted about the UDAP prior to sign off?

Why did the MDDC officers not intervene when the Design Review Panel were critical in being introduced into the design process very late and therefore again felt restricted in the comments it could make?

Why did the Planning Officer not intervene when the Design Review Panel primarily restricted themselves to looking at the development to the south of Blundells Road and with consequential results for the north?

Are the committee aware that the former Head of Planning participated in a video which is available on You-Tube in which she extols the importance of Design Review Panels?

Why did Redrow Homes say they had consulted with Post Hill residents when they only sent a letter to a few properties and only after submitting the reserved matters application?

Sir David Jephcott again referring the same application spoke about the high density centre of the application from the centre to the edge and asked why had Redrow been allowed to locate the largest density by the school and put their show home there? Why was Redrow allowed to overturn the centre to edge policy by having high density on the Spur Road?

Mrs Seaton again referring the item 6 on the agenda asked whether committee members were aware that Redrow Developments have already submitted a Condition 14 application which shows both their proposed phasing and end build date for their development proposals? Were Members aware that in this Redrow are trying to totally overturn the original phasing plans by first building to the south of Blundells Road as opposed to the north? Were Members aware that should Redrow Homes, Condition 14 be approved, they will be permitted to make another two entrances to Blundells Road, one to the north and one to the south being the use of West Manley Lane, for heavy vehicles, creating noise, disturbance and further traffic problems on a stretch of road which has suffered at least 4 road fatalities to my knowledge? Also were Members aware that if this Condition 14 application is approved and allows Redrow to use West Manley Lane as a heavy goods and workers entrance existing residents would be surrounded?

Emma Way again referring to item 6 on the agenda asked the following questions:

Why is the applicant permitted to cut back branch canopies of oak trees which are over 200 years old and which have TPO's?

Why is the applicant being permitted to build over the tree root protection zone of a tree over 100 years plus and subject to a TPO?

Are you aware that the applicant's arboriculture report states that the root protection zone need only be 8 metres when according to standards it is closer to 12?

Why is the applicant not providing EV charging points to all homes particularly in the light of imminent changes of legislation?

Please explain why the applicant is only installing ducting and not cabling for everyone and does this discriminate against the affordable homes occupants?

Why is the applicant not following the example of the recently approved Willand development which will have electrical vehicle charging points installed for all affordable homes from day 1?

Why has the applicant chosen to site the playground right on a ferociously busy main road spur with a busy T junction leading to other houses and the car park of a possible care home?

Is this truly the best outcome for the initial phase of the EUE Plan? Will this set the bench mark?

Separate to the public questions, but with the agreement of the Chairman, Cllr B Holdman asked the following questions:

Regarding the S9 Policy, can we have more mature trees if those have to be taken out and can we have more than 1 like for like replacement?

Regards to Policy S2, will all houses have heat source pumps?

Regarding Policy SP2, I am concerned about the mix of housing, we do not have enough bungalows or social housing for the needs of the community, how will you address this?

The Chairman indicated that answers to questions would be provided when the application was considered.

143 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-26-00)**

The following declarations were declared:

Cllrs G Barnell, E J Berry, S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal and F W Letch made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received emails and attended meetings with regard to application 21/00454/MARM.

Cllr B G J Warren also made a declaration as set out above with the additional reasons that he had received information, complaints and allegations as the Chairman of the Scrutiny Committee.

144 **MINUTES OF THE PREVIOUS MEETING (00-28-57)**

The minutes of the meeting held on 4 January 2022 were agreed as a true record and duly signed.

145 **CHAIRMAN'S ANNOUNCEMENTS (00-29-56)**

The Chairman explained his proposed process for discussing the application before the Committee.

146 **APPLICATION 21/00454/MARM - RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR 164 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 (00-30-50)**

The Committee had before it a *report of the Interim Development Management Manager with regard to the above application.

The Area Planning Officer addressed the questions posed in public question time: referring to the questions received in writing prior to the meeting, she advised that she had provided a written response to members which would be attached to the minutes. She advised that:

With regard to questions relating to procedure, these were not directly related to the application.

With regard to the question highlighting the centre to edge policy, the officer's report of 28 July 2021 detailed the centre to edge policy.

Referring to the question about Condition 14 and the phasing of the scheme; the application had been submitted but no decision had been made.

With regard to questions referring to the trees – she would like more details and then could provide an answer. Addressing the questions with regard to the local vernacular and the proposed red brick properties, this had been raised before. With regard to the location of the play area and its proximity to the linking road, the masterplan identified play areas to the south of Blundells Road. The play area to the north of Blundells Road had been at the request of members – she would provide a further written response.

Addressing questions with regard to policies: she referred to more mature planting, she would seek clarification from the questioner and provide an answer to the concerns raised. With regard to the heat source pumps, the applicant had followed the Fabric First approach through the proposed constructions and was meeting the standards as required. Referring to the lack of social housing and a request for more bungalows, this was the first phase of the larger development; this scheme included social housing and bungalows had been introduced into the scheme at the request of Members.

Referring to the EV charging points, the cabling and ducting would all be installed, all that would be missing was the final plug in box and this was referred in Condition 12.

The officer then outlined the contents of the report by way of presentation highlighting the site location plan, the table of events as set out in the officer report which included the committee dates, the officer/member and stakeholder meetings that had taken place, the key changes following engagement and the issues that had been raised during those meetings. She outlined the issues raised from the meeting of 6 December 2021 that would be addressed today: that of the inclusion of visitor parking and a review of landscape planting at the play area north of Blundells Road. She also explained the illustrative framework plan, an aerial view of the site, the parking layout and visitor spaces which had been achieved by extending the hard landscaping and the informal play space which had included a full review of the planting scheme.

The objector then addressed the Committee highlighting the following:

- The planning process and the failings of the developer to meet the requirements of the masterplan and design guide
- The fact that the developer had only conceded on some of the requests from members and local stakeholders
- The adverse impact of the development on existing properties north of Blundells Road
- The affordable housing close to the linking road and close to the industrial buildings and the care home
- The similarity of the development proposals to other developments by the developer, something which the masterplan and design guide had attempted to prevent.

The applicant then addressed the Committee highlighting the following:

- He recognised the importance of the development and that provision had been made over and above that outlined within policies
- The work that had taken place with the design team and officers
- The EV provision exceeded the policy requirements
- The number of properties had been reduced
- Green buffers had been introduced
- Building regulations would be complied with and the use of the Fabric First approach to construction

Members then posed questions which were addressed relating to:

- Clarification with regard to Condition 7 (H) within the report
- Building materials and whether alternatives to the red brick could be requested to include natural stone
- Further details required with regard to the tree canopies and root-ball work
- The position of the play area close to the linking road and air quality issues
- The centre to edge policy
- Road safety concerns with regard to the positioning of the play areas north and south of Blundells Road with regard to road crossings and the consultation process that had taken place
- Disappointment with regard to the location of the additional play space
- The visitor parking spaces and whether they would be used by residents
- The Condition 14 application and issues with regard to work that had commenced prior to approval
- The parking courts and whether provision had been considered for a disabled parking space

During the debate consideration was given to:

- The involvement of members and the public in large scale developments
- Further concerns with regard to road safety and engagement with the Highways Authority and local County Councillors
- Road safety assessments
- The impact of the development on existing properties north of Blundells Road
- Construction traffic and the impact of this on local residents
- Whether all the concerns raised by members had been addressed

It was therefore:

RESOLVED that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager with an amendment to Condition 7 (H) as set out in the report to correctly refer to Condition 14 of the outline planning permission with further conditions relating to: a wide disabled parking space, building materials to include natural stone and an arboricultural method statement that would be required prior to construction.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr C J Eginton)

Notes:

- i) Cllr R J Dolley requested that his abstention from voting be recorded;

- ii) Cllrs G Barnell, S J Clist and L J Cruwys requested that their vote against the decision be recorded;
- iii) The following late information was reported: a correction to the number of visitor parking spaces north and south of Blundells Road;
- iv) *Report previously circulated, copy attached to minutes.

(The meeting ended at 4.41 pm)

CHAIRMAN