

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 29 March 2017 at 2.15 pm

### **Present Councillors**

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

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

R F Radford

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

D R Coren, N V Davey, C R Slade and  
F J Rosamond

### **Present Officers:**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Paul Dadson (Conservation Officer), Sally Gabriel (Member Services Manager) and Ian Sorenson (Devon County Council – Highway Authority)

## 148 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was replaced by Cllr Mrs B M Hull.

## 149 **PUBLIC QUESTION TIME**

Mr Salter referring to the Eastern Urban Extension items stated that:

The many recommended amendments and additions to existing wording and conditions outlined in the Head of Planning and Regeneration's report in Item 11 for Application 14/00881/MOUT make shocking very depressing reading, as, if sanctioned, they would herald a vast deterioration in infrastructure provision for the Eastern Urban Extension, the likely result being a steady, but eventually massive, increase in traffic congestion, pollution and noise affecting many people and stakeholders. Although predicable these would also represent very major setbacks for the Adopted Masterplan.

While we have some sympathy with Planning Officers, who have little to show for their efforts, we are still surprised that the negotiations with an obviously intransigent Chettiscombe Trust were apparently so one-sided, this report representing 'the best

that can be achieved' and requiring 'difficult decisions to be considered in several areas'. We are also very concerned about the shortfall in funding for the A361 junction, being surprised that greater assurances were not sought for the availability of Local Enterprise Partnership funding of £7.5 million.

We urge that *'the pressing need to resolve outstanding issues'* and *'the need for speedy resolution'* will not lead to hasty decisions, resulting in unsustainable solutions which will be regretted for many years to come. A key statement in the Masterplan reads *'The provision of a new junction onto the A361 is critical to the success of the scheme, to prevent unacceptable increases in traffic along Blundell's Road'*. The latter is not going to happen!

We have, until now, supported the introduction of a carefully phased Eastern Urban Extension, but we feel that the price to be paid for the development and the consequent achievement of five-year housing targets will become too high because the changes requested in this report are so fundamental, far-reaching and damaging that they would result in unacceptable outcomes. We urge that they should be refused, or heavily amended, and that decisions should be delayed while all possible alternative scenarios and funding solutions are urgently re-examined. Is there time to discuss all these major issues and others adequately at one meeting?

The choices are stark ones. Last August this committee unanimously rejected the Chettiscombe Trust's previous application to change the terms and conditions of its pending s106 agreement. Do they have the courage of their convictions to do so again?

#### 1. The Masterplan

The Adopted Masterplan SPD outlines the need for the first phase of the junction and linking road to be completed prior to the occupation of any development. 'As the development progresses, the occupation of no more than 200 dwellings (or 4,000sqm of employment) is permitted until completion of Phase 1 traffic calming and improvements to the roundabouts at Heathcoat Way and Lowman Way are completed. Prior to the occupation of no more than 600 dwellings or 10,000 sqm of employment land the completion of the full grade separated junction and Phase 2 of the traffic calming works are required'. The Head of Planning and Regeneration's report states that 'these masterplan requirements are now found to be undeliverable and unless amended, no development at Tiverton Eastern Urban Extension will be able to take place, with the exception of up to 330 dwellings towards the north east of the site (Waddeton Park land)'.

#### Question 1

If the present proposals are accepted there will have already been two very major changes to the adopted Masterplan before any building has occurred, and it will become a deeply flawed document. It is therefore increasingly less valid, bearing little relation to reality. Has the time come for a revised, updated, Masterplan for Area A, and a consequent revision of the Local Plan Proposed Submission Document 2013 - 2033?

At this point he asked 2 other questions:

On behalf of Mr Welchman

I fully endorse and support the objections and questions you have raised and demand a completely new public consultation on this revised scheme and secondly with regard to one specific detail will the area south of Manley Lane, adjacent to the Railway Walk be kept as green infrastructure?

From a Member of the Civic Society

Is not the Councils primary responsibility to its residents and council tax payers, not to developers?

Mr Lutley referring to the Eastern Urban Extension items stated that:

Agenda items 10 and 11

It is my understanding that MDDC will be taking out loans on behalf of the developer in order that some of the infrastructure is built. Surely the council should be devoting all of its financial resources to public services. As a council tax payer, I object to this course of action. Why are the developers not taking out the loans themselves?

Agenda item 11

Under this amendment it seems that construction of houses may start before the A361 southern junction is in place. Consequently, all of the construction traffic will either have to come through Halberton or use Blundell's Road, both of which are wholly unsuitable for this kind of vehicle. Has anyone considered the impact of the noise and dirt on local residents? What about the increased risk of accidents with Blundell's School pupils and staff who cross the road in several places many times a day? I would ask the council not to allow this to take place.

Surely the construction of the acoustic bund behind some of the properties in Uplowman Road also needs to be completed before any building work gets under way? The councillors have a duty to ensure this protection is afforded to residents.

Construction of the northern side A361 junction appears to be up in the air. I am concerned that, by not committing to a timescale, it will not get built for years, by which time rising costs might mean it never gets built.

Agenda items 10, 11 and 12

I do not understand why both developers keep trying to chip away at S106. Presumably planning applications take months or years to put together, so either the developers didn't do their sums properly or they are trying to wriggle out of the commitments they have made in order to make more profit. I would suggest it is time for strong governance and I call upon the councillors to do what is best for local people by not approving these amendments.

The Chairman read a representation from Mr and Mrs Bengel again referring to the Eastern Urban Extension items

I recently, whilst revisiting the EUE documents, noted that the traffic figures used as a baseline for future predictions of flow on Blundells Road were published in 2012 and as such are now considerably out of date.

Surely traffic flow requires reassessment before any development commences?

The quality of air has deteriorated substantially in Tiverton over the past five years with the substantially increased traffic flows along Western/ Heathcoat Way, particularly from large commercial vehicles and also the increased usage of wood/multifuel burners as a supplementary/or sole use of heating in homes. This is very evident in central areas of Tiverton with the valley topography and nightly temperature inversion in cold and clear weather trapping polluted air throughout Tiverton particularly the lower areas in the town. This will be further exacerbated by construction and new residential traffic movements if the complete A361 junction is not created before development of the EUE.

Has air quality been monitored at all since the original assessment before the compilation of the Masterplan?

A left off and on slip from the A361, apart from causing the congestion at Horsdon roundabout would also create chaos on the link road at morning rush hour if traffic used the slip road to access the link road in a westerly direction and then did a U turn over the existing bridge at Gornhay.

The town will have the same problem as Cullompton which has had the carrot of a bypass dangled in front of the planners to accommodate the building of yet another estate over the last 20 years and now has horrendous congestion and pollution through its main streets in a morning, and still no bypass.

More relevant statistics are required? Quality of life in Tiverton is already reduced due to inadequate control of traffic flows.

I believe that these up to date statistics would totally validate the need for a complete junction before a substantial number of houses are built.

Mr Cook referring to the items on the Eastern Urban Extension stated:

I wish to refer to your current agenda items 10, 11 and 12.

Dr Bell and myself have prepared a number of comments and questions relating to the officers report that we ask you to consider in view of the serious implications of the issues raised in the reports.

There is a clear message within these three agenda items that the changes to agreements requested today and that are predicted soon by agenda 10 are aimed at securing delivering only of the councils own policy objectives and making the path to profits by developers easier. The hard won Masterplan was supposed to provide residents and the environment with protection from any adverse effects of this massive development. Our planners and the developers seem to be trying to undermine this protection.

Please rectify this for us today.

Item 10 A361 Road Junction referring to paragraph 2.0 and also agenda item 11 paragraph 1. The table of sources of finance for the southern left in left out junction indicate they are clearly not secure and both DCC and MDDC are effectively taking on loans for the developers. Councils are supposed to be hard pressed to make budgets stretch to cover the public services for which they are responsible. It cannot be right to take on a loan for a housing developer.

Is this the right thing to do? Why are the developers not taking on the responsibility? Residents were told by DCC Highways in 2014 that the cost of the full junction was estimated to be about £13m. This report suggests that it is now around £18m.

There is no clear plan and timing for the actual delivery of the north side of the junction and delays in delivery of the full junction are very likely to increase costs, where would this money come from?

The conditions applied to the original planning applications by Waddeton Park and Chettiscombe Trust require that they fund the resurfacing of the A361 on both carriageways for 200m in both directions. Why should Devon taxpayers now fund half of this and why should residents have to wait for the full delivery of this promise? Why would doing the north side result in abortive works?

Mr Corden again referring to the Eastern Urban Extension items stated: I was Chairman of Halberton Parish Council Planning for 8 years but I decided not to stand again because Halberton Parish Council kept writing about this and various planning applications and found little or no attention was ever paid to all the work and all the checking they did, so I am here now representing Halberton residents who have asked me to come along. We fail to understand what is now happening, like so many planning applications it seems that it keeps getting moved. A development of 600 houses, probably to the value of £200 - £250 million to the developers, they are building for profit but they keep saying what they can't afford things. Whenever the A361 is closed or partially closed, Halberton is gridlocked, it will be totally gridlocked with all the traffic that is needed for the development and when it has been built along with the industrial land which will have to come through Blundell's Road or Halberton. If Horsdon is gridlocked they will come through Halberton and will affect Sampford Peverell and Willand. Have you got the nerve to say to the developers cough up, it is not up to the Council or the rate payers? This development at 600 houses is twice the size of Halberton which has 300 houses so this is building another complete village and we ask please have the nerve to say no. And take in mind the anaerobic digester that also has to be fed and please protect Halberton and the villages to the east of Tiverton.

The Chairman then asked Mr Cook to continue with his questions:

Paragraph 3 the bund with acoustic fencing and the planted zone were agreed to afford some protection to local residents from the considerable pollution expected from the south side junction construction works and subsequent use of the junction roads by future domestic and commercial traffic.

If the bund is to be constructed at the start of works as agreed and work starts in September 2017 then planting can be carried out in the early part of 2018 planting season and not delayed as implied. As a timely, phased delivery of the junction is logical any phasing of planting on the south side is unnecessary and could easily be

in place prior to use as the original conditions require. Will you confirm and support this important complete protection for residents please?

Agenda item 11 Chettiscombe Trust Application paragraph 1 iii) refers to financial contribution for offsite provision of travellers' pitches. If the concern over mortgage lenders is sufficient to grant this amendment then the same should apply to the Waddeton Park development where 70 market houses are to be built on the north side of Uplowman Road. It would make sense to provide a developer funded single site in a location suitable for all the required 5 or 6 pitches for both developments. What is the view of Planning Committee Members please?

Paragraphs 1 iv), 2 and 3 vii) delegated authority is sought in each of these three paragraphs. The TEUE is the largest development ever seen in Tiverton. Planning Committee Members represent the people of Mid Devon and they and local Ward Councillors should be allowed to read, comment and decide on amendments requested to conditions that are already approved by this Committee and the S106 agreements associated with the planning applications. Will you please reject this amendment and maintain your role for residents?

A361 northern side junction it is essential that this part of the junction is delivered quickly and not delayed unduly. Without the full junction all Barnstaple M5 traffic requiring access to the EUE areas or EUE to M5 traffic will use Gornhay junction and Blundell's Road. The timely delivery of the northern side must be settled quickly or Blundell's Road south side development should be put on hold until the full junction is in place. Will the Committee please see clarification on this matter?

No mention is made in the officer's report to any recommendation of acceptance or otherwise of the requests made by Waddeton Park in their letter of 1 March for several changes to wording within S106 agreement clauses. The only requested change covered in the report is that referring to an increase from 50% to 75% occupation of market housing. Is the Planning Committee to be asked for approval for the outstanding requested changes which include the use of the phrase in perpetuity in relation to the provision of land for a traveller site?

The Chairman asked Mr Salter to continue with his questions:

## 2. Air Quality

We have posed questions on this issue at several previous Planning Meetings, but as members of the committee, many of whom have expressed concern, will be aware, air pollution, particularly from diesel engines, has again been much in the news recently, including the frequently quoted report by the Royal College of Physicians that air pollution is responsible for up to 40000 deaths annually, at least 25000 of them from vehicle emissions. There has recently been an emphasis on the health problems created by polluted air around schools near main roads in both cities and smaller towns and Sadiq Khan, the Mayor of London, has remarked that: *'It is an outrage that a large number of schools, and other educational institutions are in areas breaching legal air pollution limits'*, calling for a ban on cars using roads near schools. Relevantly, The National Institute for Health and Care Excellence has advocated the introduction of 'no idling zones' near schools, and consideration of the impact on air quality of speed humps and other calming measures.

The problem, potentially worst at the western end of Blundell's Road, would also affect housing. John Middleton, Chairman of the Faculty of Public Health has said 'The thing about air pollution is that it affects everybody. It's affecting children, and unborn children, and people who don't have a say in where they live or whether their streets are polluted'.

Cornwall Council has recently discussed plans which could include compulsory purchases of properties in areas, such as St Austell, with "particularly poor air quality", relocating the occupants elsewhere to protect them from air pollution. Yet Mid Devon District Council is advocating the creation of a new air pollution hub next to a school and residential area!

The Mid Devon Draft Local Plan Policy TIV 16 (Blundell's School – 200 houses) 3.60d states that 'the western end of Blundell's Road has air quality issues which have been within about 15% of exceeding the relevant guidelines. Additional road traffic from this site has the potential to bring this permanently over the relevant limits if access is obtained from Blundell's Road. Accordingly, access to the site is proposed to be direct from Heathcoat Way via a new junction'.

## Question 2

If, as stated for TIV 16 in the draft local plan, access to the additional 200 houses from Blundell's Road would lead to excessive generation of air pollution, the total for Blundell's Road thereby being likely to exceed relevant guidelines, how could it possibly be acceptable to jeopardize people's health by adding in all the traffic, created by the occupants of 1030 houses, which will move eastwards along Blundell's Road, as well as a large proportion of that moving westwards, and is it not irresponsible to even consider it?

### 3. Blundell's School and the western end of Blundell's Road

As a result of likely congestion, air pollution, road safety and noise issues Blundell's and the western end of Blundell's Road would be the major losers if the proposed changes were to be adopted. (To quote from the Planning Committee Agenda for July 6<sup>th</sup> 2016 'the greatest impact resulting from the proposed change will be on the amenity of Blundell's School, pedestrians crossing the road and the general amenity of Blundell's Road') In this amended set of proposals we are faced with a situation which would be infinitely worse than that in the Adopted Masterplan: instead of the construction of up to 600 houses before the full grade junction on the A361 is completed we would now have a situation whereby up to 1030 houses will be completed and occupied after only half a junction is built!

## Question 3

- a. Have Devon Highways approved the proposed enormous increases in traffic flows along Blundell's Road and have detailed trip generation figures been prepared to model the likely westward and eastward traffic flows through Blundell's School and the western end of Blundell's Road, as well as the likely increased flows through Halberton? These important, and probably unsustainable, figures should surely be made available and analysed before any major decisions are taken

- b. Have Blundell's School and local residents been given the opportunity and adequate time to respond in detail to the proposed changes and impacts on them?
- c. Does the Planning Officer concede that the new situation is so fundamentally changed that a new full consultation with local residents is urgently required?
- d. Has the increased traffic resulting from proposed changes to the A361 junction phasing been subject to an updated Road Safety Audit?
- e. Would the Committee be prepared to require a renegotiation of the figure of 1030 houses above to a maximum of 600 before the second stage of the junction is completed? This would be far more acceptable, would give certainty in negotiation with some of the '*multiple applicants*', and provide a real incentive for acquisition of funding for the second stage of the A 361 junction.

The Chairman indicated that answers to the questions would be dealt with later in the meeting.

#### 150 **MINUTES OF THE PREVIOUS MEETING (00-34-56)**

The minutes of the meeting held on 1 March 2017 were approved as a correct record and signed by the Chairman.

#### 151 **CHAIRMAN'S ANNOUNCEMENTS (00-35-39)**

The Chairman had the following announcements to make:

- She thanked the Vice Chairman for stepping in at the last meeting as she had been unexpectedly unable to attend.
- She thanked Jo Cavill (Enforcement Officer) and wished her all the best for the future as she was leaving the authority.

#### 152 **ENFORCEMENT LIST (00-36-32)**

Consideration was given to a case 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/15/00171/UCU – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for business and domestic storage – land at NGR 310656 113326 (Hillmoor), Culmstock.***)

The Enforcement Officer outlined the contents of the report highlighting the issues at the site that of the impact of the storage of materials on the visual amenity and the character of the area. She explained the previous planning history of the site and the Certificate of Lawfulness that had been granted for the provision of parking in the area

Consideration was given to the impact that the storage area was having on the local amenity.

It was therefore:

**RESOLVED** that the Legal Services Manager be given delegated authority to issue a change of use enforcement notice, requiring the cessation of use of the land for both domestic and business storage and the removal of all materials from the land, In addition authority be given to take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr D J Knowles)

Note: Mrs Jones – Chairman of Culmstock Parish Council and local resident spoke.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00140/UDRU – Unauthorised change of use of land from agriculture to a mixed use of agriculture and use for the siting of structures for human habitation – Longwood Farm, Burlescombe***).

The Enforcement Officer outlined the contents of the report highlighting the planning history on the site and the matter of a wooden structure that had been constructed for the purposes of human habitation. She explained that little work had taken place in the past two years and that there was a need to act to remove the wooden structure before it became immune from planning law. She stated that conversations had taken place with the landowner with regard to a track on to the site and explained that this would require planning permission.

Consideration was given to the delay in the erection of the agricultural storage building and the issue of delivery of materials onto the site.

**RESOLVED** that the Legal Services Manager be given delegated authority to issue a change of use enforcement notice, requiring the cessation of the land for residential purposes, the removal of the wood structures used for human habitation from the land together with all domestic paraphernalia associated with the use of the land for residential purposes. In addition that authority be given to take any legal action deemed appropriate including prosecution of Direct Action in the event of non-compliance with the notice.

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

Note: The Chairman read a representation from the landowner.

c) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00200/UDRU – Unauthorised change of use of agricultural building and land to use for business storage – Trobridge Farm, Trobridge, Crediton***).

The Enforcement Officer outlined the contents of the report highlighting the issues on the site with regard to the importation of soil to form a bund and the storage of various items. It was been reported by way of photographic evidence that the storage of cars and other scrap materials were increasing.

**RESOLVED** that the Legal Services Manager be given delegated authority to issue a change of use enforcement notice requiring the cessation of use of the agricultural barn and surrounding land for business storage purposes and the removal of all materials from the land. In addition authority be given to take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr J D Squire)

Notes:

(i) Cllrs P J Heal and D R Coren made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as they had both received correspondence regarding this matter;

(ii) The Chairman read a representation from the landowner.

153 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

154 **THE PLANS LIST (00-56-40)**

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

(i) No 5 on the Plans List (***17/00209/HOUSE – External alterations to include alterations to roof and installation of ground mounted solar panels – 4 Blundells Avenue, Tiverton***) be granted planning permission subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans List (***16/01362/FULL – Conversion of 5 redundant agricultural buildings to 5 dwellings – land and buildings at NGR 279371 101700 (Spencecombe), Crediton***).

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan. He identified the buildings in question, the access to the courtyard, existing and proposed floor plans and the proposed elevations. He explained that the two open fronted lincays at B and C on the plans did not meet with Policy DM11 and stated that 4 dwellings on the site would be acceptable and have less impact on the setting of the listed building. Members viewed photographs from various aspects of the site.

Consideration was given:

- The increase in vehicles on the site
- How a 4<sup>th</sup> unit would be formed
- The impact on the setting of the listed building
- The need to maintain the barns in some form in the courtyard
- The fact that the linhays were not suitable for modern agriculture

**RESOLVED** that the application be deferred for a site visit by the Planning Working Group to consider whether 5 units rather than 4 units on the site would be acceptable and to also consider the impact of the associated number of vehicles on the site.

(Proposed by Cllr P J Heal and seconded by Cllr J D Squire)

Notes :

- i) Cllrs D R Coren and P J Heal made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had been involved with discussions regarding the application and had attended Parish Council meetings where the application had been discussed;
- ii) Cllr P J Heal and F W Letch declared personal interests as the applicant and his family were known to them;
- iii) Mr Garside (Agent) spoke;
- iv) Cllr D R Coren and P J Heal spoke as Ward Members;
- v) The following late information was reported: The applicant's agent has circulated a submission to members, and the following is a summary response to the points raised as already articulated in the committee report.
  1. The agent challenges if the buildings are listed, taking into account the relevant factors as set out below you officers are of the view that the buildings are curtilage listed:
    - The buildings are pre 1948.
    - The farm buildings have a close physical relationship with the farmhouse. The farmhouse is called a farmhouse because it has an associated farm holding and associated farm buildings - i.e. the buildings the subject of the application.
    - The farm buildings are in the same ownership and have historically been in the same ownership as the farmhouse.
    - The use of the farm buildings was historically and is currently directly related to the farm holding and the farmhouse.
    - It is inconceivable that the farm buildings have any reason for being other than related to the farmhouse which is adjacent.
    - The farm buildings are subordinate to the farmhouse.
  2. The agent challenges the views expressed about the Linhay buildings. The architectural design of Linhay conversions is very often complicated. They are commonly very fragile buildings that require considerable

reconstruction. This is because they are open fronted and open to weather impacts. The survey work that is referred to by the applicant was carried out in 2015. It was not a full structural survey. It was observational only. There are many caveats in the report that raise more questions about the extent of works required and these have not been properly addressed. The requirement of the policies for barn conversions require more than this as evidence of the structural condition and the works required to repair and/or reconstruct. The design for conversions does not 'retain the original character' of the lincays as required by policy.

3. The agent challenges the assertions made about in the officer report about the parking arrangements and makes further comments /suggestions how this issue could be redressed. The comments do not, in the view of officers, address their serious concern that the proposal will have a significant adverse impact on the setting/surroundings of the courtyard group as set out in the report. Harm accrues from a number of factors that are discussed in the officer's report. It is not just one matter that if amended will overcome the concerns.
4. The conversion of three of the barns does not give raise to concerns. These are supportable. The objections are raised with the works to the lincays are for design and structural reasons and for reasons associated with the impact of the conversions to create a fifth dwelling which will have a negative impact on the setting of the group for a variety of explained reasons in the report. Officers have sought to be proactive in achieving an agreed solution on this basis but this has been rejected by the applicant.

(c) **No 2 on the Plans List (16/01772/FULL – Outline for the erection of up to 40 dwellings (including affordable housing), public open space and associated infrastructure – Land at NGR 313382 113489, Culmstock Road, Hemyock).**

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the site outside of the defined settlement boundary, the indicative masterplan for the site with all matters except for access reserved. Plans were shown of the accesses to the site, for vehicles and pedestrians and the realignment of the footway and verges proposed. She provided information regarding the South West Water response which had been omitted from the report and Members viewed photographs from various aspects of the site.

Consideration was given to:

- The number of dwellings in Hemyock that had planning permission but that had not been built out
- Concerns of the residents with regard to the infrastructure for the development
- The capacity of local services
- The housing need in the area
- Continued discussions by the developer with residents with regard to design
- The support for the development by the Parish Council
- Whether the design was compatible with the Area of Outstanding Natural Beauty

- The travel plan associated with the application
- The passing places identified within the application

**RESOLVED** that planning permission be granted subject to the provision of Section 106 Agreement/Unilateral Undertaking to secure

- 35% affordable housing (14 dwellings, tenure and mix to be agreed);
- Financial contributions towards primary, early years and secondary education totalling £178,540;
- A minimum of 3 hectares of public open space/green infrastructure to be offered to Hemyock Parish Council together with a commuted sum for maintenance (to be agreed); to provide allotments, community orchard and ancillary public open space.
- A financial contribution of £15,000 towards provision of passing places on the road between Culmstock and Hemyock;
- A travel plan to reduce the reliance on private motor vehicles.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- Cllr R L Stanley declared a personal interest in the application as he had met with the applicant on a number of occasions and stated that he would be abstaining from voting;
- Mr Barton spoke on behalf of the objectors;
- Mr Steele-Perkins (Applicant) spoke;
- Cllr Clist spoke on behalf of the Parish Council
- Cllr F J Rosamond spoke as Ward Member;
- Cllr R L Stanley requested that his abstention from voting be recorded;
- The following late information was recorded:

20th November 2016 - The applicant's agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below:-

Asset Protection - A plan showing the appropriate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Portable Water - South West Water is able to provide clean potable water services from the existing public water main for the proposal.

Foul Sewerage Services - South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services - The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement, To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonable practicable, Provide written evidence as to why infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drain do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m<sup>2</sup>. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonable practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc.).
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership).
4. Discharge to a combined sewer (Subject to Sewerage Undertaker carrying out capacity evaluation) South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-Off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-Off Destination Hierarchy have been discounted by the applicant.

28<sup>th</sup> March 2017 – Blackdown Hills AONB

The AONB Partnership is appreciative of the Council for commissioning an independent review of the LVIA for this application in the absence of its own in-house landscape expert, which we believe demonstrates the required 'regard' to the AONB designation under Section 85 of the Countryside and Rights of Way Act.

I note that the assessment has identified several issues with the LVIA, but doesn't disagree with the overall conclusion.

The findings do appear to support the AONB view that it is difficult to judge the effects of the development proposals without the detail.

If Committee is convinced by the case for this development in terms of NPPF Paragraph 116, then we would request that the review conclusion and recommendations (page 29 of the Review Final Report) are fully taken account of in relation to any future detailed application. Specifically,

- We support the recommendation in paragraph 62 regarding the Parameters Plan
- We note the conclusion in paragraph 63 and agree with the bullet points, with some reservation on the point about 'higher' and 'lower' buildings
- We agree with paragraph 64.

On an associated point, the propose Condition 16 (lighting) is welcomed. We would also request that Condition 7 (presumably to be signed off by County Highways) is addressed in a manner commensurate with location and the recommendations of the LVIA review.

28<sup>th</sup> March 2017 - I would reconfirm South West Water has no objection the development in terms of foul drainage capacity – problems experienced in Longmead have related to blockages//equipment failure (p Station breakdown) which does not indicate a lack of capacity being the only grounds we could justify an objection on.

Also this site will not drain directly through the sewer network in Longmead but rather will enter the sewer network just upstream of the sewage works along a different route.

2 recommendations appear on the report. Delete the first of the two.

(d) No 3 on the Plans *List (16/01932/MFULL – Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank – Land at NGR 294211 123012 (Higher Barn, Bampton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location and explaining the history of the site, the enforcement issue and the remedial works that were within the application to reinstate the site and make improvements. Members viewed the site layout and the landscape plans; a drainage strategy had been supplied and extensive planting was proposed to try to improve the biodiversity. Photographs were available from various aspects of the site.

Consideration was given to the views of the agent with regard to the completion of the reinstatement of the land and that the service of an enforcement notice would be held for 6 months pending review of progress on the site.

**RESOLVED** that:

a) Planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

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

b) Service of the enforcement notice (Planning Committee resolution November 2016) be held off for a period of 6 months from 29 March 2017 pending a review of progress in completing the works contained within the application).

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

Notes:

i) Cllrs B A Moore and R L Stanley declared personal interests as some of the objectors were known to them;

ii) Cllr Mrs F J Colthorpe declared a personal interest as she was familiar with a number of people involved in the application;

iii) Mr Cookson (Agent) spoke;

iv) Cllrs B A Moore and R L Stanley spoke as Ward Members

v) The following late information was reported:

27<sup>th</sup> March 2017

The reference to drawing numbers in proposed conditions 4 and 5 should be altered to refer to the following drawings.

Condition 4:

Final drainage strategy: 39494-2001-500 Rev A, dated 31 January 2017 and 39494-2001-501 received 15<sup>th</sup> December 2016

Condition 5:

Final landscape masterplan = SPP 2047.002 Rev D, dated 10 February 2017.

(e) No 4 on the Plans *List (17/00090/ARM – Reserved matters for the erection of a dwellings following outline approval 16/00108/OUT – land at NGR 304865 115568 - Corner of Brimstone Lane, Westleigh).*

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the existing and proposed plans, the floor plans and proposed elevations and a visualisation of the proposed dwelling which she stated was visible from a distance but not prominent but would appear prominent in close views. Members viewed photographs from various aspects of the site.

Consideration was given to:

- The size of the dwelling in the open countryside
- The applicant's statement with regard for the need of a farmhouse to service the land
- Design and size issues

**RESOLVED** that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to produce a set of conditions.

**Reason** – the application was considered to be acceptable due to the needs and size of the holding and that it was also acceptable with regard to visual impact.

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

Notes :

- i) Cllr R J Dolley declared a personal interest as the applicant was known to him and that he played skittles in the area;
- ii) Cllr Mrs J F Colthorpe declared a personal interest as the applicant was known to her;
- iii) Mr Caudwell (applicant) spoke;
- iv) Cllrs Mrs H Bainbridge and Mrs C A Collis spoke as Ward Members
- v) Cllrs Mrs H Bainbridge and P J Heal requested that their vote against the decision be recorded;
- vi) A vote to refuse the application was not supported.

#### 155 **THE DELEGATED LIST (2-40-26)**

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

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

#### 156 **MAJOR APPLICATIONS WITH NO DECISION (2-41-15)**

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

It was **AGREED** that:

Application 17/00348/MOUT – (Creedy Bridge, Crediton) be brought before Committee for determination and that a site visit take place.

Application 17/00300/MOUT (Uffculme Road, Uffculme) be brought before Committee for determination if minded to approve.

Application 17/00173/MOUT (White Cross, Cheriton Fitzpaine) be brought before Committee for determination and that a site visit take place.

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

**157 UPDATE: A361 ROAD JUNCTION TIVERTON EASTERN URBAN EXTENSION (2-46-44)**

The Committee had before it and **NOTED** a report \* of the Head of Planning and Regeneration providing an update on the funding and delivery of the new grade separated A361 junction to serve the Tiverton Eastern Urban Extension.

She outlined the contents of the report by way of presentation highlighting the grade separated junction on the A361 and the approved plans of phase 1 of the left in and left out junction, the roundabout onto Blundells Road and the proposed 2<sup>nd</sup> phase with the establishment of the new over bridge on the A361. She stated that conditions for planning permissions granted had been discharged and that lawful commencement was taking place; the junction had been intended to be built out in its entirety however there had been funding issues which had required a review of the project. An updated time limited funding package had therefore been put in place which was outlined in detail in the report, to secure the junction that the Eastern Urban Extension depended on. She highlighted the changes to the S106 and conditions following amendments to the scheme that had to take place and the proposed timescales. She further explained the funding package that had been put in place which would deliver Phase 1 of the scheme the left in, left out southern slips (LILO) and the link to Blundells Road and would allow for construction to take place. The 2<sup>nd</sup> phase of the junction did not form part of the package and further bids for funding would be required.

The Head of Planning and Regeneration and Mr Sorenson (Devon County Council – Highways Authority) answered questions posed in public question time:

Changes to the masterplan – the triggers for highway infrastructure were based on the original funding scheme, as the original package had failed, there had been a need to revisit this, the masterplan was not flawed, but had to respond to a change in circumstances. With the completion of the LILO, access to the site would be by the southern slips.

Mr Sorenson provided the table of projected flows both base flow and flows with build out of development within Area A together with the left in left out junction

	Base		Future			Total Increase	
	Am	PM	AM	PM		Am	PM
Blundells road adjacent to school westward	299	679	441	711		380	270
Blundells road adjacent to school Eastward	492	391	571	458		79	67

Halberton Westward	178	273	179	271		1	-2
Halberton Eastward	351	254	375	283		24	29

Flows through Halberton were considered as not significant in planning terms and the increases would be less than seasonal variations from committed developments and agricultural activity.

The roundabout triggers remained unaltered and development would deliver contribution in sufficient time to deliver improvements to capacity at Lowman Way and Heathcoat roundabouts. Gornhay Cross had been modelled and would not have any capacity issues.

The Highway Authority confirmed that both the junction design and the traffic calming design and installation have been safety audited.

The Highway Authority considered that capacity along Blundells Road was acceptable and that the already installed traffic calming was mitigation to the amenity and safety concerns of pedestrian crossing the Blundells Road, further traffic calming was planned as part of the developments of both Area A and Area B.

The Highway Authority confirmed that it would not be reviewing the roundabout option on the A361 for the reasons previously given it also confirmed that for the northern part of the junction the Highway Authority would be seeking to make a bid for funding in the Autumn with likely response to the request following in April.

The Highway Authority also explained the reason for the increase in costs from the original estimate of £15 million to £18 million due to full detail design fees and changes to accommodate residents

The air quality issues had been assessed at planning application stage, the western end of Blundells Road was sensitive and traffic improvements had been requested at Horsdon roundabout to reduce queuing. He informed the meeting regarding the stages of traffic calming at Blundells Road and the remedial works that were taking place. He added that the build out rate on the site was proposed at 100 per year and that by the time the whole site had been built out the northern junction should be in place. With regard to the planting scheme, the completed scheme may not be in place by July 2018 because of the seasons.

The Head of Planning and Regeneration reiterated the proposed funding scheme that had been put together on a multiagency basis. This was reiterated by the Chief Executive who explained the triggers for occupation of the dwellings which could not take place until the LILO was in place. The DCC works to commence the junction slips to the south would allow their use as a construction haul route negating the need for Chettiscombe Trust land construction vehicles to use Blundell's Road.

With regard to the surfacing of the A361 in the vicinity of the development, the south side would be completed as part of the development, the north side would be delayed and would be progressed as part of phase 2 of the project. The acoustic fencing and bunding would take place as part of Phase 1 of the scheme but that the planting would need to be phased. Public consultation had taken place previously on

the junction and that the meeting today was open to the public. With regard to the area south of Manley Lane, the Chettiscombe application did not include that land.

Consideration was given to:

- Why the Local Authority was involved in the funding for the LILO
- Cash flow for the project
- The construction traffic and haul route for the site
- The viability of the site
- Available funding
- The lengthy and protracted discussions that had led to a mechanism to deliver the infrastructure
- The views of the local residents and whether Phase 2 would ever been completed
- Why a roundabout could not be progressed on the A361 and the Highway Authority's view

Notes:

- i) Cllrs N V Davey, D J Knowles and C R Slade spoke as Ward Members;
- ii) \*Report previously circulated copy attached to minutes.

158 **14/00881/MOUT - OUTLINE FOR 700 DWELLINGS, 22,000 SQ METRES B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL, NEIGHBOURHOOD CENTRE WITH LEFT IN, LEFT OUT JUNCTION ON TO A361 AND ACCESS / EGRESS ONTO BLUNDELL'S ROAD.**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above planning application that had a resolution to grant planning permission subject to a S106 agreement and a range of conditions. Subsequent negotiations with the applicant over the S106 provisions, conditions as drafted and in light of the most up to date position over the funding and delivery of the A361 junction had resulted in proposed changes to the S106 and conditions; these required Planning Committee consideration.

The Head of Planning and Regeneration outlined the contents of the report highlighting by way of presentation the site area plan and boundary, the illustrative layout and areas A and B. She reiterated the junction delivery issues discussed prior to this item and the impact that this had had on the Chettiscombe Trust application. She outlined the proposed changes to the Section 106 agreement as set out in the report:

- The highway plans
- The timings for the junction
- The link to Blundells Road that had to be secured
- The need for a condition to state that no part of the development should be occupied until Phase 1 of the junction as complete
- The revised highway package (LILO) would serve both the Chettiscombe and Waddeton areas, the employment land and the school.
- The conditions to be amended

- The deletion of Condition 12
- The consideration of an offsite contribution towards a Gypsy and Traveller site

Consideration was given to.

- The terms of the Council loan
- The detail of the masterplan
- Traffic movements
- Implications for Junction 27 of the M5 and the junction upgrade that had taken place
- The construction haul route onto Area A and the use of the southern slips
- Access to Area B
- Delegating authority to deal with any amendments to the timing of financial contributions

**RESOLVED** that

1. the S106 agreement resolution be amended to:

i) Secure the payback arrangements for the Mid Devon District Council loan (with interest) which will assist forward funding of the first phase of the A361 junction.

(ii) Secure the delivery of the linking road between the new A361 junction and Blundell's Road within 12 months of the sale of sufficient land on the application site to fund the construction of the linking road;

iii) Allow for a financial contribution to be made towards the off-site provision of gypsy and traveller pitches including the cost of land acquisition. This is in lieu of on-site pitch provision.

iv) Grant delegated authority to the Head of Planning and Regeneration in consultation with the Chair and Vice Chair of Planning Committee to amend the timing of financial contributions secured through the S106 agreement if necessary in order to balance the need to secure payments in a timely manner with the cash flow / viability of the development to secure its delivery.

2. That in the event S106 negotiations are unable to secure iii) above (an acceptable level of financial contribution towards the off-site provision of gypsy and traveller pitches), delegated authority be given to the Head of Planning and Regeneration to refuse planning permission.

3. To amend the list of conditions as follows:

i) Condition 1 to be amended to allow reserved matters applications to be submitted on a phase-by-phase basis. Amended wording as follows:

*'Before any part of a phase of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the relevant phase (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority'*

Reason: To ensure the timely delivery of a complex site which will be sold to and developed by a multiple number of developers. The proposed wording allows reserved matters to be submitted on a phased basis.

- ii) To amend draft Condition 3 to allow reserved matters application for the first phase of the development to be submitted within four years of outline planning consent. The amended wording as follows:

*'Application(s) for approval for the Reserved Matters relating to the first Phase shall be made to the Local Planning Authority before the expiration of four years from the date of this permission and shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan'.*

- iii) To add an additional condition to allow all reserved matters applications to be submitted within ten years of outline planning consent. The following wording is proposed:

*'Application(s) for approval for all Reserved Matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan'.*

- iv) To amend draft Condition 4 to allow commencement of development on the first phase and subsequent phases either within five years of outline consent or within two years of the approval of the last reserved matters relating to that phase. The following wording is proposed:

*'The first and subsequent phases of the development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters relating to that phase which have been approved, whichever is the latter'*

- v) To amend Condition 10 as follows:

There be no occupation of development within the application site until the first phase of the A361 road junction (known as the 'left in, left out southern slips) and linking road between the new A361 road junction and Blundell's Road consented under planning permission 14/00667/MFUL have been constructed, are complete and made available for public use.

*REASON: To ensure that the A361 left in, left out southern part of the junction together with road linking to Blundell's Road is available in advance of the occupation of development in order to accommodate traffic attracted to the site in the interests of the safety of users of the public highway and to protect the amenities of the nearby residents and the amenities and character of the area in accordance with the National Planning Policy Framework'.*

- vi) To delete Condition 12 relating to the provision and timing of a road to the boundary of the site with Area B.

- vii) That delegated authority be given to the Head of Planning and Regeneration to amend other conditions as necessary to take account of development coming forward in phases.
4. That Members note that, due to the lack of available LEP funding , the strategic development is now being delivered in two phases to maximise the availability of time-limited infrastructure funding while securing growth delivery. The northern part of the junction will be delivered in association with the remainder of the EUE allocation, to be the subject of future infrastructure bidding rounds.

(Proposed by the Chairman)

Notes:-

- i) Cllrs R J Dolley, D J Knowles and R L Stanley declared personal interests as they knew some of the objectors;
- ii) Cllrs N V Davey, D J Knowles and R L Stanley spoke as Ward Members;
- iii) Cllr Dolley requested that his vote against the decision at 1 (i) be recorded;
- iv) Decision 1 (iv) was recorded as Chairman's casting vote (5 for; 4 against);
- v) Cllr D J Knowles requested that his abstention from voting on decision 3 (vi) be recorded;
- vi) \*Report previously circulated copy attached to minutes.

**159 VARIATION OF S106 AGREEMENT: 13/01616/MOUT OUTLINE FOR THE DEVELOPMENT OF UP TO 330 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, ASSOCIATED INFRASTRUCTURE AND OTHER WORKS INCLUDING VEHICULAR ACCESS, PEDESTRIAN /CYCLE LINKS AND HIGHWAY IMPROVEMENT, LAND AT NGR 298671 113603, UPLOWMAN ROAD, TIVERTON (4-43-13)**

The Committee had before it a report \* of the Head of Planning and Regeneration to consider proposed changes to the S106 agreement entered into in relation to this planning permission.

The Head of Planning and Regeneration outlined the contents of the report stating that the Planning Committee agreed the Heads of Terms and that the amendments requested by the developer related to the finer details of the precise wording worked up by officers. She outlined the headline proposed amendments:

- With regard to the Gypsy and Travellers site, she felt that it was appropriate to move the trigger for occupation from 200 dwellings to 260 dwellings in so far that it left a balance of 70 dwellings of market dwellings to be occupied after the Gypsy and Traveller pitches were in place, there being a sufficient number of dwellings remaining that the development would not cease.

- She felt it is also appropriate to look at the timing of the financial contributions proposed as this meant that some of the contributions would come forward earlier than originally proposed.
- The Council was proposed to be the affordable housing provider and therefore an amendment be made to discharge market housing developers from all affordable housing requirements upon completion of the Council's land purchase of part of the site. There was also an amendment sought by the applicant to terms in the event that the Council did not purchase the land.

Consideration was given to:

- Whether the Gypsy and Traveller pitches would remain on the site for the time being;
- The construction traffic route for the development

**RESOLVED** that

1. That clause 2.5(a) within agreed terms of the S106 be amended to require to no more than 260 dwellings (rather than 200) be occupied until the traveller pitches have been constructed and are ready for occupation in accordance with the traveller pitch scheme;
2. That the timing of payments of the financial contributions within the S106 be amended in accordance with the changes requested;
3. That the agreed terms of the S106 be amended to discharge market housing developers from all affordable housing requirements upon the completion of the Council's land purchase of part of the site.

(Proposed by Cllr P J Heal and seconded by Cllr B A Moore)

Notes-

- i) Cllr R L Stanley declared a personal interest as he had been in discussion with the developer and would be abstaining from voting on this matter;
- ii) Cllr D J Knowles declared a personal interest as some of the objectors were known to him;
- iii) Cllr R L Stanley requested that his abstention from voting be recorded
- iv) \*Report previously circulated copy attached to minutes.

#### 160 **TREE PRESERVATION ORDER - 16/00008/TPO (5-07-53)**

The Committee had before it a report \* of the Head of Planning and Regeneration to consider whether a Tree Preservation Order should be confirmed in light of the objection received.

The Head of Planning and Regeneration outlined the contents of the report by way of presentation identifying the tree in question.

**RESOLVED** that the Tree Preservation Order be confirmed.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

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

161 **PLANNING PRODUCTIVITY REVIEW (5-10-00)**

It was **AGREED** that this item be deferred to the next meeting due to the lateness of the hour.

(The meeting ended at 7.50 pm)

**CHAIRMAN**