

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 7 August 2015 at 10.00 am

### **Present**

**Councillors** C J Eginton (Leader)  
R J Chesterton, N V Davey, C R Slade,  
Mrs M E Squires and R L Stanley

### **Apologies**

**Councillor(s)** P H D Hare-Scott

### **Also Present**

**Councillor(s)** Mrs E M Andrews, Mrs A R Berry, R Evans and  
F J Rosamond

### **Also Present**

**Officer(s):** Kevin Finan (Chief Executive), Amy Tregellas (Head of  
Communities and Governance and Monitoring Officer),  
Jenny Clifford (Head of Planning and Regeneration) and  
Sally Gabriel (Principal Member Services Officer)

## **47. APOLOGIES**

Apologies were received from Cllr P H D Hare-Scott.

## **48. PUBLIC QUESTION TIME**

Dr M Dixon (Culm Valley Integrated Health Centre) referring to item 4 on the agenda (Masterplan – Cullompton North West Urban Extension) stated that the masterplanning exercise gave an ideal opportunity for the town to have a community garden to the rear of the surgery which would be used to identify the needs of the community with regard to health issues, such as learning to grow food, the use of organic food and herbs which could relate to issues with obesity and diabetes. The surgery had a strong national and international profile with regard to innovative health and requested that a small area of allocated land be used for such a project.

The Chairman stated that this issue would be addressed during the meeting.

Cllr E J Berry (Devon County Council) again referring to Item 4 on the agenda stated that he had been approached by residents of St Georges Well with regard to the impact of the proposed development, particularly during the construction period. Would an environmental assessment take place with regard to air quality during the construction period.

The Chairman stated that this issue would be addressed during the meeting.

A representative from Veysey's Butchers raised concerns regarding the placing of bollards in Fore Street that morning forbidding loading and unloading. The Chairman

stated that this item was not on the agenda; however the Head of Planning and Regeneration stated that Devon County Council (Highway Authority) had just issued a Temporary Road Traffic Order on the main route through the town seeking to prevent congestion caused by loading and unloading at peak times.

Mr Emmet again referring to Item 4 on the agenda stated that he had concerns regarding the movement of traffic on St Georges View, were Members aware that there were also problems with parking and traffic movement on Willand Road?

The Chairman stated that this issue would be addressed during the meeting.

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

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

#### **50. MASTERPLAN - CULLOMPTON NORTH WEST URBAN EXTENSION (00-11-35)**

The Cabinet had before it a report \* of the Head of Planning and Regeneration requesting it to consider the draft Masterplan Supplementary Planning Document for stage 2 public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining that the Allocations and Infrastructure Development Plan Document (AIDPD) was adopted in January 2010 following extensive public consultation and examination by a Planning Inspector. It allocated sites for development in order to meet the Core Strategy's growth requirements. A large proportion of this growth was to be accommodated within urban extensions.

An area of 74.8 ha to the north west of Cullompton was allocated for development within the AIDPD. The allocation comprised of : mixed use development, 1100 houses with 35% affordable housing and at least 5 gypsy and traveller pitches, 40,000 sq m employment floorspace, transport provision including a road linking Willand Road with Tiverton Road, primary school, local centre, community facilities and 28 hectares of green infrastructure.

The masterplanning of the site had been informed by a range of surveys and studies which sought to understand the constraints to development and in particular how much development could be delivered, where within the site in relation to green infrastructure areas. Topics considered included transport and access, ecology, landscape and visual impact, topography, drainage and flooding archaeology, heritage and utilities.

A first round of public consultation had taken place between 12<sup>th</sup> September and 12<sup>th</sup> October 2014, followed by a workshop of stakeholders. The first stage consultation focused on key issues around the amount of development and how it was distributed across the site in relation to the green infrastructure, access options and the location and amount of employment land and also the location of the primary school, sports pitches and gypsy and traveller pitches. From the first consultation period a total of 65 valid responses had been received. Key issues identified included the need to prioritise the delivery of highway improvements and the primary school.

The first stage public consultation specifically considered 2 options for the boundaries between the area identified for development and the green infrastructure. The first option looked at the area as allocated. Additional site investigation and survey resulted in an estimate of 700 houses being able to be delivered within the areas identified. This lower quantum of housing would not be able to deliver all the necessary infrastructure and community benefits.

A second option considered redrawing the boundaries between the area to be developed and the green infrastructure, whilst keeping within the overall site area as allocated. This redistribution of development was estimated to deliver 1000 houses, which would still meet the policy requirement for at least 28 hectares of green infrastructure. The higher housing numbers that could be achieved through this option would generate more development value and therefore more funding towards infrastructure and community benefits as required by policy.

The responses from the public consultation over this and other key issues had informed the emerging masterplan work.

Following an assessment of the consultation responses, a draft masterplan had been prepared which sought to provide guidance on how the site would come forward in a comprehensive way to deliver common infrastructure, coordinate phasing and how future planning applications should address design issues and deliver planning aspirations for the urban extension.

The Head of Planning and Regeneration identified by way of presentation the proposed development identifying the topography of the site, the use of the 3 hilltops and the links created between Tiverton Road and Willand Road and the local components which would create a sustainable neighbourhood. The placement of the community facilities were identified, that of the new primary school, and community building, the local centre for community facilities, the residential area and the green infrastructure area. There was also the possibility that part of the sports provision could be provided off site to supplement existing sports and recreation in other parts of the town.

She identified the housing trajectory and the proposed timeline for development and explained the proposed delivery of the link road between Tiverton Road and Willand Road and the fact that it would be funded by the sale of initial land parcels and identified the other triggers within the masterplan which included the delivery of the primary school in the early stages of development.

She addressed the questions put at the beginning of the meeting: the impact of the development on St Georges Well, this would be a temporary access to the site to allow for the construction of the link road to take place from either end of the development; traffic modelling had taken place indicating that the road was suitable. It would be possible at the application stage to impose conditions covering construction management to address the concerns of local residents. With regard to traffic issues on Willand Road, it was proposed that traffic calming measures be put in place; the construction of the link road would give an alternative route to the town centre.

With regard to the community garden at the rear of the doctors surgery: she was aware of the request and it had been proposed in the Local Plan Review, however an objection had been received and it would therefore have to be considered by the Planning Inspector when determining the Local Plan.

The Cabinet Member for Planning and Economic Regeneration informed the meeting that a second round of public consultation was now proposed over 6 weeks between 20<sup>th</sup> August to 1<sup>st</sup> October 2015 and explained the process to be followed as identified in the report.

Consideration was given to:

The proposed traffic calming measures in Willand Road and the location of the primary school and whether there was room for expansion.

The affordable housing on the site and the need to protect the percentage proposed.

The need for the road link to be put in place early in the development plans.

With regard to the community garden, local residents were urged to make their views known on this in the consultation process.

The support of the proposal by the Chairman of the Planning Committee.

Age appropriate housing to be considered.

The implications of the development on J28 of the motorway.

**RESOLVED** that

a) the draft Masterplan Supplementary Planning Document be submitted for public consultation.

b) delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the consultation material.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

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

**51. FIVE YEAR LAND SUPPLY (1-04-37)**

The Cabinet had before it a report \* of the Head of Planning and Regeneration advising Members on the most recent five year housing land supply calculations and to recommend a course of action to minimise the risk of a successful challenge to that calculation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that National Planning Policy required that Council's 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against it's housing requirements'. National policy required the calculation to include an additional buffer of 5%, or where there was a record of 'persistent under delivery' this should be increased to 20%. Further advice stated that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority could not demonstrate a five year supply of deliverable housing sites. In effect, unless the Council could identify a five year supply of housing land the existing Local Plan policies relating to the supply of land (including crucially the definition of settlement limits identifying areas which were countryside and those which were within defined settlements) may not be supported by Inspectors at appeal in the face of short term need for housing in the area.

The most recent calculation, taking account of completions and planning permissions during 2014/15 demonstrated that there was a five year supply plus a 'buffer' of 21%. He therefore suggested that the Council was in a position to continue to determine housing allocations in accordance with the existing local plan policies. However, officers were aware of challenges being made to the council's calculations in current planning applications and appeals. If those challenges were successful there was the potential consequence that existing housing supply policies be considered 'out of

date' by inspectors and that housing applications may be granted contrary to the local plan.

The report highlighted three areas of risk where the calculation may be challenged. Whilst the officers had confidence in their assessment and the resulting calculation, there was a risk that at appeal Inspectors may disagree with the Council. As a result, officers proposed mitigation measures to increase the buffer to a point where the risk of a successful five year supply challenge was minimal. It was therefore proposed to do this by bringing forward sites which were proposed as allocations within the emerging local plan. Six sites received no objection and could therefore be considered for development immediately:

Barn Park, Crediton - 20 dwellings

Old Abattoir, Copplestone – 30 dwellings

Linhay Close, Culmstock – 6 dwellings

Hunters Hill, Culmstock – 10 dwellings

Court Orchard, Newton St Cyres – 25 dwellings

South of Broadlands, Thorverton – 12 dwellings

In addition the Council's Local Plan had contingency sites which could be released if the rate of development fell below certain levels. Of those sites, Pedlerspool in Crediton was proposed to be made a full allocation for 200 dwellings in the emerging local plan.

By inviting applications on the sites highlighted, there would be a significant boost to the five year supply, which would leave the risk of a successful challenge at a very low level. The resulting calculation would leave the Council with 6.45 years supply, equivalent to having a buffer of 29%.

He informed those present of the outcome of a very recent legal case, the judgment for which was delivered last Friday. There were implications for the release of two sites previously mentioned. A legal judgement delivered last Friday, arising from a case brought by two local authorities against the Government, had resulted in the immediate revocation of some national planning guidance. The planning guidance had stated that developments of 10 units or 1000 square metres or less (including annexes and extensions) would be excluded from affordable housing levies and tariff based contributions. It also applied a lower threshold for designated rural areas where developments of 5 or less would be excluded from such levies/contributions, and those of 6-10 dwellings would be subject to a commuted sum (in lieu of on-site provision) to be payable upon completion.

The national guidance was originally introduced immediately prior to the second of three cabinet meetings held across November and December 2014 which considered the proposed submission version of the Local Plan Review. Following its introduction, proposed policies which set thresholds for affordable housing provision and/or required affordable housing provision on sites of 10 dwellings or fewer within the Local Plan Review were amended accordingly prior to the document being made available for consultation.

As a result of the successful legal challenge, the relevant paragraphs of the National Planning Policy Guidance had been revoked with immediate effect. In the case of affordable housing provision, this meant that the Council could use the thresholds set in the adopted Local Plan when requesting on-site affordable housing provision. This applied to sites of more than 4 dwellings in the towns of Tiverton, Cullompton, Crediton and Bampton, and sites of more than 2 dwellings elsewhere.

Two of the sites proposed to be released, Linhay Close and Hunters Hill at Culmstock, fell within the 6-10 dwelling size bracket. The policies for those sites were drafted to reflect the now revoked guidance, and stated that their affordable housing requirement of 30% could be provided off-site via a financial contribution.

Following the revocation of the relevant guidance, the Council would seek to ensure that the default policy position was that affordable housing should be provided on all sites above the thresholds set in the Local Plan, with a presumption for on-site provision.

It was reported that the Government were likely to appeal the above decision.

Consideration was given to:

The need for the current position of affordable housing and other contributions on smaller sites to be applied to current applications

The need to lobby MP's with regard to the recent court case.

Development at Pedlerspool

The need for a robust defence with regard to land supply.

It was therefore:

**RESOLVED** that:

a) The emerging local plan allocations of Barn Park, Crediton, Old Abattoir, Coplestone, Linhay Close, Culmstock, Hunters Hill, Culmstock, Court Orchard, Newton St. Cyres, South of Broadlands, Thorverton and the contingency site at Pedlerspool, Crediton be brought forward from later in the plan period in accordance with the NPPF advice and are therefore confirmed as available within the five year supply;

b) The Cabinet Member for Planning and Economic Regeneration be requested to write to local MP's to inform them of Members views on affordable housing on sites of 10 or less.

(Proposed by R J Chesterton and seconded by Cllr N V Davey)

Notes:

(i) Cllr Mrs M E Squires requested that her abstention from voting be recorded as she had concerns regarding the proposed development at Pedlerspool, Crediton;

(ii) \* Report previously circulated copy attached to minutes.

(The meeting ended at 11.25 am)

**CHAIRMAN**