

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 3 August 2016 at 2.15 pm

### **Present Councillors**

Mrs H Bainbridge, Mrs C Collis, R J Dolley,  
P J Heal, D J Knowles, F W Letch,  
B A Moore, R F Radford and R L Stanley

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

Mrs F J Colthorpe and J D Squire

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

N V Davey, R M Deed and Mrs M E Squires

### **Present Officers:**

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Jo Cavill (Enforcement Officer), Christie McCombe (Area Planning Officer), Keith Palmer (Senior Enforcement Officer), Dean Titchener (Principal Forward Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Joanna Williams (Enforcement Officer) and Sally Gabriel (Member Services Manager)

## 51 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs F J Colthorpe (the Vice Chairman, Cllr P J Heal in the Chair) and Cllr J D Squire.

## 52 **VICE CHAIRMAN**

In the absence of the Chairman, the Vice Chairman took the Chair and requested that a Member of Committee act as the Vice Chairman for the meeting.

It was **AGREED** that Cllr Mrs H Bainbridge take the role of Vice Chairman for the meeting.

## 53 **PUBLIC QUESTION TIME (00-04-20)**

Mr Cook referring to Item 11 (Chettiscombe Estate) on the agenda asked the following questions:

1. In April 2015 this Committee resolved that planning permission be granted for Chettiscombe Trust's outline application subject to their signing the Conditions set out in the Officer's report presented to you on that day. They were not draft Conditions as suggested to you in the Officer's report before you today and so, should not be negotiable.

Very sound reasons for the Conditions were provided by the Officer in the same Report. These Conditions and the reasons for them are as valid today as they were then and should not be changed.

Does the Officer now believe that these reasons, including the interests of all users of the adjoining highway involving a traffic calmed Blundell's Road, are invalid?

2. The MDDC's Masterplan and subsequently during Planning Committee meetings, residents have been assured by MDDC Planners supported by DCC Highways and confirmed by this Committee that no Chettiscombe Trust development will be commenced before the delivery of a functioning new LILO junction with the A361 through to Blundell's Road.

Common sense dictates that construction traffic serving building sites allocated for a total of 600 properties including the 330 properties already allowed to Waddeton Park, should not be allowed to use a 'calmed' Blundell's Road. The Conditions that this Committee already approved are in accord both with the requirement of the MDDC's Masterplan, the National Planning Policy Framework and importantly, will help to protect public safety during the largest urban development programme this town has ever seen.

The Conditions as originally presented provide as clear and solid a case as there could be for this Committee to decide against this application so, will this Committee please stand by its Resolution in April last year and re-affirm the absolute necessity of Conditions 10 and 11 in the Officer's original report?

3. Because of the poor siting of the LILO, DCC Highways have only recently discovered from their more detailed design work, that an additional £1 million and more is required for its proper construction.

Is this the real reason that Planners now want to backslide on Conditions that are essential to the safety of the public?

Mr Salter (on behalf of Tiverton Civic Society) again referring to Item 11 on the agenda (Chettiscombe Estate) had provided the following questions and requested that the Chairman read them on his behalf:

Councils are well aware that, unless they can demonstrate a five- year housing supply, owners of land outside allocated boundaries are likely to submit opportunistic planning applications. Developers, or, as in this case, landowners, who have already submitted applications, and are backed by expert legal teams, are increasingly using this situation to their advantage to wrest concessions from overstretched and under-resourced Local Councils. These required concessions include the removal or modification of conditions, as well as the threat not to sign S106 agreements unless these changes are made.

(‘We’re entering the perfect storm – the South West planning policy position is vulnerable. There’s a proven oversupply of employment sites, a very limited robust five-year housing land supply, and there’s a national policy push for housing. This provides developers with a great opportunity to go in there and be ambitious about what they are trying to achieve – identifying sites slightly outside of the box, and pushing them through the planning process.) Jo Davis, Senior Director, GVA

#### Question 1.

A key objective of the phasing, set out in the Masterplan, was that ‘all major infrastructure should be in place before development in the Tiverton Eastern Urban Extension commence’ and, specifically, that ‘prior to any development a Left in / Left out junction to the A361 and highway link between this junction and Blundell’s Road will be constructed’. As a result of developers’/landowners’ demands this is now clearly redundant: the Left-In/Left-Out junction will no longer be constructed and it is very possible that up to 600 houses will now be built and occupied prior to the construction of the main A361 junction, meaning that all major construction traffic related to this will be channelled along Blundell’s Road. In addition, the Chettiscombe Trust are, amongst other demands, seeking the removal of a number of planning conditions, including those relating to the planning and delivery of Green Infrastructure and the attenuation of surface water drainage, as well as requiring the imposition of considerable extra access costs on the development of Area B. (and we have not even reached the Reserved Matters Stage yet!)

‘It will be impossible to develop a more detailed strategy ...until the phasing of the development has been settled’ Caroline Waller, Clarke Willmott, for the Chettiscombe Trust, 15/6/16.

Have the general public, including the large number who attended consultation meetings, have any reason to feel confidence that the remainder of the Masterplan for Area A has any validity, or will landowners or developers, as seems increasingly likely in this application, themselves be allowed to decide exactly what is built, when, and where?

#### Question 2.

‘With DCC aiming to get the junction delivered by 2018 subject to getting all the funding required, there is unlikely to be more than 200 dwellings on the EUE site before the junction is completed, meaning that the initial DCC suggested trigger point of 300 dwellings before a connection to the A361 is required would still be met.’ Dave Black, Devon CC Senior Transport Officer

There appears to be a mismatch between Devon County Council’s projected date of completion of the full A361 junction in September 2018 and the date when the Chettiscombe Trust can provide their full £3.7 million S106 contribution for this. The figures given for the rate of estimated house completions in 4.4.6 suggest that, once building starts, it would take at least six years, or until 2023, for 270 houses to be built, and, therefore, for this funding, and the equivalent in match-funding, to become fully available.

Assuming that agreement on the Chettiscombe Trust’s demands can be reached and that the S106 Agreement is eventually signed, will MDDC be taking out a loan,

subsequently rechargeable to the developers with indexation, so that this infrastructure can be paid for and delivered according to the time scale envisaged by Devon County Council?

Cllr R M Deed again referring to Item 11 on the agenda (Chettiscombe Estate)

Could you please explain in English ‘no employment floor space over and above the amount (square metres) equivalent to the occupation of 270 dwellings (equivalent in terms of traffic generation numbers)’? How many square metres equates to one dwelling for example?

To give some context to the question, in view of the fact that MDDC were considering moving their Waste Disposal & Recycling operation to the employment site to the North West of the development, would such a move be allowed before the completion of a full A361 road junction or not?

‘What about the impact on Residents’? Do they not count as they only pay Council Tax to support both the operation of Devon County Council and MDDC who, one might think, give no consideration to them?

Therefore, why are you, Members of the Committee, considering reducing the affordable renting units further?

In your papers at 4.4.3, funding to deliver the full A361 road junction is proposed at 15.5 million pounds. What is the estimated costs of completing the works? If it is only 15.5 million pounds, why has the cost reduced over the last 12 months?

Members – why should you roll over to this dilution of this original proposal, which as some might think, with sufficient financial acumen, should have been seen coming from the outset.

Miss Coffin referring to Plans List item 4 (Menchine Farm) stated asked if she could raise the following questions which reflect the considerable concerns that have been raised by her Parish Council as well as a growing number of Mid Devon residents. Given the overwhelming number of piecemeal and retrospective planning applications that have been approved and are still being submitted to this and other council’s across the whole of the South West, by the so called Renewable and Sustainable CAD Industry, as well as Industrial (indoor only) chicken farms – is there any point whatsoever in having a Council Planning Department or indeed (with respect) a Planning Committee. It would appear to the general public that under this Government’s amended Planning and Conditions Guidelines you have been made at best ineffective and at worst irrelevant; particularly when it appears that the same developer can repeatedly, again and again, put forward duplicitous and erroneous applications, or worse deliberately build contrary to the confines of Approved Applications – confident in the knowledge that Councillors feel impelled to grant retrospective approval.

Neil Parish MP recently stated in the 12<sup>th</sup> July edition of the Gazette that everything must be done to protect and enhance our tourism and its normal pursuits of walking, cycling and driving around our beautiful countryside; do Councillors appreciate that having to share or fight for space on our rural lanes and highways with enormous tractors and implements that do not fit within the white lines, even when they are present, can only have a detrimental effect on the South West’s major industry of Tourism. After all our hotels/shops and holiday attractions pay business rates unlike

the so-called farmers exploiting the present and possibly designated loopholes in the Government's proclaimed Green Energy policy.

Add to this the apparent inability to propose meaningful and enforceable conditions to ensure compliance with approved applications – and one might ask exactly how this implements the government's proclaimed "new clarity and openness" for the Planning system.

Mrs Peters referring to Item 2 on the Plans List (land adjacent to Bickleigh Church) stated that Architects Harris Mc Millan have shown the massive visual impact these 4 houses would have on important views into Bickleigh's historic core. They have used the drawings provided by the applicant to produce this to scale. Can the Committee members confirm that they have seen this document?

Mrs Brownlow again referring to Item 2 on the Plans List stated that Historic England say that the Heritage Statement supplied by the applicant does not assess significant views and the relationships between open spaces and buildings. Why has this assessment not been carried out by the applicant and can an informed decision be made without this information?

Mrs Smythe referring to Item 4 on the Plans List (Menchine Farm) stated: stated, in relation to the application for the newly laid track and in the light of recently supplied, dubious information regarding traffic movements for feedstock in and digestate out of Menchine Farm I would like to ask the Planning Authority the following questions:

Is this track really necessary other than to enable the applicant to falsely claim saved journeys through Nomansland when in accurate figures have been submitted in the second quarter records to the Planning Authority and has the Highway Authority carried out an assessment of the traffic movements on the road from Nomansland to the track as it is the least used in the hamlet because of parked vehicles for the 8 houses on it with no off road parking?

Seventy acres of fodder beet which we believe has been tilled to the south of Menchine could be transported to the farm via this track. However, it has to be cleaned to go through the digester and disposal of the debris, tops and tails plus waste water is a major concern for the Environment Agency. Where is this washing to be carried out as it will determine which roads are used for the feedstock to reach Menchine?

In view of the excessive feedstock being imported and the lack of information to calculate the amount of power likely to be produced, has there been any visit from an Enforcement Officer to ensure that the approved production of 500kw is not being exceeded and has it been established why an electricity cable from Menchine Farm to Edgeworthy has been installed?

There is currently no way of monitoring just what goes over the weighbridge so how will the Committee members ensure that approving this track will not increase the productive capacity of this 500kw plant in view of the already installed 2<sup>nd</sup> CHP. Will this track enable the applicant to continue importing higher than declared feedstocks with the potential to produce more power to be sold to sources other than the grid?

Mr Welchman referring to Item 11 on the agenda (Chettiscombe Estate) stated that it appeared to him that this committee and its officers are incapable of dealing with developers who consistently run rings around them. The Crown Hill AD plant was a good example where in my opinion a deliberate deception was perpetrated. Now, the first development in the Eastern Urban Extension is in my view going exactly the same way. You appear to be willing to drop the key condition of a new link road junction thus creating traffic chaos in Post Hill, Blundells Road and Halberton. I see only three explanations for this, naivety, incompetence or collusion. Do you have any other explanations? Oh, there might be a fourth actually, the totally arrogant and condescending disregard of local public opinion which has already caused resignations from the Committee and of which there are examples.

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

#### 54 MINUTES OF THE PREVIOUS MEETING (00-30-24)

The minutes of the meeting held on 6 July 2016 were approved as a correct record and signed by the Chairman.

#### 55 CHAIRMAN'S ANNOUNCEMENTS (00-31-01)

The Chairman had the following announcements to make:

- (i) Dean Titchener (Principal Forward Planning Officer) would be leaving the authority and he wished him well for the future.
- (ii) Item 12 on the agenda had been deferred to allow for further discussion to take place with the Highway Authority.

#### 56 ENFORCEMENT LIST (00-32-15)

Consideration was given to the cases in the Enforcement List \*.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/14/00128/LIS – Without Listed Building Consent the execution of works for the alteration (“the Works” to the listed building namely the removal of timber windows and doors in the façade and inserting uPVC windows and door – the thatched terrace of dwellings, listed Grade II, 18, 19 and 22 Exeter Road, Crediton).***

The Enforcement Officer outlined the contents of the report highlighting the alleged breach and the site descriptions of the listed properties, it was his opinion that the authorised works adversely affected the character of the listed buildings and should be reversed; he explained the works required to comply with the listings. An extended compliance period was proposed to allow the properties owners time to be able to fund the works proposed.

Consideration was given to whether the proposed windows would soundproof the noise from Exeter Road.

**RESOLVED** that the Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices to reflect the recommendation as set out in the report and summarised. In addition, in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr B A Moore)

Note: Within the requirements for compliance all new timber windows to be amended to state “to be glazed with profile double glazing”.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00098/UCU – Without planning permission, the erection of a residential/domestic use building – Barn Orchard, Higher Furzeland, Copplestone.***)

The Enforcement Officer outlined the contents of the report by way of presentation highlighting the partial demolition and rebuild that had taken place without consent. Members viewed original and recent photographs and noted that 5 bays were now in place instead of the original 3. A 2 bedroom flat had been created and it was felt that these changes had affected the heritage asset.

Discussion took place with regard to the circumstances that had led to the conversion and the landowners plans for the future. Consideration was also given to the bats on site.

**RESOLVED** that consideration of any enforcement action be deferred for 3 months to allow the landowner time to submit a planning application.

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

(c) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00154/BRE - alleged breach of Condition 5 Planning Permission 00/01665/FULL; The building hereby approved shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. On its becoming redundant for such purposes, it shall be demolished and all resultant materials removed from the site within 3 months of redundancy – Sky End, Templeton – formally land and buildings at NGR 288977 115989 (Mayfield House).***)

The Enforcement Officer outlined the contents of the report explaining the history behind the alleged breach, the original planning permission of 2000 and the prior notification of change of use received in May 2014 under the new legislation regarding permitted development rights. Issues had arisen with regard to the interpretation of the new legislation at that time and the implications of the legislation on the application. The developer had acted in good faith with regard to the permissions granted and therefore it was proposed that no further action take place.

Consideration was given to the interpretation of legislation regarding permitted development rights.

**RESOLVED** that no further action be taken in respect of this matter.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

57 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

58 **THE PLANS LIST (1-14-22)**

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 applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 3 on the Plans List (**16/00549/FULL – Erection of an agricultural livestock building – land and buildings at NGR 277081 96434 (Shortacombe Farm) Yeoford**) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: Cllrs Mrs H Bainbridge, Mrs C Collis, R J Dolley, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and R L Stanley declared personal interests as the applicant was known to them.

(ii) No 6 on the Plans List (**16/00920/FULL – Installation of 10 replacement timber windows and 4 replacement timber doors with uPVC – Morebath Cricket Club, Morebath**) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: Cllr R J Dolley declared a personal interest as the Chairman of the cricket club was known to him.

(b) No 1 on the Plans List (**16/00458/FULL – Erection of 3 dwellings and associated infrastructure following removal of bursary building – Action for Children, Crediton Area Children’s Home, Newcombes, Crediton**).

The Area Planning Officer outlined the contents of the report by way of presentation, highlighting the site layout, the proposed elevations, proposed floor plans, sections across the site, the fenestration pattern and contemporary design which was compared with other dwellings in the area and photographs from various aspects of the site.

Consideration was given to design and access issues and the concerns of the Town Council.

**RESOLVED** that the application be deferred to allow further discussion to take place between the applicant, the Town Council and Ward Members with regard to design and access issues onto Jockey Hill and traffic generation.

(Proposed by Cllr F W Letch and seconded by Cllr B A Moore)

Notes:

- (i) Cllr F W Letch declared a personal interest as the Chairman of Crediton Town Council;
- (ii) Mr Field (Agent) spoke;
- (iii) Cllr F W Letch spoke as Ward Member;
- (iv) The following late information was reported - Pages 54 -55 - various edits to the conditions as follows.

4. add the following sentence to the condition as drafted in the report:  
Thereafter the development shall only be completed in accordance with the approved details, and thereafter retained.

7. add the following sentence to the condition as drafted in the report: The approved details shall be retained as such thereafter.

8. replace the condition as drafted in the report with the following drafting:  
Prior to the commencement of any work relating to the construction of the dwellings hereby approved, the site access shall be hardened and surfaced for a distance of not less than 6.0 metres back from it's junction with the public highway and drained, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

9. add the following sentence to the condition as drafted in the report: The approved details shall be retained as such thereafter.

(c) No 2 on the Plans List (***16/00465/FULL – Outline for the erection of 4 dwellings (Revised Scheme) – land and buildings at NGR 294162 107150 – site adjacent to Bickleigh Church, Bickleigh.***)

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting an aerial shot of the site, the site location plan, the layout plan identified in the centre of the conservation area, the listed buildings in close proximity to the site, the trees on the southern boundary, floor plans of the proposal, the roof plan identifying the thatched roofs, proposed section drawings and photographs from various aspects of the site.

The officer answered the questions posed in Public Question Time: Members had seen the document provided by the architects mentioned. With regard to the historic aspect, Historic England, the Devon County Council Archaeological Officer and the Local Planning Authority's Conservation Officer had all been consulted more than once on the application. Historic England had expressed their disappointment that the initial analysis provided by the applicant did not go into the depth they had sought. However, unlike the previous refused scheme, the historic environment consultees were not recommending refusal on the basis there was insufficient evidence on which to assess the acceptability of the development.

Consideration was given to:

- Whether the design was in keeping with the Conservation Area
- Issues regarding the trees
- The impact of the proposal on the visual amenity of the village
- Access on to the narrow steep lane
- Concerns about the protected green
- The substantial level of objection within the village to the proposal
- Whether 4 dwellings would impact on the level of land supply required

**RESOLVED** that the application be deferred for a site visit by the Planning Working Group to consider:

- (i) The relationship between the development and its historic context including the Conservation Area
- (ii) The sustainability of the site
- (iii) The impact of the loss of the hedgerow, trees and the impact on local ecology.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr B A Moore)

Notes:

- (i) Cllr Cllrs Mrs H Bainbridge, Mrs C Collis, R J Dolley, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and R L Stanley made declarations in accordance with the protocol of good practice for Councillors dealing in planning matters as they had received correspondence regarding the application;
- (ii) Cllr R J Dolley declared a personal interest as he knew several of the objectors;
- (iii) Ms Anning (agent) spoke;
- (iv) Mrs Hetherington spoke on behalf of the objectors to the application;
- (v) Cllr Batt spoke on behalf of the Parish Council;
- (vi) Cllr R M Deed (Ward Member) spoke;
- (vii) The following late information was reported: Amendments to conditions 5, 8, 12 and 14:

- Condition 5, add at end 'and maintained thereafter.'
- Condition 8, add at end 'and be so retained.'
- Condition 12, add at end 'The development shall be carried out in accordance with the approved Construction Management Plan.'
- Condition 14, remove 'thereafter to the satisfaction of the Local Planning Authority' and add at end 'in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.'

Revised plans indicating which trees were to be removed as a result of the application were also uploaded to public access yesterday. A new front sheet to the application form has been uploaded to public access today clarifying which matters are for consideration at outline stage and which at reserved matters.

(d) No 4 on the Plans List (***16/00564/FULL – Retention of an agricultural access track – land at NGR 283282 113369 (Menchine Farm) Nomansland***).

The Area Planning Officer outlined the contents of the report highlighting the applicant's information with regard to how the track had been constructed and would be used, the visibility splay and access was identified and Members viewed photographs from various aspects of the site. He informed the meeting that Condition 6 had been amended to request the provision of the number of vehicles entering and leaving the site by this entrance.

He offered answers to questions posed within Public Question Time, Miss Coffin's address was more of a statement with regard to previous application and therefore no answers were necessary. The second set of questions were in relation of the operation of the AD Plan and the number of traffic movements, it was suggested that the amended Condition 6 would address the concerns raised.

Consideration was given to:

- Whether the track would reduce the amount of traffic going through Nomansland
- Concerns that the figures provided were incorrect
- Lack of monitoring to vehicles entering the site through the new entrance
- Whether the amended Condition 6 was enforceable
- A possible hidden agenda
- Whether a weighbridge at the end of the track should be requested and the possible requirement for additional vehicle monitoring equipment

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with amendments to conditions as follows: Condition 3 - Revise the last sentence in the condition to the following wording: The approved details shall be implemented by 3rd December 2016 and all planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Condition 4. Within 3 months of the date of this decision the site access road shall be hardened, surfaced, drained for a distance of not less than 6.0 metres back from its junction with the public highway and in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained as such thereafter.

Page 91: Replace condition 6 as drafted with revised wording as set out below:

As part of the completion of the records to satisfy condition 7 pursuant to planning permission ref: 14/00575/MFUL the number of vehicles which enter or leave the site via the access hereby approved shall be recorded separately from those vehicles which enter or leave the site via the access via the B3137. These records shall include the size, type and load details, as well as the vehicles point of origin or destination. These records shall be made available to the local planning authority on request.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs C Collis)

(Vote 4 for: 3 against)

Notes:

- (i) Cllr R F Radford declared a personal interest and chose to leave the meeting during the discussion thereon as he was a fellow chicken farmer.
- (ii) Cllrs R J Dolley, D J Knowles, B A Moore, Mrs M E Squires and R L Stanley declared personal interests as a number of the objectors to the application were known to them;
- (iii) Mr Cole (Applicant) spoke;
- (iv) Mr Govett (Objector) spoke;
- (v) Cllr Mrs M E Squires spoke as Ward Member.

(e) No 5 on the Plans List (***16/00693/MOUT – Outline for the erection of 13 dwellings – land at NGR 310280 114261 Hunters Hill, Culmstock***).

The Area Planning Officer outlined the contents of the report stating that the majority of the site was proposed to be allocated within the emerging Local Plan Review under policy CL2 for 10 dwellings. The allocation was released for development when it had been agreed to bring forward several emerging local plan allocations (with no objection) in order to increase housing land supply. Although the application was partly a departure from policy no objection from local residents had been received.

She highlighted the proposed layout of the application, the drainage system, new boundary hedge, visual montages taken from several vantage points and photographs from various aspects of the site.

Consideration was given to the attenuation ponds and drainage issues.

**RESOLVED** that planning permission be granted subject to the provision of a S106 agreement in respect of:

- Provision of 4 affordable dwellings (2 x 2 bed and 2 x 3 bed) on site;
- A financial contribution of £15,665 towards Phase 2 of the improvements to Culmstock Playing Fields; and
- A financial contribution of £41,744 towards additional secondary education infrastructure and secondary education transport costs.

With conditions as recommended by the Head of Planning and Regeneration with amendments to conditions 6 and 7:

Condition 6 should read “Should the report required by condition 5....”

Condition 7 should read “The remediation scheme approved under condition 6....”

An additional conditions stating that: No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.

Reason:

To minimise flood risk and provide sustainable drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and in accordance with guidance contained within the DEFRA document ‘Non-statutory technical standards for sustainable drainage systems’.

Condition 11 should read:

“The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the details approved under condition 11”.....

Condition 12 should read:

“.....shall be completed in accordance with the details approved under condition 11 and thereafter retained and maintained.”

Condition 14 – addition of the word “retained” as follows:

“.....Once provided such Sustainable Urban Drainage System shall be *retained*, managed and maintained.....”

(Proposed by Cllr B A Moore and seconded by Cllr R L Stanley)

Notes: the following late information was reported: 26<sup>th</sup> July 2016 - Landscape Impact Photos Addendum V1 submitted. (see Public Access)

59 **THE DELEGATED LIST (3-32-00)**

The Committee **NOTED** the decisions contained in the Delegated List \*.

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

60 **MAJOR APPLICATIONS WITH NO DECISION (3-33-00)**

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

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

61 **APPEAL DECISIONS (3-33-18)**

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 signed Minutes.

62 **APPLICATION 14/00881/MOUT - OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 700 DWELLINGS, 22,000 SQUARE METRES OF B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL AND NEIGHBOURHOOD CENTRE WITH ASSOCIATED ACCESS INCLUDING A LEFT IN LEFT OUT JUNCTION ON THE WESTBOUND A361 AND ACCESS AND EGRESS ONTO BLUNDELLS ROAD AT LAND EAST OF TIVERTON, SOUTH OF A361, AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD, UPLOWMAN ROAD, TIVERTON (3-35-00)**

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

She outlined the contents of the report reminding Members of the previous resolution to grant permission with a S106 agreement dated April 2015 which included funding towards the new junction on the A361. Following changes in circumstances, it was proposed to amend some of the conditions within that decision. She highlighted the area of land allocated for the Eastern Urban Extension, the trigger points for construction and the site boundary, the road junction on the A361 and the phasing of construction that had been agreed. She stated that the Highway Authority now proposed to construct the junction in one go with a 'T' junction onto Blundells Road. This was proposed to be changed to a roundabout as part of the Chettiscombe Trust application. No construction had taken place at Waddeton Park although permission for 330 dwellings had been permitted and that no reserved matters applications had been received. It was therefore felt that as the delivery of houses had been delayed, there would be less traffic generated in advance of the delivery of the junction than initially expected. Financial contributions from development were needed to fund the

A361 junction, yet at present the development was prevented from coming forward in advance of the junction, making such payments difficult to achieve from a developer cashflow perspective. By amending conditions it was hoped that this impasse could be avoided and that the project could move forward.

Addressing questions posed in Public Question Time: with regard to a further spur at the Gornhay Junction, the land was unavailable and such a junction undeliverable. Employment floorspace in Area A, the Masterplan showed employment and residential development in this area, no details on the type of employment space has been submitted to date, which would affect traffic generation figures. It was therefore not possible to be more specific at this time and the proposed condition change expresses this as an equivalent floorspace in traffic generation terms.

Negotiations had taken place with the Housing Service who had no objection to the amendment to the tenure of the affordable housing. With regard to the different types of junction and the impact on local residents, yes of course the residents counted and accordingly the rate of delivery of housing associated traffic generation had been considered carefully. There was also a need to look at the pace of delivery of the development and to secure junction contributions

With regard to the financial implications of developing the junction, the finance was proposed to come from different sources, there would be a contribution from the developers of Area B and the contribution from Chettiscombe Trust would be phased, Devon County Council may choose to borrow against phased receipts. Officers felt that the amendments to the permissions would help to deliver the development. The remainder of the masterplan was still a material consideration but that there was a need to adapt the plan.

Consideration was given to:

- The masterplanning process and concerns regarding the infrastructure
- Concerns that the Masterplan would be diluted further
- The concerns of Blundells School with regard to the safety of their students
- Access to the site via narrow lanes for construction traffic
- The number of houses proposed to be built in the first year of development
- Vehicles accessing the site via Sampford Peverell and Halberton
- Funding issues for the new junction
- The need for the masterplan to provide a structure for development
- The affordability and deliverability of the development

**RESOLVED** that: recommendations to amend Condition 10 and 11 be refused for the following reasons: that the proposed changes would be likely to lead to an unacceptable increase in traffic on Blundell's Road and through Halberton and Sampford Peverell in advance of the new highway junction.

(Proposed by Cllr R L Stanley and seconded by Cllr D J Knowles)

Further **RESOLVED** that the draft S106 agreement be amended to allow a change in the mix of affordable housing tenure; to allow 60% affordable rent units and 40% intermediate units. Previous committee resolution to be amended as follows: 22.5% affordable housing on site to be provided for occupation on a 60% affordable rent and 40% intermediate tenure mix.

(Proposed by Cllr R L Stanley and seconded by Cllr D J Knowles)

Notes-:

- (i) Cllr D J Knowles declared a personal interest as some of the objectors and the landowners were known to him and that he was a Member of the Civic Society;
- (ii) Cllrs Mrs H Bainbridge, Mrs C Collis, N V Davey, R J Dolley, R F Radford and R L Stanley declared personal interests as many of the objectors were known to them;
- (iii) Cllrs N V Davey and D J Knowles spoke as Ward Members;
- (iv) The following late information was reported: Late Objection received 02.08.2016

Blundell's School object to the proposed changes to the intended junction.

In the absence of an assessment of the impact of the revised junction phasing, the School objects as before. The objection is based upon the increased volume of traffic; Heavy Goods Vehicles travelling through the School campus on Blundells Road; and potential damage to the Environmental Enhancement scheme from this traffic.

There is also the point that the Environmental Enhancement was Road Safety Audited on the basis of the previous junction phasing. It has not been re-assessed based on what is now proposed. This now poses an unknown risk to the safety of students which hasn't been quantified. Our concerns, particularly following an accident this year where a student was knocked over at the school crossing are compounded because the volume increase is not risk assessed;

There is the reported possibility that the full junction does not come forward at all, and we are left with the unmitigated impact of the first phase of development.

- (v) \* Report previously circulated, copy attached to minutes.

**63 APPLICATION 14/01332/MOUT - OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPEN SPACE - LAND AT NGR 288080 098230 EAST OF STATION ROAD, NEWTON ST CYRES**

This item had been deferred as explained earlier in the meeting.

(The meeting ended at 6.56 pm)

**CHAIRMAN**