

PLANNING COMMITTEE AGENDA - 15th January 2020

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>19/01961/HOUSE - Conversion of garage to additional ancillary accommodation to include extension and alterations to boundary wall - 1 Oak Crescent Willand Cullompton.</p> <p>All consultation responses have now been received and are summarised below:</p> <p>Willand Parish Council: 15/12/19 - Willand Parish Council had the following concerns relating to the proposal, firstly as to whether or not the garage extension could become a separate dwelling. Secondly, there does not appear to be sufficient parking for two vehicles and if this is achieved by using part of the front lawn then there is concern as to visibility for vehicles when entering from Meadow Park. The Councillors would wish the Officer to be satisfied that this was not over development of the site.</p> <p>Highway Authority: 10.12.19 - Standing advice applies please see Devon County Council document https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants.</p> <p>Environmental Health: Householder development and alterations within Flood Zone 1 - No EA consultation required.</p> <p>No other letters of representation have been received.</p>
2.	<p>19/01309/FULL - Erection of a dwelling including demolition of a garage - Fair Havens Mill Street Crediton.</p> <p>1. Consultations: Since completion of the officer report the town council have submitted a further representation-</p> <p>CREDITON TOWN COUNCIL- 9th January- It was resolved to strongly reaffirm the Council's original objections made to the application and to also add that the development is over-scaled, the materials used are unsympathetic and the planting scheme is inadequate compared to what existed prior to development. The Council is also disappointed to note that the developer has proceeded with the development prior to obtaining the necessary planning consents.</p> <p>2. Representations: since completion of the officer report, three further letters of representation have been received. The additional concerns are summarised below;</p> <ul style="list-style-type: none">• The overgrown grass on the bank adjacent to the driveway has a negative visual impact, proper landscaping should be carried out here.• Concerns regarding the accuracy of the site location plan in terms of the extent of the applicant's ownership (NB: please note update on this as below) <p>3. Revised plans: Further to the concerns relating to the extent of the applicant's land ownership, revised plans were received 13/01/2020 which demonstrate a minor reduction in scope of the red line area around the north east corner of the site. On the basis that this is a very minor reduction in the red line area it was not considered to materially impact upon the scheme, and therefore it was not considered necessary to re-advertise the proposal.</p>

3.	<p>19/01340/FULL - Erection of dwelling - Land at NGR 266108 109805 (Paddons Farm) Wembworthy Devon.</p> <p>Revised comments received from Wembworthy Parish Council via agent for applicant. 13/1/2020 Comments from a councillor were a personal opinion and not written as a representation of the Parish Council. The Parish Council previously voted in favour of the development of the site and instructed the clerk to write to Mid Devon expressing this decision.</p> <p>Further comments from Parish Clerk 14/1/2020 - The comments sent in originally were the only ones received from the PC during the original timescales and provided by Councillor Jo Hunt. Otherwise the council had no objections to the application. I have no knowledge of a letter dated 13 January 2020.</p>
4.	<p>19/01507/OUT - Outline for the erection of a dwelling and formation of access - 48 Twitchen Holcombe Rogus Devon.</p>
5.	<p>19/01700/FULL - Erection of dwelling and formation of access (Revised Scheme) - Southertons Farmhouse Westleigh Tiverton.</p>

AGENDA REPORTS	
1.	<p>19/00118/MOUT - Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane - Land at NGR 301216 106714 (West of Siskin Chase) Colebrooke Lane Cullompton.</p> <p>1) A letter from the agent has been received as follows:</p> <p>Section 5.0 on pg75 is states as follows:</p> <p><i>“Consultation responses from Devon County Council Highway Authority and MDDC Public Health do not raise an objection to the application, however this is based on it making financial contribution towards the delivery of the relief road. The traffic assessment provided with the application indicates the additional traffic generation that is expected to arise as a direct result of this development including additional traffic movements between the site and the M5 motorway junction 28 and the town centre. The development will therefore increase traffic through the town centre, the impact of which on air quality will be mitigated via financial contribution towards the relief road in accordance with the policies set out above.”</i></p> <p>The text highlight above is factually incorrect and is misleading.</p> <p>Neither County Highways nor MDCC Public Health have requested a contribution towards the relief road.</p> <p>The Public Health response (copy attached) confirms that air quality impact form the scheme is not significant. Moreover, it has been agreed with County Highways that no off-site infrastructure improvements are required to make the development acceptable in Highway terms and it is also agreed that the proposed development could come forward in terms of capacity and safety, in accordance with the Planning inspectors decision relating to Increased traffic set out in relation to application 16/01811/OUT and Appeal decision APP/Y1138/W/17/3172380 without the Town Centre Relief Road (para 5.3 of the attached SoCG refers).</p>

The factual position seems to be correctly recorded at para 2.1 of the report which states as follows:

“Since the application was last considered by Planning Committee, the Council has produced its proposed main modifications which were approved for public consultation by Council on 4th December 2019. Within that document (MM35 and MM36), it proposes that the contingency status of the site has been removed in response to the Inspectors Post Hearing Advice Note, with the site instead becoming an allocation. In addition, Devon County Council has advised the timing of the development of the site is not dependent on the Cullompton Town Centre Relief Road coming forward as long as financial contributions are made towards the delivery of the relief road. As a result of this document being approved for public consultation by Council, some weight can be attributed to the document as a material consideration in the determination of this application.”

Section 5.0 of the report should be corrected to reflect the factual position.

- 2) Photos have been received from a resident (forwarded to members of the planning committee by email) showing Colebrooke Lane after a period of rain

S106 UPDATE:

Officers have had the viability information submitted by the applicant, independently assessed and this has included the services of a Quantity Surveyor. They are satisfied that the case put forward by the applicants is robust. On this basis, the scheme cannot viably support 35% affordable housing and the £1.8 million s106 package set out on page 69 of the agenda.

The applicants have put forward 3 proposed s106 packages as follows:

- a) No affordable housing and the full £1.8m financial package
- b) 28% affordable housing (which is emerging policy compliant) and £318,015 OR;
- c) 20% affordable housing and £660,030

Members will be aware that MDDC have received Housing and Infrastructure Funding (HIF) for the provision of the Cullompton Town Centre Relief Road (TCRR). The terms of the funding include that MDDC ‘use all reasonable endeavours’ to recover the cost of the road from development. Therefore Officers have requested that the applicant puts forward a s106 package which includes £787,500 (£7500 per dwelling) towards the TCRR with a lower percentage of affordable housing provision. On this basis, there would be no provision for the development to contribute towards items iii) – vii) as set out on the agenda (which includes education provision, bus service improvement and NHS funding)

The Planning Inspectorate have set a deadline of 13th February for the submission of a signed s106.

REVISED RECOMMENDATION:

- 2) **That delegated authority is given to the Head of Planning, Economy and Regeneration to secure the necessary s106 requirements with the provision of a financial contribution towards the Cullompton Town Centre Relief Road being prioritised at £7,500 per dwelling (£787,500) and the provision of affordable housing being between up to 20% (figure to be confirmed by verification of applicants viability submission) with a split of 75% affordable rent and 25% shared ownership**

NOTE: Members are advised that as a result of the revised recommendation set out above, the items from page 69 of the agenda would no longer form part of the s106 agreement are highlighted red below, those items which will form part of the s106 are highlighted green and those items amended but included in the s106 are highlighted blue, as follows:

	<p>i) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority</p> <p>ii) Financial contribution of £7,500 per dwelling towards the provision of the Cullompton Town Centre Relief Road</p> <p>iii) A financial contribution towards delivery of the new primary school of £4004.75 per dwelling, (equating to £420,498.00 for 105 dwellings).</p> <p>iv) A financial contribution towards secondary education facilities of £345,255.00 (based on 105 dwellings and the DfE extension rate of £21,921 per pupil).</p> <p>v) A financial contribution towards Early Years provision for 2, 3 and 4 year olds of £26,250 (based on 105 dwellings at £250 per dwelling).</p> <p>vi) A financial contribution of £135,000.00 towards the maintenance/provision/improvement of the bus service</p> <p>vii) A financial contribution of £1457.32 per dwelling to the Royal Devon and Exeter NHS Foundation Trust towards maintaining service delivery during the first year of occupation of each unit of the accommodation in the development.</p> <p>viii) Implementation and monitoring of a Travel plan</p> <p>ix) Provision of public open space, allotments and play areas on site.</p> <p>x) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.</p>
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