

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 21 November 2016 at 10.00 am

Present

Councillors C J Eginton (Leader)
R J Chesterton, K Busch, P H D Hare-Scott,
C R Slade, Mrs M E Squires and
R L Stanley

Also Present

Councillor(s) R F Radford, Mrs J Roach and F J Rosamond

Also Present

Officer(s): Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jenny Clifford (Head of Planning and Regeneration), Adrian Welsh (Forward Planning Team Leader) and Sally Gabriel (Member Services Manager)

93. **APOLOGIES**

There were no apologies.

94. **PUBLIC QUESTION TIME (00-01-15)**

Cllr Warren (Willand Parish Council) stated that:

This question relates to item 4 (Local Plan Review) of your agenda.

I find it of considerable concern that it is necessary to ask this question but it has been asked twice before at public meetings and has not been answered.

It is not directed at paid officers as the assumption is made that they are acting on the instructions of elected Members.

It is directed at those Cabinet Members who in 2014 and 2015 voted not to include land at Junction 27 in the Emerging Local Plan yet since that time have persisted in activities which have caused us to be where we are today.

What has happened to bring you to change your position or did your earlier vote not show your true views?

The second part of my question relates to the whole process for the inclusion of land at Junction 27 into the plan. A very comprehensive document has been prepared by officers of over 600 pages on the Local Plan yet after publication of the agenda and report on 16 November 2016 your Members Services Manager had to send out amendments to pages 551 and 552 in relation to the revised policy in relation to Junction 27.

We keep getting told that this is about the allocation of land in the plan at Junction 27 yet every presentation and document has the Eden Westwood vision and proposals

all over it, which makes it virtually impossible for another developer/visionary to meet the criteria.

How long are you going to continue to show a lack of respect for the intelligence of Parish/Town Councils and our communities by persisting in this myth that none of this is to do with Eden Westwood?

The following answer was provided by the Head of Planning and Regeneration during the debate: she felt that the first part of the question was directed at the Cabinet Members and therefore she would leave them to answer. With regard to the supplement with amendments to the Junction 27 policy after the agenda had been published: a meeting had taken place with “Duty to Cooperate” partners and strategic consultees with regard to cross boundary issues, concerns had been raised regarding the level of control in respect of retail aspects of the policy, because of these concerns, together with similar expressed by the Planning Policy Advisory Group, the policy had been amended.

With regard to the proposed policy within the plan and whether other developers could meet the criteria, there was a need to strike a balance between control in order for the Council’s aspirations for the site to be met, , whilst ensuring that the development within the allocation could be delivered by a range of developers. She gave examples of where components of the proposed policy had been delivered elsewhere by other developers.

The Leader stated that he had indeed changed his mind since 2014, when the original decision had been made the housing numbers were in 4 figures, this was now not the case.

Cllrs Chesterton and Stanley stated that they had not changed their minds from the original decision.

Mr Asprey (Clerk to Sampford Peverell Parish Council) referring to item 4 on the agenda (Local Plan Review) stated that as Sampford Peverell was designated as a village it should only be available for limited development. The Local Plan Review now stated that 60 additional dwellings should be built at Higher Town, was this compatible with village designation? Can it be assumed that the village school has sufficient capacity for children of families living in the new development?

The following answer was provided by the Head of Planning and Regeneration during the debate: she stated that this issue was addressed at the September meeting of Council, the scale of the proposed allocation and the impact on the village. She outlined the SHLAA process and the call for sites, many large land parcels had been put forward in the area of Sampford Peverell. It was felt that 60 dwellings was appropriate in terms of scale. With regard to additional school places, it was forecasted that there would be spare capacity. It would of course be possible as with any planning application that additional contributions could be sought through legal agreements (Section 106 agreement).

Mr Lucas referring again to Item 4 on the agenda stated that a decision had been made in 2014 to proceed with the Local Plan without an allocation at Junction 27 as there was insufficient evidence to include it at the time. The Local Plan had been approved for an 8 week consultation before being submitted to the Secretary of State. In November 2016, the Local Plan Review came forward again including Junction 27 and an allocation of 60 dwellings at Higher Town, Sampford Peverell,

why do we have a new revised plan when in 2014 it was approved. If the Local Plan Review was approved for consultation, what weight would be given to the Council's decision when it came before the inspector.

The following answer was provided by the Head of Planning and Regeneration during the debate: a motion had been put before Council in April 2016 which sought to look at the implications of including Junction 27 within the Local Plan Review, the Cabinet report in September 2016 had outlined the reasons for the delay in submitting the Local Plan, the motion had also overridden the decision to allow the Head of Planning and Regeneration delegated authority to submit the plan following consultation, therefore there was a need for the plan with consultation responses, amendments and additional technical information to come back to the Cabinet who would make a recommendation to Council. She also stated that if approved the Local Plan would go out for further consultation prior to being submitted to the Inspectorate. The weight the inspector would give to the Council decision would be at his or her discretion.

Cllr Milner (Uplowman Parish Council) referring to Item 4 on the agenda stated that it had taken two years to finalise the Local Plan Review which now included an allocation at Junction 27. The Local Plan was required to meet the needs of the district, was the professional advice incorrect at that time or had Councillors lost confidence in the original decision? What had changed?

The Head of Planning and Regeneration stated that she had advised of the circumstances which had led to the delay within this and previous reports including technical assessments and further evidence work had taken place.

Hayley Keary again referring to Item 4 on the agenda stated that the SHLAA evidence in 2013 had stated that the site at Higher Town Sampford Peverell was unsuitable for development as there were access issues, what had changed as the topography of the land remained the same.

The Head of Planning and Regeneration stated that the SHLAA had concluded that the site would be appropriate for 60 dwellings, the access issues were not so severe as to prevent an allocation. With regard to 2014, the site had not been necessary at that time as Junction 27 was not included. She confirmed that nothing had changed in relation to site topography.

Mr Disney again referring to Item 4 on the agenda stated that not all of Sampford Peverell were against development at Higher Town. He asked why was mitigation required for the Culm Grassland at Hares Down Moor as it was 14/15 miles from Junction 27.

The Head of Planning and Regeneration stated that this was a Special Area of Conservation and because of the additional traffic generation on the A361 there was a need to consider its impact upon the SAC and put mitigation measures in place as there was a need to make sure that the plan was sound.

Mr Byrom, again referring to Agenda Item 4 stated that many aspects of the revised plan have been included because of Junction 27 and we are told they are a package, the housing sites at Blundells Road and Sampford Peverell were both linked to Junction 27 and if the allocation at Junction 27 did not come forward for development the associated housing sites could be deleted? He also referred to the pre app

meetings that had taken place but 48 meetings had not taken place, £5,000 a month had been received from May to December, what happened to the thousands of pounds that didn't pay for the meetings and when would that information be made public?

The Head of Planning and Regeneration stated that she had not come across such a restriction with regard to the deletion of a site if another site didn't come forward, but that she would look into the matter. With regard to the pre app meetings, she suggested that Mr Byrom was referring to the Pre-application Advice Guidance Note. In this case the authority had entered into a Planning Performance Agreement with the developer covering pre-application service. The charge agreed under this document was for officer time. She confirmed that this was a public document which she would make available to Mr Byrom.

95. MINUTES OF THE PREVIOUS MEETING (00-19-08)

The minute of the previous meeting held on 27 October were approved as a correct record and signed by the Chairman.

96. LOCAL PLAN REVIEW 00-20-05)

The Cabinet had before it a report* of the Head of Planning and Regeneration requesting consideration of suggested modifications to the proposed submission Local Plan and to make appropriate recommendations to Council.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report highlighting the consultation process that had taken place in 2015, following the consultation additional technical work was required prior to submission to the Secretary of State to ensure that the position was robust. The additional technical evidence had resulted in a delay in submitting the plan. The external technical work, reliant on statutory consultees' involvement, had taken longer than anticipated to complete. Agreement on the flood modelling work for Junction 28 of the M5 at Cullompton was now expected to coincide with the proposed further round of consultation commencing in January 2016. Also since the last round of consultation in 2015 the Council had proposed to allocate land in the Local Plan for tourism, leisure and retail use at Junction 27 of the M5 and related residential allocations. This had resulted in making the necessary amendments to the plan to reflect this decision, there was also a need to consider changes to Government guidance, updated permissions, completions data and additional evidence.

He outlined the decisions already made by Council in December 2014 and the additional decision in September 2016 to allocate land at Junction 27 and the masterplanning exercise north west of Cullompton. Therefore it was only the modifications to the plan that required approval.

He then provided a list of changes which had been highlighted by track changes within the Cabinet report.

With regard to the additional housing sites required in connection with the proposed allocation at Junction 27, he reported that the Planning Policy Advisory Group had requested that officers give further consideration to whether there was a need to allocate land at Higher Town, Sampford Peverell (SP2). As Members noted that the proposed allocation at Blundells Road, Tiverton (TIV16) was for 200 houses only;

whereas the adopted Local Plan allocation was for 200 dwellings together with 7,000 square metres of employment floorspace. Members therefore wished to understand whether there was scope to increase the housing numbers since the employment floorspace was not proposed to be included in the new policy. Officers had reviewed the Blundells Road proposed allocation, if increased to 260 dwellings, the density would rise to approximately 43 dwellings per hectare. The allocation as a whole included land subject to flooding, increasing the number of houses above that proposed would give less flexibility in the design of the flood mitigation measures and would be likely to position housing closer to areas that would remain subject to flooding. A higher residential density could also lead to a less satisfactory residential environment and leave less land available for a sustainable urban drainage system. Importantly development of the site must also safeguard a strategic road route through the site to serve as a road access for future development needs beyond the plan period and that would require land. Officers were of the view that they could not recommend increasing housing numbers on the Blundells Road, Tiverton site. Accordingly it was considered that the proposed allocation at Sampford Peverell should remain.

With regard to the North West Cullompton Phasing Policy CU6; this policy was proposed to be revised in order to align the phasing with that agreed in the adopted masterplan SPD for the site.

With regard to the land proposed for allocation at Sampford Peverell he felt that there was a need to consider protecting the site to just 60 dwellings and asked officers whether it was possible for it to become a contingency site or whether the number of windfalls would mitigate having to allocate the site. The Head of Planning and Regeneration stated that there was a need to submit a sound plan and that it meet objectively assessed housing need. She confirmed that the plan would need to demonstrate flexibility and that no allowance had been made within it for windfall sites in order to provide for this. She also confirmed that contingency sites were only released in set circumstances and so did not figure in the plan's housing supply figures. A contingency site approach would not deliver the required housing numbers and she therefore could not recommend either that approach or taking into account windfall housing. Policy SP2 did make reference to low density, good design and that the highest part of the site should remain undeveloped.

Consideration was given to sites coming forward at Copplestone and Hemyock and whether those sites could be included in the housing need or whether the design of the dwellings proposed in the allocation at Blundells Road could be in line with Popham Close with regard to the height of the dwellings.

Further consideration was given to

- The latest Government guidance with regard to policy DM7 – Traveller sites.
- Pedestrian access to Tiverton Parkway Station from the proposed allocation at Junction 27.
- The type of retail development at Junction 27.
- Whether the requirements and criteria within the allocation at Junction 27 was clear.
- Policy S1 – sustainable development priorities.
- Policy DM8 – rural works dwellings

- Policy DM6 and a possible amendment to (b) to state “each house” and to amend the wording to consider the Local Authority’s cascade system.

RECOMMENDED that:

- a) 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 both before and after consultation to the text and maps including updating factual information such as the latest commercial land survey results.

(Proposed by the Chairman)

- b) Approval be given to publish the proposed modifications to the Local Plan for consultation and that delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration for the plan’s subsequent submission to the Planning Inspectorate for examination together with its supporting documentation.

(Proposed by the Chairman)

- c) Policy DM6 (b) be amended removing the wording “The housing” and replacing it with “Each house” with an line to be added to paragraph 4.23 “to refer to Mid Devon District Council’s cascade system”.

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

Notes:

- (i) Cllr P H D Hare-Scott declared a personal interest with regard to his pension with Friends Life (in line with his statement at the previous meeting when Junction 27 was discussed). He also stated that he lived near proposed sites in Crediton but that this did not affect him directly;
- (ii) Cllr R L Stanley stated that since the previous meeting his interest with regard to Friends Life was no longer relevant;
- (iii) *Report previously circulated, copy attached to minutes.

97. COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE (2-09-00)

The Cabinet had before it a report* of the Head of Planning and Regeneration requesting consideration of the Draft Community Infrastructure Levy (CIL) and associated policies.

The Cabinet Member for Planning and Regeneration outlined the contents of the report highlighting the previous decision in January 2015 and informing the meeting that because of the time delay the proposed rates had now been reviewed having taken account of the viability update and review and the representations received, the Consultant had considered no changes were proposed to the draft charging schedule levy rates.

Some minor changes were proposed to give greater clarity to the document, also an Instalments Policy for larger schemes, and a “Payment in kind” policy statement had now been included.

Following the Council decision on 22 September to include an additional strategic allocation at Junction 27 in the Local Plan it was suggested that, as with the other strategic allocations, that it should be included in Zone 1. This would result in a zero CIL charge for the Junction 27 development, with infrastructure improvements sought through Section 106 agreement. This approach was considered by officers to be entirely appropriate given the nature of the development and the scale of infrastructure improvements required. Owing to this change it was recommended that a further round of CIL consultation be undertaken alongside the Local Plan consultation.

RECOMMENDED that:

a) That the Draft Community Infrastructure Levy Charging Schedule (DCS), attached as Appendix 1 of the report, be approved for Consultation;

b) That the Draft Infrastructure Plan, Draft Regulation 123 List and Draft Policy on the use of Section 106 Agreements, the Instalments Policy and Payment in Kind Policy be published for consultation with the DCS; and

c) The draft Regulation 212(4) Statement be approved with delegated authority given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to agree and submit the final Regulation 212 (4) statement;

d) That 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 documents referred to in a) – c) above and for their submission.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs M E Squires)

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

98. **LOCAL DEVELOPMENT SCHEME (2-14-00)**

The Cabinet had before it a report* of the Head of Planning and Regeneration proposing a revised timetable for the review of the Local Plan in the Local Development Scheme for Mid Devon.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that as the plan moved towards submission there was a need to update the timetable.

RECOMMENDED that the revised Local Development Scheme (as outlined in appendix 1 of the report) be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr P H D Hare-Scott)

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

(The meeting ended at 12.32 pm)

CHAIRMAN