

Cabinet
4 January 2018

**TIVERTON EASTERN URBAN EXTENSION: ADOPTED MASTERPLAN SPD
(AREA A).**

Cabinet Member: Cllr Richard Chesterton
Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy & Regeneration

Reason for Report: To respond to a request by Cabinet for a report setting out options available to them, should they wish to amend the adopted masterplan SPD with regard to land south of West Manley Lane within Area A of the Tiverton Eastern Urban Extension (EUE).

RECOMMENDATION:

- i) That Members resolve whether to amend the existing adopted masterplan for the Tiverton Eastern Urban Extension by removing housing land parcels on the southern side of West Manley Lane (within Area A);**
and in the event that it is resolved to make such amendment:
- ii) That the proposed revisions be submitted for public consultation; and**
- iii) That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Members for Planning and Economic Regeneration to finalise consultation material.**

Relationship to Corporate Plan: The adopted Tiverton EUE Masterplan SPD provides guidance over the planning and delivery of a strategic site for Mid Devon. It directly relates to all four Corporate Plan priorities of economy, homes, community and the environment.

Financial Implications: The adopted Masterplan SPD was produced by consultants and the Council through the Council working collaboratively with promoters. Any revisions to the adopted masterplan text and associated plans will have financial implications and would need to be funded by the Council.

Legal Implications: In order for any revisions to the existing masterplan SPD, public consultation would need to take place in accordance with the requirements of the Council's Statement of Community Involvement. Whilst not forming part of the Development Plan, the SPD and any revisions adopted would be a material consideration in the determination of planning applications relating to the site.

Risk Assessment: The existing Masterplan SPD for the site has gone through a process incorporating two stages of public consultation and formal adoption following Council resolution. Its contents have therefore previously been found to be acceptable to the Council. Any changes to it would need to be justified in planning terms having regard to any changes in circumstances. Unless changes are robustly justified and correct procedures followed in making any amendments there is risk of challenge.

It is further considered that should the contents of the adopted masterplan be reopened for amendment, there is considerable risk that other aspects of its contents would be revisited. This would undermine the existing masterplan, cause uncertainty and could delay delivery of development on the site.

A Design Guide for the Tiverton Eastern Urban Extension has also been agreed and builds on the contents of the adopted masterplan. Should the masterplan be changed, it increases risk of the design guide being out of step with it and therefore out of date. The effectiveness of the design guide would reduce as a result.

Equality Impact Assessment: There are no equality issues identified in this report.

1.0 Introduction

- 1.1 The Council adopted the Tiverton Eastern Urban Extension (EUE) Masterplan as a Supplementary Planning Document in April 2014. They are used where they can help applicants make successful applications and/or aid infrastructure delivery (NPPF, para 153). As such they should build upon and provide more detailed guidance on the policies of the Local Plan and not add unnecessarily to the financial burdens of the development.

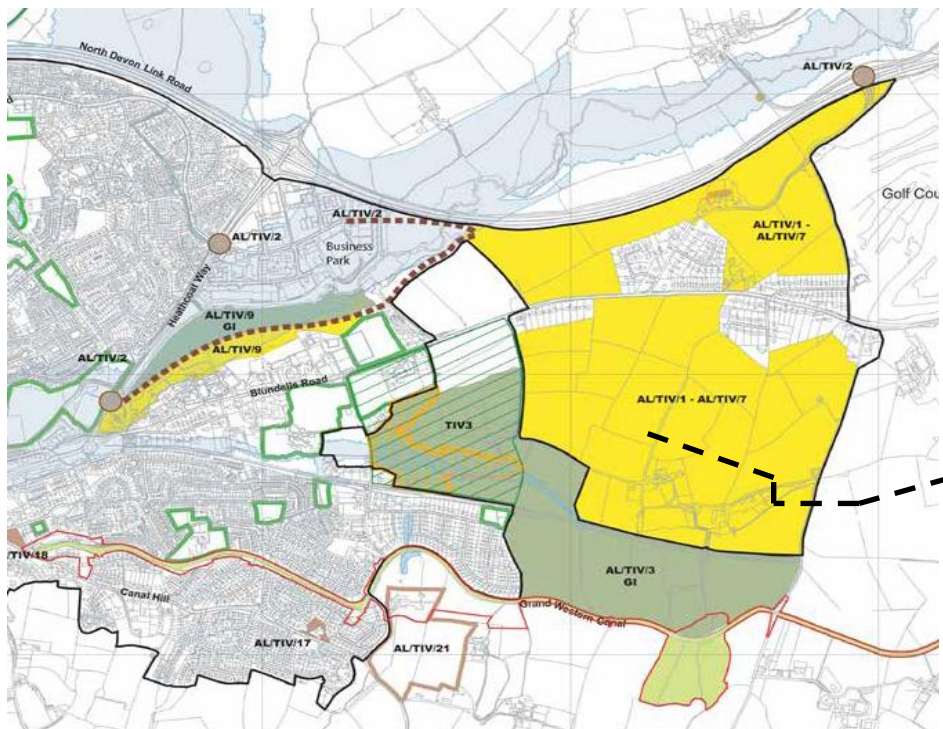
2.0 Background

- 2.1 The Mid Devon Core Strategy sets out the strategic planning policy framework for Mid Devon District over the period 2006 to 2026. The related Allocations and Infrastructure Development Plan Document (AIDPD) provides further guidance on how the strategic policies in the Core Strategy are to be applied including the identification of sites allocated for development. One such site is the 153 hectare EUE. Policy AL/TIV/1 sets out how the EUE is allocated for a mixed use development.
- 2.2 Policy AL/TIV 7 describes how 'before a planning application is made, the Local Planning Authority will carry out a major public consultation exercise into the masterplanning of the site, leading to the Adoption of a Supplementary Planning Document'. A masterplanning exercise for the urban extension site as a whole was completed in 2013/14 and the Masterplan SPD was adopted by the Council in April 2014. This was the culmination of approximately three year's work and involved two periods of public consultation upon the scope of the masterplan and a draft version respectively. It dealt with Area A of the site in detail.
- 2.3 SPDs are produced to support the adopted Local Plan as a means to help applicants make successful applications by clarifying requirements and setting out expectations. They contain clear and reasoned justification for the guidance within them and explain their relationship with the development plan. Whilst they are prepared against the background of the development plan requirements for the site and will be in broad conformity to it, in some instances, the SPD may vary in approach from specific points in the development plan. This is accepted, as planning policies are required to be flexible and to respond to changing circumstances (LP Part 3, para 1.1).

3.0 Land south of West Manley Lane

3.1 Cabinet has requested this report in order to understand options available to it in the event that changes are sought to the adopted masterplan. This was specifically in relation to how land to the south of West Manley Lane is dealt with within the existing Area A masterplan.

3.2 The Allocations and Infrastructure Development Plan Document (Local Plan Part 2) (Policies Map) identifies the mixed use (residential and employment) areas of the EUE as being located within the settlement limit of Tiverton. The southern part of the mixed use development site follows the line of West Manley Lane for some distance before extending south of it towards the former railway line. There is a presumption in favour of development within the allocation site and a presumption against development for those areas beyond it. The allocation plan also identifies areas as Green Infrastructure (GI), mainly between the former railway line and the canal.



Tiverton EUE allocation site (West Manley Lane marked with a dashed line)

3.3 The Masterplan SPD takes this a stage further following a more detailed site survey and assessment. It identifies the main areas of development as north of West Manley Lane and those south of West Manley Lane as areas of GI. However the Illustrative Framework Plan of the Masterplan SPD introduces three low density clusters of housing development (with rural character) on small land parcels south of West Manley Lane towards its western end (shown circled by dashed line):



3.4 The masterplan SPD goes on to describe these parcels as the West Manley Lane character area, with detached houses in gardens at low densities of less than 15 dwellings per hectare creating a rural character with the houses arranged in small groups. An illustrative plan and section of how this part of the site could be successfully developed is provided within the document.

3.5 Outline planning consent (with signed S106) was approved 9th June 2017 for development on the Chettiscombe Trust land including 700 houses. This area of low density land parcels south of West Manley Lane initially formed part of the red line area of the application. The application was subsequently amended at the request of Planning Committee to remove it from the 'red line' boundary of the application during the passage of the application process. Whilst removing it from that particular planning application, this did not amend the way in which this area is treated within the adopted masterplan SPD. Officers understand that Cabinet now wish to decide whether to now amend the masterplan to remove them.

3.6 Cabinet has recently considered the further masterplan work needed on land within Area B of the site incorporating land on either side of the eastern end of West Manley Lane. Cabinet resolved at the meeting of 26th October 2017 that within the proposed Area B masterplan that there should be no development south of West Manley Lane unless in association with green infrastructure uses. This will form part of the instructions to masterplan consultants when the contract is awarded.

4.0 Process of amendment and timescale

4.1 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations set out the requirements for producing Supplementary

Planning Documents (SPDs). Regulation 11(b) outlines that Section 23(1) of the Planning and Compulsory Purchase Act 2004 relates to modifications.

- 4.2 Section 23(1) outlines that the Local Planning Authority may at any time prepare a revision to a local development document. Any revision to an Adopted Masterplan SPD will require compliance with the MDDC Statement of Community Involvement (SCI). Policy SCI/4 of the SCI SPD determines the process by which an SPD is prepared and adopted. In this case it is unnecessary to undertake the two stage process of consultation normally required as the adopted masterplan already sets out guiding principles. As such, should members seek to amend the Masterplan SPD then a single stage of consultation would be required upon any proposed amendments to the existing document.
- 4.3 Should members resolve to amend the Masterplan SPD, the changes would inevitably bear a financial cost. This is estimated to be in the region of £5,000 - £10,000 dependent upon the scope of changes; to cover consultation and associated material and making amendments to the document. Government capacity funding is available to support masterplanning at Tiverton Eastern Urban Extension. However, these funds are needed to deliver a further masterplan for Area B and have been earmarked for this purpose. Members will need to consider whether they wish some of this money to be diverted to amending the existing masterplan.
- 4.4 Should members seek to amend the Masterplan SPD a broad timetable for the adoption of a revised draft would be as follows:

ACTION	DATE
Report to Cabinet to consider whether to make any amendments and if so, scope out the extent of changes sought	January 2018
Engage consultants to undertake plan and text changes	February 2018
Amend Illustrative Framework Plan / text changes / preparation of consultation material	March 2018
Stage 2 Public Consultation (6 weeks)	April / May 2018
Report back to Cabinet	June 2018
Adopt Full Council	June 2018

5.0 Planning considerations

- 5.1 Cabinet and Council have already made decisions about the area of land in question on the southern side of West Manley Lane through the allocation policy with accompanying plan in the Allocations and Infrastructure Development Plan Document (Local Plan Part 3) and adoption of the existing masterplan for this part of the site. It has therefore previously been considered and found to be acceptable in principle for small scale, low density housing development.
- 5.2 Should Members be minded to make an amendment to remove these areas for development, this will need to be justified, with clear planning reasons being given for amending the document to remove them. Members are therefore requested to consider whether there is a planning case to make this change and whether there have been any material changes in planning circumstances since the original masterplan was adopted. Your officers are of the view that concerns over retaining the character and appearance of West Manley Lane are addressed through the low density and design / character advice within the adopted masterplan.
- 5.3 The adopted masterplan sets out guiding principles against which future planning applications are being drawn up and together with policy, the assessment basis for them. Officers are concerned that opening up the adopted masterplan for amendment will introduce the risk that other aspects of its contents would be revisited. This would undermine the authority of the existing masterplan, cause uncertainty and could delay delivery of development on the site.
- 5.4 The adopted masterplan took a considerable amount of effort both through the public consultation process and through Committee to get the document adopted. Whilst the public consultation process and amendments sought can be directed towards the housing clusters south of West Manley Lane, inevitably the consultation process will draw far and wide reaching comment on all aspects of the development. Whilst these comments would be beyond the remit of the consultation, the Council could be perceived as dismissing and being unwilling to accommodate the views of the public.
- 5.5 Further, amending the Masterplan SPD could be perceived as weakening it. Your Officers interaction with the general public through public consultation events and general day-to-day dealings as part of the delivery of this strategic project indicates that the Masterplan SPD is a welcomed and valued document. The general public endorse and support the guiding principles within it, making reference to them. To amend the Masterplan could be perceived as the first step of un-picking it.
- 5.6 A Design Guide for the Tiverton Eastern Urban Extension has also been agreed and builds on the contents of the adopted masterplan. Should the masterplan be changed, it increases risk of the design guide being out of step with it and therefore out of date. The effectiveness of the design guide would reduce as a result.

5.7 Cabinet has already resolved that in relation to the forthcoming Area B masterplanning, there should be no development on the southern side of West Manley Lane unless associated with green infrastructure uses. Members will need to consider whether this is sufficient to address their concerns.

6.0 Conclusion

6.1 This report sets out options available to Members which in summary are to address concerns over development south of West Manley Lane via instructions to masterplan consultants that will draw up the forthcoming Area B masterplan (Cabinet has already resolved this), or in addition, to amend the existing Area A masterplan. Implications in terms of time and cost, together with risks are set out. Officers consider that concerns over West Manley Lane's character and appearance have already been addressed through the design guidance in the existing masterplan and Cabinet resolution in relation to the further Area B Masterplan.

6.2 A briefing note relating to the options should Members wish to amend the masterplan SPD was presented to Planning Policy Advisory Group (PPAG) on 13 December 2017. The view of Members at PPAG was that the Adopted Masterplan SPD should not be amended.

Contact for more Information: Christie McCombe, Area Planning Officer (Tiverton Eastern Urban Extension) 01884 234277
cmccombe@middevon.gov.uk

List of Background Papers: The adopted policies relating to the Tiverton Eastern Urban Extension may be viewed in the AIDPD at
<https://new.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/part-2-aidpd/>

The Adopted Tiverton EUE Masterplan may be viewed at
<https://www.middevon.gov.uk/residents/planning-policy/masterplanning/>

Cabinet 17th April 2014, 7th April 2016, 26th October 2017

Circulation of the Report: Members of Cabinet, Leadership Team