

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on Thursday 11 December 2014 at 11.30am in the Cullompton Town Hall, Cullompton

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: Mrs E M Andrews, Mrs H Bainbridge, M D
Binks, Mrs L J Holloway, M A Lucas, R F
Radford, Mrs J Roach, F J Rosamond, K D
Wilson and Mrs N Woollatt

Also Present

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

Also in

attendance: S Langer and I Sorenson, Devon County Council
(Highway Authority), Richard Dixon and Rob Searle
(Dixon Searle Partnership)

Member	Minute No	Type of Interest
Mrs E M Andrews	85	Personal
P H D Hare-Scott	85	Disclosable Pecuniary Interest

80 **MEETING MANAGEMENT**

The Chairman stated that he intended to vary the order of the agenda, taking items 1, 2 and 3 and then 6, 5 and 4. This was **AGREED**.

81 **PUBLIC QUESTION TIME (00-02-29)**

Mr Welland referring to Item 4 on the agenda (Local Plan Review) made the following statement: firstly we acknowledge the work of Jonathan Guscott and his team, and the Cabinet Member for Planning and regeneration, in producing a sensible, sound and practical report. We realise that their task was a difficult one given the constant PR and propaganda exercise undertaken by the promoters of a scheme for Junction 27 of the M5. Uffculme Parish Council particularly welcomes the total rejection of any form of development at J27. The District Council's

current Town Centre approach, backed with tangible investment, has much to commend it. In the proposed Plan, emphasis on the regeneration of Cullompton and its environs will ensure it has a positive part to play in the future of Mid Devon. The J27 proposals are totally incompatible with the Council's overall philosophy and it has been independently acknowledged that development around this motorway junction would severely damage not only Mid Devon's traditional towns but the economies of the larger regional centres. Responses to the Draft Plan consultation had to reach the District Council by 24 March, and indeed letters of objection to J27 sent to our MP Neil Parish, and forwarded to MDDC at a later date, were rejected. In contrast material from the proposed developers was still being received by the Council within the last few weeks. This is not in any way intended as a criticism of the Council but merely as an illustration to show how the Council has gone to great lengths to give them every opportunity to come up with a viable, sustainable scheme. However the inescapable fact remains that the proposals put forward have been totally rejected by the Council's own independent consultants. This fact is impossible to ignore, and the report details the failures of the promoters in meeting the required planning benchmarks. Members of the Cabinet and indeed the full Council, you now have the opportunity to consign J27 to the history books and remove all future uncertainty. Uffculme Parish Council commends the Plan to you, and in voting in support of its recommendations you will do so in the knowledge that you have the overwhelming support of the people residing in this part of the district, amply demonstrated by the objections to J27 raised by the local parish and Town Councils.

Mr Welland then read a letter from a local resident to J27, Mr Bass. On the subject of the proposed development at J27 we would like to restate that we have no intention of selling our land here. Developers have been trying to buy, on and off since J27 was built and they always tell the same story: only let this new venture happen and it will bring unprecedented prosperity that will totally transform the region. But prosperity does not come about in this way. It is dependent on so many other factors that no one should make these sweeping predictions. They never talk about the profits they will be making for themselves and their investors. If their plans are accepted, they will build and then move on to some other unspoiled place. What is here at the moment is the real Devon landscape; small fields with ditches and hedges – a haven for wildlife and what is even more important it has a far larger than usual number of mature native trees, noticeably the oaks deliberately planted in the early and mid-nineteenth century. This is now very precious to the county. It cannot be replicated or substituted for a pseudo theme park countryside which sometimes has the temerity to call itself enhanced landscape. We would never forgive ourselves if we succumbed to the developer's advances and sold out to them. We believe it is our duty to do all we can to preserve this proper and original gateway to Devon.

Mrs Taylor (Willand resident) presented a petition of over 1000 signatures from WAVE (Willand Action on Village Expansion) to the Chairman and asked whether Members were aware that over 1000 signatures had been collected from residents opposed to J27 and the movement of the settlement boundary in Willand. She identified the habitation of bats at Quicks Farm and stated that if the Local Plan allocations went ahead at Quicks Farm, this would be very challenging for the tenant who would be out of a home and would lose their farm business.

Mr Dudley-Williams (Proposer for J27) stated that there was a need to step out of the shadows and into the future. We have negotiated for over a decade, if we don't take a leap of faith together what is the future of job creation in the district. We want to work with you, please move a recommendation to reintroduce Westwood into the Local Plan. What will be the legacy of this administration as its term in office draws to a close?

Sir Tim Smit (Eden Project) stated the members were aware that he had built Eden, this was revolutionary, we believed in the future of the Westcountry and that we were in competition with the rest of England with regard to tourism. My main interest is farming and agriculture and I believe that working together we could build the world's best centre for agronomy and the best tourism focussed place across Devon. If you don't do something about J27 where else do you have a place which is so well located, you can entertain people and inform them about "Brand Devon." There was opposition to Eden to start with but we have employed 400 people and we buy local, please come and look to see what you can do with regard to rolling out wealth into the countryside. If you reject this where will you go, the middle part of Devon will be by-passed. I believe we can build an environmentally friendly centre and we want to create a legacy with this project. A letter in the Tiverton Gazette questioned the financial viability of the Eden Project, however we had a tricky year in 2012 during which redundancies were made but we still employ 400 people and we are still making a profit.

Mr De Barr speaking from an investors prospective stated that we took the decision 3 years ago to look at the project at J27. We requested a meeting with politicians and technical people at the Council as we wanted to establish whether we were welcome. We proceeded with option acquisitions as we thought that MDDC would act as a partner. He outlined the background to the strategic development and listed the contents of the project. By bringing the Eden Project into the development it would invite young people to stay and build careers in the areas, where asked where else could the development go? A polling exercise took place and perceived popularity was established. This is an opportunity for Mid Devon, I would like to think that MDDC are a can do Council, officers advise but Members decide. We made this commitment in 2012 and AXA and Friends Life made commitments, the partnership needs to stay the course. Is Mid Devon open for business and if so, how do you plan to demonstrate your ambition to put Mid Devon on the map and become the gateway to the South West? Are you now prepared to allow us to evolve this project? We believe this is an exceptional development which will put Mid Devon on the map and can you demonstrate you are a can do Council?

The Head of Planning and Regeneration stated that 154,000 sqm of employment land had been allocated in the plan; clearly Mid Devon was open for business.

Mr Barry (GL Hearn) stated that the Local Plan represented the most important planning document up to 2033. J27 will deliver an exceptional tourism and leisure scheme. There is a need for further information for development to the east of Cullompton and the Strategic Housing Market Assessment (SHMA) is still in draft form. He suggested that in not allocating J27, the Council was treating the two potential strategic allocations differently. The Local Plan timetable can be adjusted if the Cabinet wish and evidence for the allocation at J27 can be provided and

then you can make the final decision following consultation feedback. Please make a recommendation for J27 to be put forward.

The Head of Planning and Regeneration stated that the issues over J27 are more significant, the J27 proposals do not meet three of the tests within the National Planning Policy Framework. He confirmed that the Local Plan timetable could be adjusted if Cabinet chose to do so, but officer advice was to proceed as set out.

Mr Samuels (Uffculme resident) stated that he would like to congratulate the developers on their public speaking. He outlined the proposal for a wave machine and stated that there was one in Bristol; people travel there from Wales and the Midlands etc, why would they want to come down here. We will get people from Taunton, Uffculme and local villages other than that there will be tourists. In the winter the wave machine will only work at weekends the rest of the time it would be used by holiday makers. With regard to the multi-screen cinema, how will local people get there, buses don't run seven days a week to that location. How many concerts will take place in the concert venue per year? This is all based on holidaymakers from March to October, other than that no one will use it. A nursery is proposed, you have one up the road. There is also a cider place at Wellington. With regard to the artisan place, you have local butchers. Everything that is proposed you can get locally. The man from the Eden Project spoke of fields and crops but they will build on it, he built on an excavation site therefore no land was lost. If they want an advisor, you have a local nursery up the road, he would know about the soil. Everything that has been proposed is for them and not us.

Mrs Evans stated that the Cabinet should be aware that the J27 proposals were unfit for purpose. There would be impact on the town centres of Mid Devon, the proposal did not meet the numerical need, the sequential test of the National Planning Policy Framework and failed to consider the impact on town centres as the developer's analysis was inadequate. The promoters have insisted that 3500 jobs will be available but they have not considered that 3000 homes will be required. You are also advised that Devon County Council state that there are congestion issues at J27, these are simple facts, J27 is unworkable. Please vote for the recommendation within the report.

Mr Pointing (Uffculme resident) stated that he had grave concerns regarding the project; it will harm the area and be like a cancer on the region. The developer's state that there will be vibrancy and growth, but it will suck the life out of the local towns. the cost to the area and to the people will be enormous. Sir Tim Smit spoke about passion - this is not the right cause. Talking to local people it is clear that residents are opposed to the development, if you decide to include this you need to be held to account. We have very little detail from Westwood, if it goes into the Local Plan, how will you hold them to account? The report is valid.

The Head of Planning and Regeneration stated that if the development did go ahead, the detail would be specified in policy and would require a master-planning exercise. Proposals would be assessed against these.

Cllr Warren (Willand Parish Council) stated – will Members please note that Willand Parish Council is opposed to any development at Junction 27 which involves any housing and/or any versions of the business, leisure and retail proposals which have been put forward over what now appears

to be a prolonged timescale. The reasons for objection are well documented. Will Members further recognise that such opposition is supported by a considerable number of our parishioners as evidenced by a capacity local meeting and a subsequent petition containing in excess of 1000 signatures? Will they further recognise that support for the project appears to mainly come from people who live outside of the affected area or could materially benefit from the proposals? Do Members appreciate the support and gratitude of many residents for the research, information gathering and recommendations of the officers which show that the inclusion of development at Junction 27 is, from a professional planning standpoint, certainly not an acceptable option for inclusion in the proposed Local Plan? Are members further aware that the whole credibility of the consultation process is viewed as compromised by the fact that public consultation was closed in March of this year yet the proposed developers have continued to amend and manipulate their proposals with selected Councillor briefings and press release to the detriment of full and open transparency.

Mrs Willan stated that Mid Devon was already on the map and suggested that the water parks could be viewed as tacky. She was glad that the report rejected the proposal, Could Members inform her why AXA felt they could go so far in the first place when landowners have said they will not sell.

The Head of Planning and Regeneration stated that landowners and developers are able to promote land at any time, the Council are duty bound to consider any proposal that may come forward, but not necessarily allocate them.

Mr Willan (Uffculme resident) asked the cabinet to please reject the J27 proposal as the report recommended. Could the Council now turn its attention to fostering local sustainable projects for the area.

Mr Disney stated that he lived and farmed at J27 and had converted barns into offices. He felt that elements of the report were disappointing and confusing; the land was Grade 3 agricultural land whereas there was Grade 1 and 2 on the development site east of Cullompton. If land was to be lost to development, the quality of the land should be considered. The consultant makes us aware that traffic could have an adverse effect on the habitat at Knowstone Moor on the A361; will residential development be curtailed in South Molton and Barnstaple? If the retail development is seen to not be appropriate or is too large, the Council should ask the proposers for a different economic mix. Does the Cabinet really want to see economic activity in the short term, J27 is deliverable; all local landowners are on board except one. He was disappointed that the rail network had hardly been mentioned in the Local Plan, Tiverton Parkway should be utilised. Would Network Rail be encouraged to support Parkway Station?

The Head of Planning and Regeneration referring to the impact on the Special Area of Conservation on the A361 stated that the impact on the site of the proposals in the Torridge and North Devon Local Plan will be assessed in their own Habitat Regulations Assessment which was still being prepared. With regard to Tiverton Parkway, a planning application had been submitted to extend the car park at the station.

Mr King referring to the recent masterplanning consultation on North West Cullompton Urban Extension asked about the options for sports pitches on the development and the need for them to be placed on flat land.

The Head of Planning and Regeneration stated that further consultation on the Masterplan would take place in the New Year and the Cabinet would discuss this further following the consultation feedback.

Mr Grantham spoke on behalf of the small community at Leonard Moor Cross who were opposed to the scheme. The developers had been asked continually about the retail issues and the impact assessment and the noise levels and they had never answered the questions. The consultation had been flawed as the developers were continually updating the plans, when the consultation period for the public had ended in March. He asked that members uphold the recommendations within the consultant's report.

Mrs Grantham stated that Sir Tim Smit had spoken of his passions for agriculture and horticulture, but if the development goes ahead, the farming land will be destroyed. With regard to horticulture, there are already two nurseries in the location, which will be redundant. Referring to comments about agricultural land, she had lived at Leonards Moor Cross for 25 years; during that time people have said that the land at Waterloo Cross is inferior land to Leonards Moor Cross.

Mrs Samuels (Uffculme resident) stated that she asked people what brought them to Devon, they had spoken of green fields, cows, sheep and cream teas and we moved here to see this and want it to remain the same.

Mrs Philips asked whether the Council would continue to support the Portas Plan or an out of town white elephant.

The Head of Planning and Regeneration stated that work in the town centres of Tiverton and Cullompton indicated that the Council would continue to support the Portas Plan.

The Chairman read a written representation from Mrs Johnson which stated that: Junction 27 is a plum site – such excellent road and rail links, far too good to be wasted on giving a developer who promises hypothetical goodies, the chance of a quick buck. I feel the land should be preserved more or less as is until some proposal of essential and lasting benefit to the community comes along. This may not be for 10-20 years. For instance – both the RD&E and Musgrove Park are running out of land space. Medical advances and increased population may well demand a merging of such facilities. What could be a more suitable site than the land at J27? Other such schemes, which could provide a wide range of skilled and unskilled jobs, might also arise for consideration. Why waste irreplaceable resources.

82 **MINUTES (00-59-08)**

The Minutes of the Meeting held on 4 December 2014 were approved as a correct record and **SIGNED** by the Chairman.

83 **URGENT ITEM OF BUSINESS – GOVERNMENT CHANGES TO PLANNING OBLIGATIONS (01-00-00)**

The Cabinet had before it a report * of the Head of Planning and Regeneration outlining changes to national planning guidance, the Leader had agreed to allow this urgent item to be considered as the changes to S106 obligations enacted by the Government within national planning guidance affected draft policies within the Local Plan Review and Community Infrastructure proposals which would be considered at the meeting.

The Cabinet Member for Planning and Economic Regeneration stated that there had been a change to Government policy with regard to smaller applications sites in respect of affordable housing and tariff style infrastructure contributions. The changes have been introduced to address the Government's concern regarding the need to reduce barriers to the development of small sites by removing the requirement to provide affordable housing and other 'general' contributions. However there was a clause that allowed rural districts to apply a lower threshold which requires an off-site contribution towards affordable homes on sites of 6-10 dwellings outside of towns. The financial contribution must be paid after completion of the house. The change will also affect some of the proposed allocations within the Local Plan which would need to be amended in turn.

Discussion followed with regard to the effect the changes would have on affordable housing delivery in rural areas, particularly linked to the proposed reduction in affordable housing targets as set out in the new Local Plan.

The Cabinet Member for Planning and Economic Regeneration spoke of the need to encourage exception sites in the rural areas which were not affected by the new guidance and for policy for promoting low cost rural self-build properties. The Head of Planning and Regeneration also stated that many of the proposed rural allocations in the Local Plan were above the threshold and would have to provide affordable housing.

It was therefore:

RECOMMENDED that the lower rural areas threshold of 5 units or less for affordable housing and tariff style infrastructure contributions through planning obligations be applied throughout Mid Devon District except within the towns of Crediton, Cullompton and Tiverton, subject to

- an amendment to the wording within the report in paragraph 2.4,
- bullet point 3, the substitution of the word "should" for "may".

(Proposed by the Chairman)

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

84. **MID DEVON COMMUNITY INFRASTRUCTRE LEVY – DRAFT CHARGING SCHEDULE**

The Cabinet had before it a report * of the Head of Planning and Regeneration requesting the Cabinet to consider the draft Community Infrastructure Levy (CIL) and supporting documentation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report outlining the history of the CIL preparation and the feedback received from Consultants which recommended the range of CIL charges set out in the proposed charging schedule.

Discussion followed with regard to some questions put by the Cabinet Member for Housing to the consultants regarding the justification for the percentage of affordable housing. The previous Inspector's decision had provided £40 per sqm for CIL with an affordable housing level of 35%. The latest consultant's report had stated that 35% affordable housing was not viable with £40 per sqm CIL. Examples of various large application sites were given where affordable housing had been agreed at or near 35%. The consultants stated that they had to assess the data available to them, including local values, which they benchmarked against figures provided by developers who had submitted viability appraisals to the Council. The CIL and affordable housing figures recommended were based on the consultant's professional judgement of what is viable across the district.

The consultants were asked whether they had used local costs, which were not considered to be reflected in their report. They stated their figures are based on the industry standard Building Cost Information Service (BCIS) data, but which has been adjusted to take account of local costs. They had applied the lower quartile figure.

It was suggested that there was a need for 35% affordable housing in rural areas. Further discussion followed regarding the new Government guidance and the lack of affordable homes in the rural areas and the sites proposed in the Local Plan were highlighted. It was also stated that it was a question of priorities and the Council needed to strike a balance between delivering affordable housing and infrastructure, which would be partly funded through CIL.

It was therefore

RECOMMENDED that

- a) the Draft Community Infrastructure Levy Charging Schedule, attached as Appendix 1 to this report, be approved for consultation;
- b) after the consultation, the Draft Community Infrastructure Charging Schedule be submitted to the Planning Inspectorate for examination;
- c) the Draft Infrastructure Plan, Draft Regulation 123 List and Draft policy on the use of Section 106 be published for consultation and then submitted with the Draft Charging Schedule; and

- d) approval to make minor changes to these documents is given to the Head of Planning and Regeneration, in consultation with the Cabinet Member for Planning and Economic Regeneration.

(Proposed by the Chairman)

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

At this point, the meeting was adjourned for a lunch break.

85 **MID DEVON LOCAL PLAN REVIEW 2013-2033 – PROPOSED SUBMISSION POLICIES FOR THE CULLOMPTON AND EAST AREA (01-57-16)**

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 Cullompton and the east 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 eight 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.

Members had before them today the Development Strategy for the Local Plan, the Cullompton Section, the eastern villages and the monitoring section (that had been omitted from the report and was circulated at the meeting). The Cullompton section proposed a significant increase in growth, reflecting the new strategy, a long term expansion to the east of the town was proposed, involving major road improvements, provision of other services and a boost to the campaign to reopen the railway station. The rural areas section contained a number of potential housing sites.

Consideration was then given to the contents of the report and discussion took place regarding Junction 27. Disappointment was raised regarding the exclusion of the site for development, however the lack of sufficient evidence was recognised including the tests required to conform with the National Planning Policy Framework. Concern was raised that the proposed scheme was not as exceptional as had originally been promised by the developers. It was recognised that the promoters of the scheme could choose to come forward with a planning application and this would have to be considered as an exception. The findings of the Strategic Housing Market Assessment which stated the site would also require

3,200 extra dwellings was also highlighted. The Head of Planning and Regeneration set out the requirement within national planning guidance to consider the relationship of employment to housing, specifically in relation to providing extra commercial development over and above that needed to meet normal population growth and demographic change.

Consideration then was also given to the implications of development in Cullompton regarding the proposed Eastern Relief Road on the Cullompton Community Association (CCA) Fields, the impact of the development on J28, the proposed new motorway junction and the further evidence that was required. It was noted that the Local Plan now proposed to widen the area of search for the relief road (now titled the Town Centre Relief Road) which could require it to be delivered on the eastern side of the motorway, potentially reducing the impact on the CCA fields.

RECOMMENDED that “is likely to be” be removed from the 4th line of paragraph 2.16 and replaced with “essential”

(Proposed by the Chairman)

Note: Cllr Mrs E M Andrews declared a personal interest as she was Vice Chair and a founder member of the CCA

With regard to Policy S3 – Meeting Housing Needs, discussion took place regarding self-build dwellings and a possible provision of a Supplementary Planning Document to set out in greater detail how the policy would be delivered.

The specific site allocations were then considered.

Policy CU2 – North West Cullompton Transport Provision

RECOMMENDED that “and wider agricultural vehicles” be added after buses in criterion (a)

(Proposed by the Chairman)

Policy CU4 – North West Cullompton Community Facilities

RECOMMENDED that criteria (d) be added to state “Contribution towards sporting and leisure facilities”.

(Proposed by the Chairman)

Policy CU6 – North West Cullompton Phasing

Discussion took place regarding the deletion of Olympian Way from the plan; the Head of Planning and Regeneration stated that the previous allocation had been built out and therefore the allocation had been deleted.

Following discussion regarding the phasing of the development and the impact on Tiverton Road, the Head of Planning and Regeneration stated that the timing of delivery of the new road through the site would be addressed through the master planning exercise.

Policy CU7 – East Cullompton

Concern was raised regarding noise mitigation for proposed dwellings adjacent to the M5.

It was therefore

RECOMMENDED that additional wording be included at criteria (g) adding “and noise mitigation where necessary”.

(Proposed by the Chairman)

Policy CU8 – East Cullompton Transport Provision

RECOMMENDED that an additional criterion be added between (d) and (e) to state that “appropriate screening and landscaping for properties adjacent to the M5”.

(Proposed by the Chairman)

Policy CU10 – East Cullompton Community Facilities

RECOMMENDED that an additional criterion (f) be added to state “Contribution towards sporting and leisure facilities”.

(Proposed by the Chairman)

Policy CU12 – East Cullompton Phasing

Discussion took place regarding whether existing contributions for air quality in the town could be used on the proposed town centre relief road if it was now delivered on the east of the motorway. It was suggested that contributions from the Knowle Lane development for highway improvements could be used. The Head of Planning and Regeneration stated that the contributions were taken to deliver air quality mitigation within the Air Quality Action Plan. One of the main actions was the delivery of a relief road and therefore these contributions could still be used.

Policy CU17 – Week Farm

RECOMMENDED that criterion (c) be amended to read that “Development shall not commence until the completion of improvements to M5 Junction 28 through signalisation of the slip roads east of the motorway.”

(Proposed by the Chairman)

Policy CU18 – Venn Farm

RECOMMENDED that criterion (c) be amended to read that “Development shall not

commence until the completion of improvements to M5 Junction 28 through signalisation of the slip roads east of the motorway.”

(Proposed by the Chairman)

Policy CU19 – Town Centre Relief Road

RECOMMENDED that an amendment be made to criterion (b) to read “Provision of replacement open space and sporting facilities elsewhere in Cullompton if these are affected”. Also an addition to criterion (d) to state “Provision of landscaping to mitigate the effects of noise from the relief road.”

(Proposed by the Chairman)

Policy CU20 – Cullompton Infrastructure

RECOMMENDED that an amendment to criterion (l) be made to add “including sports and leisure facilities” after “Community facilities”.

(Proposed by the Chairman)

Policy SI2 – The Garage, Silverton (New Policy)

It had been suggested that an additional allocation be made in Silverton at the Garage Site.

RECOMMENDED that Policy SI2 and supported text be added “ **a site of 0.11 hectares at The Garage, Silverton is allocated for residential development subject to the following:**

- a) 5 dwellings;**
- b) Design and layout which respects the character of the Conservation Area;**
- c) Suitable design and layout of access arrangements; and**
- d) Site contamination and remediation where appropriate.**

This is a small brownfield site which is located adjacent to a complex of residential dwellings, which is separated from and to the south of the main body of the village of Silverton. The site currently comprises an industrial unit which is used for storage and maintenance of vehicles.

The design of the site is important as it lies at the edge of the village’s Conservation Area, being the first complex of

buildings encountered when approaching Silverton along Newcourt Road. Design of the access to serve the five dwellings will need to be provided having specific regard to the neighbouring access serving the adjacent barn conversions and detailing appropriate visibility splays.

There is also the potential for land contamination as a result of the history of vehicle repair and fuel storage on the site. Assessment will therefore be required and remediation to take place where appropriate.

Changes to the settlement limit were also **AGREED**

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

Policy WI1 – Land east of M5, Willand

RECOMMENDED that the size of the allocation as shown on the plan be reduced to take out part of the triangular field adjacent to the M5.

(Proposed by the Chairman)

At this point, the meeting was adjourned for break. **(04-24-30)**

Three designated villages - Kentisbeare, Uffculme and Holcombe Rogus - were identified as having no proposed allocations.

Chapter 5 – Monitoring

This chapter had been omitted from the original documents it was therefore:

RECOMMENDED that Chapter 5 be included in the Local Plan Review.

(Proposed by the Chairman)

Local Green Space

RECOMMENDED that the Local Green Space for Bickleigh and Witheridge (outlined in the specific maps) be included in the Local Plan.

Schedule of Updates

Following discussions at the previous meetings the following updates/requests were considered:

Stonewall Lane, Crediton

RECOMMENDED that the following policy and supportive text be added to the Plan:

Stonewall Lane

A site of 3.2 hectares at Stonewall Lane is allocated for residential development subject to the following:

50 dwellings with 25% affordable housing;

Relocation of playing fields to a suitable alternative site before development is commenced;

Layout, design and landscaping which reflects the elevated, visible nature of the site;

Diversion of Stonewall Lane through the site to Jockey Hill and widening of Stonewall Lane along its frontage and replacement of boundary landscape;

Provision of pedestrian crossing facility from the site to existing footpath network on Jockey Hill; and

Archaeological investigation and appropriate mitigation.

The site is located on the north side of Crediton, within the settlement limit. It is currently used as playing fields owned by the Queen Elizabeth Academy Trust, which runs the school in Crediton. The site comprises two football pitches which the school considers too remote for effective daily use. The school has stated an intention to use the proceeds from the sale of the site to substantially reinvest in their Barnfield campus which will result in an increase in playing field capacity at that site. The redevelopment of playing fields needs to be closely controlled to ensure there is no net loss in playing provision. As a result the delivery of adequate alternative sports provision would need to be secured before development is commenced on the existing sports fields. Any new provision would need to match or exceed the sports land being lost, whether in terms of quantity, quality or both.

The site is elevated and visually prominent, offering wide views to the south. Any scheme for the redevelopment of the site would need to ensure adequate landscaping is provided to mitigate any landscape or visual impacts. Stonewall Lane, which runs along the northern boundary of the site is narrow, whilst the junction where it meets Jockey Hill is sub-standard and has limited visibility, being located close to the crest of the hill. Stonewall Lane would need to be

diverted through the site enabling construction of a new junction with Jockey Hill, to the south of the existing junction and providing suitable visibility splays. Stonewall Lane will need to be widened to provide sufficient width for two vehicles along the site frontage. Any loss of Devon Bank arising from the highway realignment will need to be replaced. The site also lies within an area of archaeological potential and investigation and potential mitigation may be needed.

(Proposed by the Chairman)

Reference to Policy CRE1 – Wellparks, Crediton

The planning application had subsequently been granted with an affordable housing figure of 27.5%. It is therefore

RECOMMENDED that the policy be amended to require 27.5% affordable housing.

(Proposed by the Chairman)

Policy CRE2 – Red Hill Cross

The planning permission included 22% affordable housing. Officer recommendation to retain the current affordable housing figure in the policy at 25% should a revised scheme come in, the starting position for negotiation should be the 25% target set out in Policy S3 Meeting Housing Needs. (Planning permission 11/00602/MOUT). Therefore no change is recommended.

Policy CRE5 – Pedlerspool

Following the request from Cabinet the Highway Authority undertook a site visit to consider the highway implications of allocating both Pedlerspool and Stonewall Lane. The following amendments have been requested to the policy and supporting text:

RECOMMENDED that new criterion in the Policy to be inserted between (g) and (h) stating:

Provision of suitable access arrangements from the A3072 and appropriate highway improvements along Stonewall Lane and Old Tiverton Road;

New supporting text paragraph to follow existing fourth paragraph:

Highway mitigation measures will need to be provided to offset the impact of developing the site. In particular there is the potential for cumulative highway impacts on the local road network arising from the development of this site and the nearby Stonewall Lane allocation. A Transport Assessment will need to be provided, which comprehensively

assesses the transport issues related to development of the site, taking into account the potential cumulative impact of nearby allocations. A number of highway improvements are likely to be needed as a result. In particular there will need to be a realignment of the carriageways of Old Tiverton Road and the A3072 most likely requiring a roundabout design. Improvements will also be required at the junctions of Old Tiverton Road/Stonewall Lane and Pounds Hill/Stonewall Lane. Both Stonewall Lane and Old Tiverton Road are tree-lined in part, and therefore cannot be widened where they adjoin the site boundary without significant loss in tree cover. Instead, improvements to passing places along both Stonewall Lane and Old Tiverton Road should be provided.

(Proposed by the Chairman)

Note: Cllr P H D Hare Scott declared a Disclosable Pecuniary Interest in this item as he lived close to the site and any development may impact on the value of his property and left the meeting during the discussion thereon.

Policy DM1 – High Quality Design

Following discussion at the previous meeting (Tiverton) where attention had been drawn to 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. The Government had recently consulted on a proposal to amend national planning policy to include assessment of Sustainable Urban Drainage Systems (SUDS) as part of the planning system i.e. to be considered as part of planning applications. This replaced a previous proposal that there should be a separate scheme (run by County Councils) for the approval of SUDS. The consultation had closed, and the Government was yet to publish its conclusions/response. Therefore the following points are based on the consultation report.

National planning policy was to be strengthened to support the use of planning legislation to require the provision of SUDS in major developments (ie 10 dwellings or more). There would also be a requirement to ensure “robust and sustainable arrangements” for long term SUDS maintenance. The suggestion was that conditions be imposed to require the provision of SUDS in accordance with a detailed scheme to be agreed with the Local Planning Authority, and that these are maintained for the lifetime of the development. The condition could require appropriate arrangements for maintenance such as a management company. Technical requirements for SUDS are contained within the consultation, to be incorporated into national policy. In some circumstances the use of S106 may be appropriate, although no specifics are given. No changes to the enforcement regime are proposed. The consultation document contains no references to the need for a “bond” to ensure the provision of SUDS. In general bonds are used as an insurance policy against very expensive infrastructure provided in the course of development such as major roads, rather than lower cost items such as SUDS or to cover maintenance costs. Given the comments above

officers recommended that SUDS be enforceable through condition, or possibly s106, rather than through the use of bonds. This is already covered in the policy wording and therefore no change is recommended. However it was felt that the consideration of bonds to control SUDS schemes was important and required further investigation.

It was **AGREED** that a possible Supplementary Planning Document be progressed in the future.

Policy DM6 – Rural Exception Sites

It was suggested that the wording “modest size” within the supporting text be clarified. It was reported that the reference to modest size reflects the fact that the proposal was to permit low cost homes on exception sites and therefore the view that there should be some limitation on scale of dwelling in order to ensure that the dwelling contributes to genuine affordable housing need. The policy required that the self-builders had a household income of £60,000 or less, but could afford at least a 5% deposit. On that basis, it was likely that a mortgage of up to about £200,000 may be affordable to such a self-builder. This would provide a financial limitation on the size and scale of such a dwelling in any case. It should also be borne in mind that the Council was seeking to impose minimum sizes on all new dwellings, and it may be seen as contradictory to therefore impose a maximum size on this specific form of dwelling but not on other forms of affordable/low cost or market dwellings. It was therefore recommended that no further definition is included in the Local Plan supporting text.

Policy DM7 Gypsy and Traveller Accommodation

The Council has yet to receive the draft Gypsy and Traveller Accommodation Assessment. However, the initial findings from the consultants indicate that there was likely to be a need to increase the number of pitches proposed in the Local Plan Review. In the interim, it is therefore recommended to include a figure which takes account of the quantity of previous allocations projected over the additional years of the plan. As the new Local Plan covers a period of 7 years beyond the existing plan, it was proposed to set out a requirement which accounts to approximately a third increase (incorporating an allowance for windfalls). Gypsy pitches are currently allocated on the strategic sites of Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and the large site ‘Pedlerspool’ in Crediton. Masterplanning is partially complete on Tiverton EUE, and is underway on NW Cullompton. East Cullompton is the largest of these allocations and could accommodate the additional need. Therefore these amendments are proposed to the following policies:

RECOMMENDED that Policy DM7 ‘Gypsy and traveller accommodation’ – Remove the first line of the second paragraph in the supporting text and replace with ‘The need for gypsy and traveller accommodation is identified to be in the region of 25 pitches across the plan period’.
Policy CU7 ‘East Cullompton’ – Amend criterion (b) of the policy to replace ‘five’ with ‘ten’
Proposed inclusion of wording at end of policy:

‘Gypsy and traveller accommodation may be included as part of the affordable housing requirement’

Proposed additional sentence in the supporting text “Where gypsy and traveller pitches are provided on housing allocations, these are to be counted against the affordable housing targets for that site.”

(Proposed by the Chairman)

Policy 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. It was not feasible to include a precise definition of the level of alteration, extension or rebuilding which are feasible in the conversion of rural buildings, since that would depend on the character and appearance of the building itself. In essence, the criterion was to ensure that the building, once converted, retained its previous character to as large an extent as possible and that only suitable buildings were converted.

RECOMMENDED that wording to explain this is inserted into the supporting text, as follows: “The building should retain its original character in order that the converted building continues to positively contribute to the area’s rural character. It is therefore important that any changes to the buildings are kept to a minimum, as reflected in the policy.”

(Proposed by the Chairman)

Policy 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.

This was the same sentence as in LP3. To recognise the Cabinet’s concerns:

RECOMMENDED that the first sentence of the supporting text is amended as follows: “Homes should be designed to have sufficient space based on the expected number of occupants, in order to avoid problems of lack of privacy, insufficient areas for moving around the house and not enough storage space.”

(Proposed by the Chairman)

Policy DM14 – Town Centre Development

The issue of the clustering of certain types of business was raised at the Tiverton meeting where 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. Hot food takeaways fall within Use Class A5, whilst drinking establishments are A4. Any new hot food takeaway or drinking establishments (including changes of use) would require planning permission, while any existing A4 or A5 use can change to a variety of other uses without the need for planning permission. It must therefore be assumed that the existing hot food takeaways or drinking establishments are more valuable in their existing use than they would be as a shop, estate agent or other similar use. Accordingly, it would require a very active intervention by the Council to seek to remove any of the existing hot food takeaways or drinking establishments. In terms of new proposals, the policy already includes a requirement that no less than 65% of units in the primary shopping frontages remain in A1 shopping uses, which provides a limitation on the growth of other uses in those streets. Proposals for new hot food takeaways and drinking establishments would consider various planning – related impacts, and therefore there is considered to be sufficient control over the environmental impacts of such proposals. Any policy to seek to limit A4 or A5 uses in a particular street, or to seek to disperse such uses to other streets would require a clear planning justification, and your officers do not believe such a justification exists.

Charity shops fall within the A1 Use Class. As a result any shop can change to a charity shop without the requirement for planning permission. There is therefore no planning control which can be exerted over the change within A1 use from a shop to a charity shop.

AGREED to make no change to policy DM14 or its supporting text.

Policy TIV10 – Roundhill

Discussion took place regarding the number of dwellings identified for Roundhill. It was suggested at the Tiverton meeting that these policies 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 the Cabinet Member for Housing. The Housing Department had subsequently provided the housing numbers identified for each site.

RECOMMENDED that policy TIV10 be amended to replace “13” with “20” and add the following sentence to the supporting text “Approximately 35 car parking spaces and garages will be retained/provided on the site as part of the redevelopment.” Amend other references to the site and associated dwelling totals as necessary.

(Proposed by the Chairman)

Policy TIV11 Palmerston Park

Discussion took place regarding the number of dwellings identified for Palmerston Park. It was suggested at the Tiverton meeting that this policy be carried forward
Cabinet – 11 December 2014

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 the Cabinet Member for Housing. The Housing Department had subsequently provided the housing numbers identified for each site.

RECOMMENDED that policy TIV11 be amended by replacing “15” with “25”. Amend other references to the site and associated dwelling totals as necessary.

(Proposed by the Chairman)

Policy TIV12 – Phoenix Lane

It was also suggested that an additional criteria be added to include the protection of the Town Leat. It was therefore **AGREED** at the Tiverton meeting that this policy be carried forward to the next meeting. Officers had provided additional working which could be included in the policy.

RECOMMENDED that additional wording added to criteria (g) after ‘appearance and setting’ to say ‘including the protection of Town Leat’

(Proposed by the Chairman)

Policy S3 – Meeting Housing Needs and various allocations

Members had received a separate, urgent report in relation to the Government’s new policy on affordable housing policy which sets national thresholds for the provision of affordable housing (discussed earlier on the agenda). As a result a number of changes needed to be made to site allocations throughout the Local Plan which were affected by the new guidance.

RECOMMENDED that: Policy S3, Meeting Housing Needs, be amended to reflect these new policies.

Criterion (a) should be amended to replace “355” with “360”.

Criterion (b) should be amended as follows:
add “(i.e. excluding exception sites provided under Rural Exception Sites under policy DM6)” after “open market housing sites”;
replace “4” with “11”; replace “2” with “6”; add “Sites of between 6 – 10 dwellings outside Tiverton, Cullompton and Crediton will be permitted to make a financial contribution sufficient to provide the affordable dwellings in another location.” A number of housing sites proposed in the local plan are affected by this new national policy. A number of these were picked up in earlier meetings, but it is proposed to recommend to you a comprehensive list of alterations to ensure consistency within the Local Plan, as follows:

That the affordable housing target be removed from the following sites, being below the revised affordable housing threshold; TIV8; TIV9; CRE4; BA1.

That the following rural sites, being between 6 – 10 dwellings in size, be amended by adding after “with 30% affordable housing” the following wording: “which may be in the form of a financial contribution to provide the affordable dwellings in another location;” BA3; BR1; CF1; CL1; CL2; HA1; HE1; SP1; SI1.

(Proposed by the Chairman)

Having considered the policies for the whole of the Cullompton and the east villages, it was

FURTHER RECOMMENDED to Council that:

- a) The policies and proposals of the Proposed Submission Local Plan set out in Appendix 1 be approved for publication and submission
- b) The Sustainability Appraisal (incorporating the Strategic Environmental Assessment), the Draft Habitats Regulations Assessment and other evidence produced in the process of the plan’s preparation be published for consultation alongside the Local Plan;
- c) 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;
- d) The Head of Planning and Regeneration make direct contact with the Health Providers in the Cullompton area during the forthcoming consultation period;
- e) The Council carry out a study on Sustainable Urban Drainage Systems with a view to bringing forward a Supplementary Planning Document within the municipal year 2015/16

(Proposed by the Chairman)

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

(The meeting ended at 5.39pm)

CHAIRMAN