

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on Thursday 4 December 2014 at 10.00am in the Council Chamber, Town Hall, Tiverton.

### **Present**

**Councillors:** C J Eginton (Leader),  
R J Chesterton, N V Davey, P H D Hare-  
Scott, Mrs B M Hull, C R Slade and R L  
Stanley

### **Also Present**

**Councillors:** M D Binks, Mrs F J Colthorpe, R M Deed, F J  
Rosamond and K D Wilson.

### **Also Present**

**Officers:** K Finan (Chief Executive), A Jarrett (Head of  
Finance), A Tregellas (Head of Communities  
and Governance), J Clifford (Professional  
Services Manager) D Titchener (Principal  
Forward Planning Officer) and S Gabriel  
(Principal Member Services Officer).

<b>Member</b>	<b>Minute No</b>	<b>Type of Interest</b>
C J Eginton	79	Personal
R L Stanley	79	Personal

## 77 **PUBLIC QUESTION TIME (00-02-07)**

Mr Baker (representing Waddeton Park Limited) stated that the company had an option on Hartnoll Farm and asked why Hartnoll Farm had not been allocated to meet the housing need for the Tiverton S10 Policy. There were 7 points of reference, every one of which Hartnoll Farm would have ticked the box. The development could be built sensibly; it could use the infrastructure of the LIL0 (Left In, Left Out junction) and then the finalised new junction onto the A361, its sits in a bowl and would therefore be hidden, the scheme would offer a significant amount of green open space by the canal, therefore securing the setting. He requested that Hartnoll Farm be allocated instead of TIV 13 (Tidcombe Hall).

The Professional Services Manager stated that in the "Reasons for selecting development management policy alternatives" within the report the section made reference to the reasons why Hartnoll Farm was not proposed for allocation. In the Local Plan Options Consultation, Hartnoll Farm was noted as having the potential of delivering 1100 dwellings. The SHMA (Strategic Housing Market Assessment) had identified the housing need for the district, and the authority was able to meet the level of need without an allocation of this size in this location. There were a variety of views as to why the site should not be allocated, one being that the site

was principally Grade 1 agricultural land, would close the gap between Tiverton and Halberton and could impact upon the Grand Western Canal, a county wildlife site and conservation area. Mr Baker had stated that Hartnoll Farm should come forward instead of Tidcombe Hall, which was a contingency site outlined for 100 dwellings. However, the proposal for a contingency site of 1100 dwellings was not appropriate in scale or required. Furthermore the strategic view of the authority was to direct growth towards Cullompton and therefore the site had not been proposed for allocation.

Cllr Bridger (Tiverton Town Council) stated that discussions had taken place at a recent Town Council meeting with regard to Policies DM12 and DM13 – Dwelling Sizes. He noted from the publication that the dwelling sizes were imposed by Government Policy and raised concerns that developments being proposed did not have enough space. The Town Council would like to see a larger minimum size therefore saving people from moving when their family increased in size. The Town Council would also like to see some help proposed for the High School to help it expand taking into account the number of pupils entering the school in the next 5 to 10 years.

The Principal Forward Planning Officer stated that the officers generally agreed with the view regarding dwelling sizes and had included a policy setting minimum standards in the Local Plan Part 3. However, this had been overtaken by national policy which had reduced the number of standards implemented and therefore it was not possible to maintain our own policy. Instead the Council proposed to include a new national space standard into policy. The Government's housing standards review made it clear that authorities would only be able to adopt standards that were strictly necessary and justifiable by evidence.

78 **MINUTES (00-07-20)**

The Minutes of the Meeting held on 27 November 2014 were approved as a correct record and **SIGNED** by the Chairman.

79 **MID DEVON LOCAL PLAN REVIEW 2013-2033 – PROPOSED SUBMISSION POLICIES FOR THE TIVERTON AND CENTRAL AREA (00-08-43)**

The Cabinet had before it a report \* of the Head of Planning and Regeneration requesting the Cabinet to consider the Local Plan review proposed submission policies relating to Tiverton and the central part of the district and recommend to Council that this part of the Local Plan be approved for formal public consultation and submission.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report by outlining the history of the current adopted plan and the reasons for the review. He stated that the approval process required consideration at three cabinet meetings to be held in Crediton, Tiverton and Cullompton with each meeting discussing strategic policy and allocations for the specific areas. Recommendations would then be made to Full Council on 17 December 2014. Following approval of Council an 8 week consultation process would then take place and the document would then be submitted to the Secretary of State to be considered by an Independent Planning Inspector at examination. Representations received on the submission document would be sent to the Inspector alongside the

Local Plan, the Community Infrastructure Levy and supporting documentation. The Local Plan Review proposed an overall level of development for the 20 year period from 2013-2033 and allocations for specific sites to meet this requirement. Commercial development, employment land and a strategic housing assessment would all form part of the review.

The proposed Development Management Policies would be considered at this meeting, many of the policies proposed for inclusion in the Local Plan Review had been brought forward largely unchanged from the Local Plan Part 3 which had only been adopted in 2013. A number of policies had been updated to reflect recent changes in national policy, most notably the Government Housing Standards Review.

The Professional Services Manager informed the Cabinet that on 28 November 2014, the Government had announced changes to national planning guidance which had significant implications for the use of Section 106 planning obligations. The Government had announced that Local Planning Authorities could no longer seek financial contributions via S106 agreements on sites that fell below a certain size threshold. The limitation applied to specific types of contribution which would go into a general 'pot' used to fund general infrastructure requirements. This limitation would apply to contributions for affordable housing, air quality, education and public open space. As a result the Council was no longer able to require these items on-site (i.e. in the case of affordable housing), or via off-site contributions (in the case of all types identified) for sites as follows:

Within the settlement limits of Cullompton, Crediton and Tiverton – sites of 10 dwellings or fewer with a maximum combined gross floorspace of 1000sqm or less.

All other parts of Mid Devon – sites of 5 dwellings or fewer. (For sites of 6 – 10 dwellings outside our towns, such contributions may be requested, but must be by financial contribution paid after completion of the houses. Affordable housing cannot be asked for on- site).

It had been flagged up that in respect of the lower 'rural' area' threshold the national planning guidance stated that local planning authorities 'may choose' to implement it, therefore an urgent item would be added to the Cabinet Meeting of 11 December.

Consideration was then given to the Development Management Policies within the report and discussion took place regarding:

#### **DM1 – High Quality Design**

Attention was drawn to (f) appropriate drainage systems and whether a financial bond could be placed on developers to protect residents by safeguarding performance and maintenance of the system. The Professional Services Manager stated that she would research the matter.

#### **DM6 Rural Exception Sites**

The issue of self build housing was raised and the criteria discussed, it was explained that Supplementary Planning Guidance may be required to set out the criteria. The use of the Help to Buy criteria was discussed and it was suggested that the supporting text be amended so that additional text

be added after “In the event that the Help to Buy” scheme is discontinued” to state “or the Council identifies a more appropriate way of assessing eligibility”. It was suggested that the wording “modest size” within the supporting text be clarified and therefore the policy would be carried forward to the next meeting.

### **DM7 – Gypsy and Traveller Accommodation**

The Professional Services Manager stated that the Gypsy and Traveller Accommodation Assessment (2014) would identify the need for a specific number of pitches over the plan period, these figures were still awaited and therefore the policy would be carried forward to the next meeting. It was also requested that the policy text be amended to state that gypsy and traveller accommodation could be included as part of the affordable housing requirement.

### **DM9 – Conversion of Rural Buildings**

It was suggested that the criteria for (b) be checked in the degree of alteration allowed and therefore the policy would be carried forward to the next meeting.

### **DM13 – Dwelling Sizes**

It was suggested that the following sentence “Homes should be designed so that there is sufficient space for activity, privacy, circulation and storage for the expected number of occupants” was not sufficiently explained in the supporting text and required further work.

It was **AGREED** that the policy would be carried forward to the next meeting.

### **DM14 - Town Centre Development**

The issue of the clustering of certain types of business was raised, it was suggested that this policy be carried forward to the next meeting so that Members could receive further information regarding the scope for controlling the location of certain types of town centres uses comprising concentrations of fast food outlets, betting shops and licensed premises and that this be considered in light of Permitted Development Rights.

### **DM24 – Protection of Local Green Space and Recreational Buildings**

The Cabinet Member for Planning and Economic Regeneration stated that the sites at Glebe, Cheriton Fitzpaine and Gurneys, Morchard Bishop had been removed from the list at the previous week’s meeting and that the list of remaining proposed Local Green Space in the supporting text be updated if affected by the outcomes of the Cabinet meeting on 11 December 2014

Note: Cllr C J Eginton declared a personal interest at this point as he knew the landowner and was a former Morchard Bishop Parish Councillor.

### **DM26 – Green Infrastructure in Major Development**

Discussion took place regarding biodiversity and drainage issues.

**RECOMMENDED** that the wording “where warranted” be removed from criteria (a).

(Proposed by the Chairman)

At this point Members considered the reasons for selecting development management policy alternatives and then addressed the Tiverton policies in appendix 3 of the report.

### **Policy S10 – Tiverton**

Discussion took place regarding the number of dwellings identified for Roundhill and Palmerston. It was suggested that this policy be carried forward to the next meeting to allow consideration of higher dwelling numbers to align the policy with schemes currently being prepared by the Housing Department as suggested by Cllr Stanley.

Note: Cllr R L Stanley declared a personal interest at this point as Cabinet Member for Housing

### **Policy TIV 1 – Eastern Urban Extension**

It was suggested that specific traffic mitigation be included in the policy.

**RECOMMENDED** that criteria (e) read as follows “Highway mitigation measures and transport provision to ensure appropriate accessibility for all modes”.

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

### **Policy TIV 8 – Moorhayes Park**

**RECOMMENDED** that 25% affordable housing be removed due to changes in national planning guidance.

(Proposed by the Chairman)

### **Policy TIV 9 – Howden Court**

**RECOMMENDED** that 25% affordable housing be removed due to changes in national planning guidance.

(Proposed by the Chairman)

Policies TIV 10, Roundhill and TIV11, Palmerston Park be carried forward to the next meeting to allow consideration of a higher target dwelling number.

### **Policy TIV12 – Phoenix Lane**

Consideration was given to the redevelopment of Phoenix Lane and an amendment to criteria (e) by the removal of “site” to be replaced with “Town Centre”. It was also suggested that an additional criteria be added to include the protection of the Town Leat. It was therefore **AGREED** that this policy be carried forward to the next meeting.

Members then considered the Central Area Villages:

### **Policy BA1 – Newton Square, Bampton**

**RECOMMENDED** that 30% affordable housing be removed due to changes in national planning guidance.

(Proposed by the Chairman)

### **Policy BA3 – Ashleigh Park, Bampton**

It was noted that the affordable housing target depended upon the Council resolving to apply the lower rural areas threshold for S106 planning obligations and that was to be considered at the Cabinet meeting on 11 December 2014 at which time a change to the policy may be required.

Having considered the policies for the whole of the Tiverton and the central villages, it was

**FURTHER RECOMMENDED** to Council that:

- a) the policies for Development Management and the proposals for Tiverton and the central villages contained within appendices 2, 3 and 4 of the report be approved as amended for publication and submission;
- b) Delegated authority be given to the Head of Planning and Regeneration, in consultation with the Cabinet Member for Planning and Economic Regeneration to make minor changes to the text and maps, such amendments to be published on the website and Members advised.

(Proposed by the Chairman)

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

(The meeting ended at 12.05pm)

**CHAIRMAN**