

PLANNING COMMITTEE AGENDA - 17th April 2019

Applications of a non-delegated nature

UPDATES

AGENDA ITEMS	
1.	<p>S106 Matters, applications comprising Phase 1 of development At NW Cullompton Urban Extension, relating to applications 17/01170/MOUT, 17/01178/MFUL and 7/01346/MOUT.</p> <p>Amendment to Recommendation 1, point 3) to refer to traffic calming in Saxon Way, Plantagenet Way and Norman Drive.</p> <p>Officer comment- Tudor Grove incorrectly listed.</p> <p>Further response from Highway Authority dated 9th April 2019.</p> <p><i>I can confirm from a check scale of the drawings 432-100-01 rev B from PM Asset Management application 17/01346/MOUT and 1652/04 rev L from Persimmon Homes application 17/01178/MFUL, the plans show that the roads are aligned and are compliant to a through route.</i></p> <p><i>The PM Asset Management plan shows the route to Willand Road and includes the necessary horse crossing to be built when the right of way is severed; this also allows for the road to be completed should Persimmon not develop their site and the triggers set for its completion are reached. However, this land is still within the ownership of Persimmon Homes. Therefore there needs to be a number of clauses in the legal agreements to cover all eventualities.</i></p> <p><i>Within the Persimmon Homes Section 106 Agreement there needs to be a requirement that the horse crossing sited on PMAM land is constructed if the spine road is built out to the south west of the public bridleway necessitating its closure, and a clause which will allow PMAM to connect the road to the Persimmon built road if it stops short of the bridleway, without financial recourse. This should be reciprocal in the PMAM agreement too. Also there needs to be a clause which will allow PMAM or its successors, or MDDC, should the need arise, the ability to build the distributor road through to Willand Road if the completion date and triggers are activated. Similarly, should Persimmon build the route out to the south west of the right of way, they are able to build out the horse crossing on PMAM land. Such permissions should extend to drainage arrangements as well if it is to be a comprehensive cover. How you are to bring Codex into the equations for equity I am not sure; an agreement signed by all parties for the delivery of the distributor road would be the ideal solution.</i></p> <p>Officer comment- These issues will be expected to be addressed in the detailed S106 provisions over the delivery of the new road.</p> <p>16th April 2019</p> <p>Amended recommendations:</p> <p>1. 3) Off-site highway works: improvements to J28 of the M5, pedestrian footway and crossing in Willand Road, traffic calming in Saxon Way, Plantagenet Drive and Norman Drive and footpath extension in Millennium Way to link to bus stops.</p> <p>4. That delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chair of Planning Committee and Ward Members to negotiate and enter into a fall-back position in the S106 agreements</p>

	<p>that seeks to prioritise and apportion S106 requirements in the event that one or more of the planning applications in question do not come forward for development.</p> <p>Additional recommendation:</p> <p>5. That the S106 in respect of application 17/01178/MFUL also secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.</p>
2.	<p>17/01170/MOUT - Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Culmpton Urban Extension - Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Culmpton.</p> <p>Further response from South West Water dated 12th April 2019</p> <p><i>As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.</i></p> <p><i>In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.</i></p> <p>Condition 23 should therefore be deleted.</p> <p>Condition 1: The word “access” should be removed from the second line of the condition. This was included in error. Access from the public highway is to be determined under this application.</p> <p>Condition 18: At the request of the applicant, the first line of the condition should be amended as follows:</p> <p>“No <u>dwelling part of the development</u> hereby approved shall be commenced until:”</p> <p>The Highway Authority has agreed this change and your officers consider this amendment to be reasonable.</p> <p>Condition 20: At the request of the applicant, the condition should be amended as follows:</p> <p>No development <u>above slab level shall take place</u> shall commence until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.</p> <p>Again, your officers consider this amendment to be reasonable.</p> <p>16th April 2019 – Amended recommendation</p> <p>Recommendation:</p> <p>Grant permission subject to conditions and the prior signing of a S106 agreement.</p>

3.	<p>17/01346/MOUT - Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension) - Land at NGR 301536 107900 North of Tiverton Road Cullompton.</p> <p>Further response from South West Water dated 12th April 2019</p> <p><i>As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.</i></p> <p><i>In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.</i></p> <p>Condition 25 should therefore be deleted.</p> <p>Condition 20: At the request of the applicant, the first line of the condition should be amended as follows:</p> <p><i>"No dwelling part of the development hereby approved shall be commenced until:"</i> The Highway Authority has agreed this change and your officers consider this amendment to be reasonable.</p> <p>Condition 22: At the request of the applicant, the condition should be amended as follows: No development <u>above slab level shall take place</u> shall commence until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.</p> <p>Again, your officers consider this amendment to be reasonable.</p> <p>Additional conditions for 'full' part of hybrid application</p> <p>The application is in two parts: outline for the majority of the site, and full for the part of the link road connecting into the neighbouring land parcel (Persimmon Homes), the full part of the application is subject to a different commencement condition. There is also a need to ensure the plans relating to the full part of the application are identified as the approved details, rather than being subject to the reserved matters application/s. Two additional conditions are recommended.</p> <p>Additional condition 1:</p> <p>The development within the land outlined in red on drawing number 1006.P.002 Rev B hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 as this relates to the 'full' rather than 'outline' part of the application.</p> <p>Additional condition 2</p> <p>The development of the section of road and bridleway crossing within the land outlined in red on drawing number 1006.P.002 Rev B shall be in accordance with drawing numbers 9158-GA-005 Rev P03, 432-100-01 Rev B, 432-200-01 and 432-200-02, unless agreed</p>
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	<p>otherwise in writing by the Local Planning Authority. Reason: For the avoidance of doubt and to ensure the development is constructed in accordance with the approved details.</p> <p>16th April 2019 – Amended recommendation</p> <p>Recommendation: Grant permission subject to conditions and the prior signing of a S106 agreement.</p>
4.	<p>17/01178/MFUL - Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works - Land at NGR 302103 108277 (West Of Willand Road) Cullompton.</p> <p>Further response from South West Water dated 12th April 2019</p> <p><i>As a result of changes to our charging policy introduced in April this year which has increased the connection charges in relation to new developments any improvements required to upgrade our infrastructure are to be funded by South West Water and not developers.</i></p> <p><i>In view of this the request for planning conditions as stated in my response to the application are no longer required as improvements to the foul drainage network will be delivered by South West Water to ensure the development can be supported without detriment to the public foul drainage systems.</i></p> <p>Condition 26 should therefore be deleted.</p> <p>Condition 17: The reason for condition 17 is missing from the conditions schedule. The reason should read:</p> <p>17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan.</p> <p>All subsequent reasons within the conditions schedule should be re-numbered accordingly.</p> <p>Condition 20: The drawing number to be inserted in this condition is 453-P-600 Rev E.</p> <p>16th April 2019 – Amended recommendation</p> <p>Recommendation: Grant permission subject to conditions and the prior signing of a S106 agreement.</p>