

## **REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

### **S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT**

#### **(APPENDIX A TO INDIVIDUAL APPLICATION REPORTS WHICH FOLLOW)**

##### Applicants:

- (1) Mr A Fieldman, Codex Land PCC Land Promotion Cell
- (2) Mr B Smith, Persimmon Homes (South West) Ltd
- (3) Mr J Turner, PM Asset Management

##### Location:

- (1) Land at NGR 302186 108607, North of Rull Lane and to the West of Willand Road, Cullompton
- (2) Land at NGR 302103 108277, West Of Willand Road, Cullompton
- (3) Land at NGR 301536 107900, North of Tiverton Road, Cullompton

##### Proposal:

- (1) 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 Cullompton Urban Extension
- (2) 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
- (3) 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)

#### **REASON FOR REPORT:**

To consider the overarching S106 package between the three planning applications detailed above, which together constitute the first phase of development at the NW Cullompton urban extension.

#### **MATTERS FOR CONSIDERATION:**

This report is supplemental to a report on Section 106 matters considered by Planning Committee at the meeting on 17th April 2019 (see attached report).

Late information provided to the meeting set out the following amendments to the recommendations:

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.

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 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.

Additional recommendation:

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.

At the meeting, it was resolved that:

**RESOLVED** that the item be deferred for further negotiation over the overall S106 package for applications 17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT to take place in terms of viability, costings, inclusions and in particular the percentage of affordable housing and the inclusion of a footpath/cycleway along Millennium Way. Delegated authority be given to the Head of Planning, Economy and Regeneration to undertake the negotiations in consultation with the Chair and Vice Chair of Planning Committee, Ward Members and the Cabinet Member for Housing.

A members briefing was held on 3<sup>rd</sup> September 2019 at which the applicants for the three applications presented the background to the applications and gave a detailed confidential explanation of the viability considerations that had informed the proposed Section 106 package.

The information presented included:

1. Background to the Section 106 negotiations including at the masterplanning stage.
2. The high level of infrastructure required for Phase 1, including the link road, primary school, off-site highway works, and contribution to the town centre relief road. Phase 2 would carry much less of an infrastructure burden and therefore a higher affordable housing percentage could be achieved.
3. The level of Section 106 obligations in comparison to the residual land values.
4. The reasons for the 10% affordable housing percentage, and the expectation that a much higher percentage would be included in Phase 2.
5. Agreement that if partial footway works in Millennium Way (i.e. linking existing footways to the bus stops) were included in Phase 1, additional works to provide a footway the entire length of Millennium Way could be included in Phase 2 (see below).
6. Apportionment of the Section 106 items between the three Section 106 Agreements.
7. The mechanism for ensuring essential infrastructure would be prioritised should one or more of the developments not come forward (i.e. the fall-back position and the inclusion of cascade clauses in the Section 106 Agreements).
8. Details of the expected delivery method for the link road from Tiverton Road to Willand Road.

With regard to the Millennium Way footway provision, on 17<sup>th</sup> April 2019, Members resolved that the deferral should include as part of the negotiations on the Section 106 package, the inclusion of a footpath/cycleway along Millennium Way.

Two separate costings have been provided by the Highway Authority:

- 1) Works to link existing residential footways in nearby developments to bus stops in Millennium Way: **£150,000**.

- 2) Works to provide a footway the entire length of Millennium Way, including necessary additional drainage works: **£782,480**.

As discussed at the Member briefing on 3<sup>rd</sup> September, the revised recommendation below includes footway links to bus stops in Millennium Way within the Section 106 package the subject of this report, with the remainder of the works being completed when Phase 2 of the NW Cullompton Urban Extension comes forward.

If Members require the full length of the footway to be included within Phase 1, this would have an effect on viability that would mean there would need to be an equivalent reduction in one or more of the other Section 106 items (£632,480). If the full extent of the footway is required in Phase 1, your officers recommend that delegated authority be granted to the Head of Planning, Economy and Regeneration to negotiate the final terms of the Section 106 in this respect.

### **REVISED RECOMMENDATION**

1. **That the Section 106 package of obligations to be applied in total across applications 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT, is agreed as follows:**
  - 1) **10% affordable housing across the whole of Phase 1**
  - 2) **Timing, funding and delivery of a linking road between Willand Road and Tiverton Road including financial contribution towards its provision (latter, application 17/01170/MOUT)**
  - 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**
  - 4) **Financial contribution of £3.0 million towards the Town Centre Relief Road**
  - 5) **Transfer of 1.2 hectares of land for primary school (with access and servicing) and school sports pitch to Devon County Council**
  - 6) **Financial contribution of £672,361 towards St Andrews primary school expansion**
  - 7) **Financial contribution of £1,577,972 toward delivery of the new primary school**
  - 8) **Financial contribution of £150,000 towards early years provision**
  - 9) **Financial contribution of £795,072 towards secondary provision**
  - 10) **Financial contribution of £87,339 towards special educational needs provision**
  - 11) **Financial contribution of £231,224 towards expansion of doctors surgery**
  - 12) **Provision and maintenance of Rull Hill green infrastructure to include landscaped areas, multi-use games area and play area**
  - 13) **Upgrade to existing public rights of way (Goblin Lane and bridleway between Willand Road and Rull Lane)**
  - 14) **Transfer of land to Culm Valley Integrated Health Centre (College Surgery) for a health garden**
2. **That it be agreed that the following Phase 1 items be delivered in Phase 2 to aid viability:**
  - 1) **Financial contribution of £1.2 million towards bus improvements**
  - 2) **Financial contribution of £96,000 towards recycling facilities**
  - 3) **Provision of land for community building at the beginning of phase 2 (community building itself in Phase 2)**
  - 4) **Provision of additional sports pitch**
  - 5) **Allotments and second community orchard**
  - 6) **Additional footpath extension works in Millennium Way**

- 3. That delegated authority be granted to the Head of Planning, Economy and Regeneration to negotiate the apportionment of the various obligations between the three individual Section 106 Agreements and the exact composition of the Rull Hill green infrastructure and enter into S106 agreements accordingly.**
- 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 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.**
- 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.**

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.