

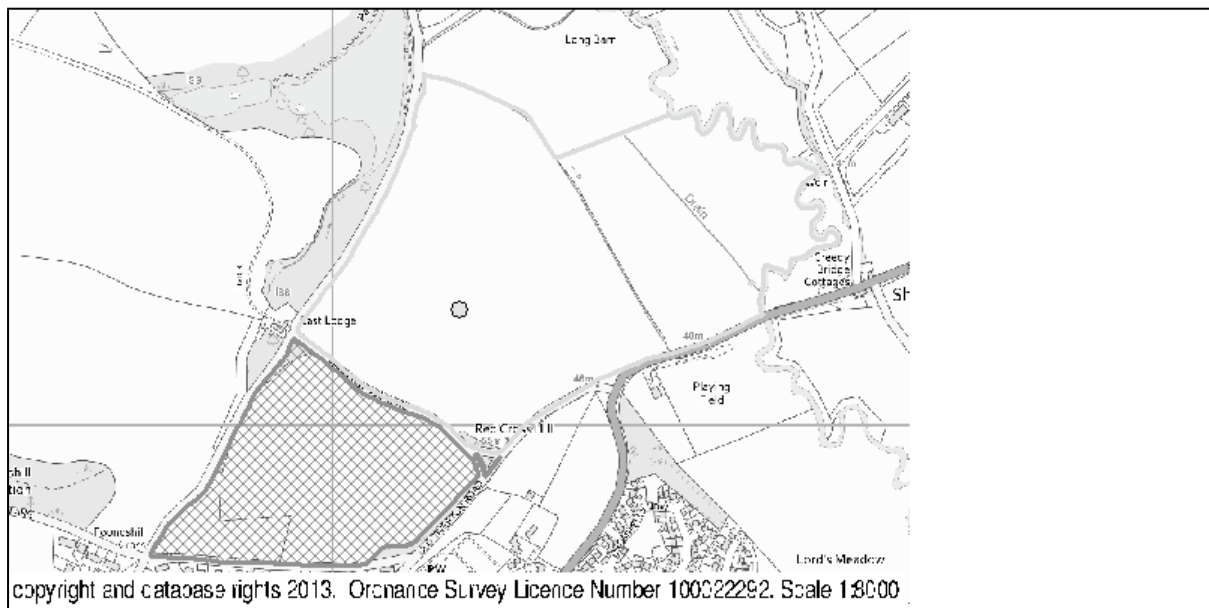
Grid Ref: 100951 : 284007

Applicant: Messrs T Turner, S Turner, R. Turner, B Stamp & O Taylor

Location: Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon

Proposal: Residential development of up to 257 dwellings and up to 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations

Date Valid: 6th March 2017



AGENDA ITEM

**PLANNING COMMITTEE
23 September 2020**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/00348/MOUT - RESIDENTIAL DEVELOPMENT OF UP TO 257 DWELLINGS AND UPTO 5 GYPSY AND TRAVELLER PITCHES; 8.6 HECTARES OF LAND MADE AVAILABLE TO FACILITATE THE RELOCATION OF CREDITON RUGBY CLUB; UP TO 1.1 HECTARES OF LAND SAFEGUARDED FOR THE DELIVERY OF A PRIMARY SCHOOL; ACCESS ARRANGEMENTS FROM A3072 (EXHIBITION WAY); PEDESTRIAN AND CYCLE ACCESS ON TO POUNDS HILL/STONEWALL CROSS JUNCTION, OLD TIVERTON ROAD AND PEDLERSPOOL LANE; LANDSCAPING AND AREA OF PUBLIC OPEN SPACE; AND OTHER ASSOCIATED INFRASTRUCTURE AND ENGINEERING OPERATIONS - LAND AT NGR 284185 101165 (CREEDY BRIDGE) CREDITON DEVON

Reason for Report:

To consider recent material considerations to the above planning application in order for Members to confirm whether the resolution made by Members of the Planning Committee on the 19th September 2018, which was for planning permission to be granted subject the prior signing of a S106 agreement, remains the same view for Members. In addition to this, to consider revisions to the wording of two of the Heads of Terms of the S106 agreement and the associated S106 implications from these proposed revisions.

RECOMMENDATION

That the previous resolution to approve subject to the signing of a s106 agreement with amendments as previously agreed be reaffirmed and the planning application determined on this basis, including the revisions to the s106 agreement as set out in paragraph 3.1 be agreed and a S106 agreement be entered into in line with the proposed revisions.

Relationship to Corporate Plan:

Financial Implications:

None in connection with the planning considerations of the proposed revisions through the weight and reference now to be given to policies within the Mid Devon Local Plan Review 2013-2033 with the exception of the Council's legal costs of entering these revisions into the S106 agreement.

Legal Implications:

A S106 agreement would need to be entered into in order to allow outline planning permission to be issued for both Mid Devon Council and Devon County Council.

Risk Assessment:

There is a need for Members to consider the material considerations which have occurred since the initial resolution to approve such as the status of the Local Plan Review and

objection received from the Devon Gardens Trust. Otherwise any planning permission decision issued could be challenged.

Equality Impact Assessment:

Whilst the proposals include the delivery of Gypsy and Traveller pitches either on site or off site, it is not considered that the proposed development will have any impact upon equality matters, as the proposal is to result in the delivery the required pitches.

Relationship to Corporate Plan:

Homes Aim 2 – Facilitate the housing growth that Mid Devon needs, including affordable housing

Community Aim 1 – Support local communities to retain and develop their local facilities and services.

Impact upon climate change:

No climate change issues are identified arising from this report.

1.0 BACKGROUND

1.1 This outline planning application was considered at Planning Committee on the 19th September 2018. As stated within the minutes of that meeting, Members considered the proposed development in light of a number of planning matters with the eventual resolution being that planning permission be granted subject the prior signing of a S106 agreement to secure:

1. The safeguarding of a 1.1ha site for a Primary School, and agreement for the land to be transferred to Devon County Council prior to the commencement of any development.
2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community, and the following provisions regards delivery and operation:
 - i. A scheme for the detailed setting out of the 5 gypsy and traveller pitches to be submitted and approved by the occupation of 110th dwelling (i.e. 43% completion); and
 - ii. Gypsy and traveller pitches to be laid out by 193rd occupation (i.e. 75% completion).
3. 56 units of affordable housing. The precise tenure and mix of unit sizes to be specified as follows: 40% Discounted housing and 60% Affordable Housing for rent, and with a property size requirement as follows: 1 bed 10%, 2 Bed 50%, 3 Bed 35% & 4 Bed 5%.
 - A phasing plan to manage the delivery of the affordable housing units.
 - Cascade arrangements as set out in the Devon Home Choice policy framework
4. The safeguarding of 8.6ha of land for the relocation of the Crediton Rugby Club, and agreement for the land to be transferred to Rugby Club prior to the commencement of any development, or another date to be confirmed by the Rugby Club.

5. The setting up of a management company for the long-term management and maintenance of all communal areas including any parking courts, landscape, public open space and children's play areas.
6. Sustainable Travel Measures (to include a public transport contribution, a contribution to undertake improvements to existing PROW network and the provision of travel plan vouchers for future occupiers of the 257 houses) - £955,900.00. To be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
7. Primary Education - £13,652 per pupil (63 pupil spaces required) to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
8. Early Years Education - £250 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
9. Primary Special Needs - £141 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
10. Healthcare provision - £363 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
11. Off-site highway works as follows:
 - Access arrangements from A3072 (Exhibition Way);
 - Pedestrian and cycle access on to the Pounds Hill / Stonewall Cross Junction, Old Tiverton Road and Pedlarspool Lane; and provision of passing places along Stonewall Lane.

With conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R B Evans)

- 1.2 During subsequent negotiations over the wording of the s106 agreement matters were held up firstly relating to the provision of the five gypsy and traveller site pitches on site, secondly to the safeguarding of part of the site for the relocation of the rugby club and finally from negotiations undertaken with Devon County Council relating to the provision of the primary school. As a result revisions were requested only to the wording of planning obligations 1, 2 and 4 which relate to these matters so that they would read as follows:

1. The safeguarding of a 1.1ha site for a Primary School and obligations securing the transfer of said site to Devon County Council if required by the County Council within an agreed time period running from Commencement of Development and expiring 5 years after any Commencement on the western development parcel.

2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community or (if approved by the Council pursuant to the approved scheme) provision of a site with equivalent capacity off-site (or the expansion of an existing Gypsy and Traveller Site) and the following provisions regards delivery and operation:

Prior to Occupation of more than 75% of Dwellings:

- (i) Provision of 5 serviced pitches on-site prior to Occupation of more than 75% of Dwellings; OR
- (ii) If approved by the Council in writing (having regard to criteria under DM7) provision of 5 serviced pitches off-site (new site or extension to existing) OR provision of land off-site and contribution of £500K for Council to deliver.

Prior to Occupation of more than 43% of Dwellings:

- (i) Submission and approval of scheme confirming which of the above options is proposed

Cascade:

If offer the pitches/site (whether on or off site) to RP's for more than 12 months (and then Council) for nominal consideration and Owner is unable to find party willing to contract to take the G&T site then Owner may opt instead to discharge obligation through the provision of 5 extra Affordable Housing Units (either on the G&T site pursuant to new full application for said land or elsewhere within the Development). Mix of said units to be 60/40 rented/intermediate as per existing Affordable Housing units.

4. The safeguarding of 8.6ha of land shown edged [] on Plan x appended hereto for the relocation of the Crediton Rugby Club and provisions requiring:

- said site to be transferred to the Council or its nominee (i.e. the Rugby Club) if called for within a period expiring at the date 15 years from the grant of the planning permission; and
- the provision of a suitable temporary and permanent access road to the boundary of said site.

- 1.3 At Planning Committee on the 12th February 2020, Members agreed these revisions to the s106 agreement as set out in officer report and that delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with Chairman and Vice Chairman of the Planning Committee and local Ward Members to allow minor changes to wording of planning conditions as reported within the committee report to allow for a phased approach to development across the site. (Proposed by the Chairman).

2.0 MATERIAL CONSIDERATIONS SINCE THE INITIAL RESOLUTION OF MEMBERS TO APPROVE REQUIRING FURTHER ASSESSMENT

- 2.1 On 26th June 2020, Mid Devon District Council published the Inspector's Report on the Mid Devon Local Plan Review. The Inspector concluded that the Local Plan is 'sound' subject to a number of main modifications being made. The Mid Devon Local Plan Review, taking account of the Inspector's conclusions, was adopted at the meeting of full Council on the 29th July 2020 and therefore policies of the previous Local Plan are now superseded by those within the Mid Devon Local Plan Review 2013-2033.
- 2.2 The Mid Devon Local Plan Review 2013-2033 is therefore now the starting point for planning decision making. The previous Development Plan Policies, which related to this development and were included in the previous officer report, are shown below

and the policies within the Mid Devon Local Plan Review 2013-2033, which replace these, are provided underneath:

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR15 - Crediton

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/DE/1 - Housing Plan, Monitor and Manage
AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision
AL/CRE/8 - Crediton Air Quality
AL/CRE/12 – Pedlerspool, Exhibition Road – included as a contingency site, in accordance with policy AL/DE/1.

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM27 – Heritage Assets

Mid Devon Local Plan Review (2013 – 2033)

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S4 - Ensuring housing delivery
S5 - Public open space
S8 - Infrastructure
S9 - Environment
S12 - Crediton
CRE5 – Pedlerspool, Exhibition Road
CRE11 Crediton Infrastructure
DM7 – Traveller sites
DM25 - Development affecting heritage assets

- 2.3 With the adoption of the Mid Devon Local Plan Review 2013-2033 housing figures are reset and the Council are able to demonstrate conclusively a five year housing land supply with the site at Pedlerspool off Exhibition Road being an allocated site under Policy CRE5. This policy states that:

‘A site of 21 hectares at Pedlerspool, Crediton, is allocated for residential development subject to the following:

- a) 200 dwellings with 28% affordable housing including at least five pitches for gypsies and travellers;
- b) A serviced site of 1.1 hectares for a new primary school with early years provision and children’s centre service delivery base;
- c) A suitable site for the relocation of Crediton Rugby Club;

- d) A phasing strategy, which ensures that sites for the sports pitches, affordable housing and gypsy and traveller pitches, are delivered broadly in step with the housing development, and the school is transferred to the local education authority at a timetable agreed with Devon County Council
- e) Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- f) The protection of the setting of Creedy Historic Park and Garden and the wider area, including the upper slopes to south and west for Green Infrastructure and landscaping;
- g) Facilitation of access to local bus routes via sustainable travel modes including possible extension of service;
- h) Provision of suitable access arrangements from the A3072 and appropriate highway improvements along Stonewall Lane and Old Tiverton Road;
- i) Improved access to the town centre for pedestrians and cyclists;
- j) Protection and enhancement of trees subject to Tree Preservation Orders within and adjoining the site; and
- k) An archaeological investigation and mitigation scheme.'

- 2.4 The original policy for the allocation of this site allowed contingency sites to come forward subject to delivery rates when considered under policy AL/CRE/12. At the time the application was submitted housing delivery was not being met. The site is now an allocated site in the Mid Devon Local Plan Review 2013-2033. Matters in relation to housing numbers, affordable housing provision, rugby club, heritage and sustainable travel options reflected in both sets of policies for the Local Plan and that of the Local Plan Review have been considered and discussed with officers and the principle of the development is still considered to be supportable, being in accordance with policy CRE5.
- 2.5 It should be noted that whilst the policy states a development of 200 dwellings, this number is considered to represent a minimum with the residential development of 257 dwellings previously being considered to be acceptable in this location. The final details will be provided as part of future reserved matters applications but in relation to density in particular, this was addressed in the officer report dated 19/09/18 and that the 30 dwelling per hectare proposed is considered to be in accordance with policy. The 28% affordable housing requirement was subject to viability and it has been demonstrated and considered by the Council that the 24% provision is justified taking into account other requirements including school, rugby club and gypsy and traveller provision.
- 2.6 In addition to the weight now to be given to policies within the adopted Mid Devon Local Plan Review 2013-2033, Members need to consider an objection recently received from the Devon Gardens Trust on the 30th April 2020 noting that the Council did not consult the Gardens Trust on the above application as is required for a statutory consultee given that the application affects the setting of Shobrooke Park and Creedy Park, both of which are historic designed landscapes of national importance. Shobrooke Park is included by Historic England on the *Register of Parks and Gardens of Special Historic Interest* at grade II. Creedy Park is included on the Devon Gazetteer of Parks and Gardens of Local Historic Interest.
- 2.7 The full written objection can be viewed on the planning file but in summary, Devon Gardens Trust (DGT) state that the three parks (Creedy Park, Shobrooke Park and the historic designed landscape of Downes) were developed over a similar period in the C18 and C19 in the English landscape style with later Victorian elements. A key feature of these parks is their inter-visibility in that they were designed to 'borrow' each-others' landscapes enhancing the vistas within each. This group value of three

gentry landscapes is unusual and has already been compromised by development in the Lords Meadow area. Further development incursion would erode the historic, geographic and social significance of the parks irrespective of its impact on the setting of Crediton itself.

- 2.8 The DGT review links to the relevant paragraphs within the National Planning Policy Framework 2019 (NPPF), which state that Heritage assets are an irreplaceable resource, and should be conserved *‘in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’* (paragraph 184). NPPF paragraph 193 states *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’* NPPF paragraph 194 states *‘Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification’.* NPPF para 195 states *‘Where a proposed development will lead to substantial harm to... a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm... is necessary to achieve substantial public benefits that outweigh that harm.’*
- 2.9 The Devon Gardens Trust therefore consider that there is no justification for the proposed development in terms of the historic landscape. The NPPF defines ‘conservation’ as the process of managing change to a heritage asset in a way that ‘sustains, and where appropriate, enhances its significance.’ The proposal has been brought forward without a full appreciation of the significance of the historic designed landscapes of Creedy Park and Shobrooke Park and their setting. The proposed development would cause substantial harm to the significance of heritage assets and therefore should not be permitted.
- 2.10 Historic England through consultation of the planning proposal responded to the proposals raising no objection as shown within the officer report. Having reviewed the officer report to Members of the Planning Committee in September 2018, within the Consultation Section, in addition to those views of Historic England, the response of the Conservation Officer was as follows:
- ‘LPA Conservation Area Officer: No objections are raised – 25th July 2017. The boundary of the edge of the new housing on its eastern side adjacent to Shobrooke Park has been set back to respond to the concerns as initially raised.’*
- 2.11 Within the main considerations section of the officer report, the local context was discussed with the statement made that *‘There are no heritage assets (listed buildings and/or SAMs) within the Site. Creedy Park and the coach house building (referred to as East Lodge) and other associated buildings which are grade II listed sits adjacent to the site on western boundary. The Park is on the Devon Local Register of locally important parks and gardens. To the east of the Site there are several Grade II Listed buildings located in and around the Shobrooke Park Grade II listed Registered Park and Gardens. The Site is identified within the Yeo, Culm and Exe Lowlands Landscape Character Area. Generic qualities for the area relate to the rivers (Yeo and Creedy) meandering through the landscape within wide floodplains. Fields are generally medium to large and semi-regular in shape divided by thick often flower rich hedgerows, hedgerows sometimes hedgerow trees, and these are clearly applicable to the application site. In terms of the Character types as identified in the Mid Devon’s Landscape Character Assessment (2011) the majority of the eastern development area falls with the Sparsely Settled Valley Floors character type, and*

the western area is either not classified or falls within the Lowland Plains character type.'

- 2.12 The officer report then goes on to assess the Heritage impacts of the development stating *'In terms of how the development would affect the setting of the Heritage assets, as stated above the scope of the development area on the site was plotted in order to seek to deliver an acceptable relationship in terms of how the development would affect the setting of the various heritage assets within the vicinity of the site and as described above. Following further analysis at the planning application stage, including consideration of Heritage Statement(s) submitted by the applicant, the scope of the buffer on the eastern boundary (adjacent to the external boundary of the proposed new housing development area) has been increased at the request of the Council's Conservation Officer as now shown on the indicative masterplan. The reasoning for this is to provide an additional buffer on this side of the site to afford an improved relationship and setting with Shobrooke Park. With these changes to the scope of the development area the separation distance between the new areas of built form and the affected assets are considered to be acceptable. Although the degree of harm to the affected heritage assets arising from the delivery of development on this allocated site is considered to be less than substantial it still must be given considerable weight in the decision making process. Further consideration of this level of impact is taken into account as part of the overall planning balance that is considered at section 8 of this report.'*
- 2.13 Following receipt of the objection from DGT, the applicant responded to express their view that they disagree with the continued assertion that the parkland settings were intentionally designed to work alongside each other. They highlighted the fact that the Historic England assessment made no such judgement with the statement made that *'any apparent visual association with the Grade II-Registered landscape at Shobrooke and the historic landscape at the Downes gives good local interest but is not sufficient to raise the level of interest to that required for national designation'*. The applicant's Heritage Consultant also commented that no substantial harm to the significance of the [the three identified] heritage assets and that in their view the planning authority have made an appropriately considered, sufficiently informed and sound decision in regard to the consented outline application in regard to heritage considerations.
- 2.14 In light of the objection received from the DGT, the Council's Conservation Officer (who is different to that of the Conservation Officer who commented originally) was asked to consider the objection and provide their comments. The following response was received:
- 'I consider the Garden Trust have identified proper concerns that the Parkland settings of the respective Country Houses were designed intentionally to work alongside each other rather than being purely fortuitously interrelated and this would concur with Historic England's assessment that the group have good local interest.*
- However it appears that these setting concerns were considered by the previous Conservation Officers comments that there would be some harm to the setting however this was balanced in the planning report.*
- I note that the current application is purely outline with access only under consideration and that the concerns that exist with the illustrative layout of development and detailed landscaping can be dealt with, in appropriate detail in the Reserved Matters of Design, Layout and Landscaping to follow.'*

- 2.15 With respect to the objection received from the Devon Gardens Trust to this application, it is interesting to note that no objection was received through the Local Plan consultation on the allocation of this site for development even though DGT was formally consulted. The Local Plan Historic Environment Appraisal noted *'In terms of the consideration of Shobrooke and Creedy Parks, the assessment is as follows:*

The site adjoins the registered park of Creedy park and is near to Shobrooke Park too. These parks would be visible from within the site and from the parks to the site. There is potential for harm to designated heritage asset by changing what is currently a rural landscape to a developed area. This change in appearance could have a strong impact on the quiet rural setting of the Creedy registered park. The proposal includes a mitigation strip on the north eastern and south western sides that will help reduce impact on Creedy Park. But the north west boundary, due to its close proximity, is also vulnerable to harm. Imposition of a mitigation strip of new tree planting along the full length of this boundary will reinforce the existing screening provided by trees on the edge of Creedy Park. The strong tree lined boundary running along the SE boundary of Creedy should be maintained. As for the relationship to Shobrooke Park the mitigation margin as proposed for CRE2 should be designed to ensure there is no adverse impact in that direction from this development proposal by provision of an appropriate landscape buffer. The likely level of effect is recorded as Amber'.

- 2.16 Therefore in summary, having considered the wording for policy DM27 of Local Plan Part 3: Development Management Policies and policy DM25 of the Mid Devon Local Plan Review 2013-2033, although the degree of harm to the affected heritage assets arising from the delivery of development on this allocated site is considered to be less than substantial it still must be given considerable weight in the decision making process. Further consideration of this level of impact has been taken into account as part of the overall planning balance.
- 2.17 In terms of effects on landscape character, whilst the proposed development would introduce additional influences of built form into the currently undeveloped site, this would be in the context of a prominent settlement edge and associated infrastructure. These factors limit the sensitivity, remoteness and tranquillity of the site. Whilst the fields would be partially replaced by built form, a sensitive and considered approach to the layout and landscape structure is proposed, including retaining an area of publicly accessible open space and enhancing the setting of the River Creedy corridor.
- 2.18 Assessment of other matters have not identified any other adverse impacts that would arise from the number of dwellings proposed in conjunction with the other land-uses which cannot be satisfactorily mitigated. The scope of the community benefits associated with the application scheme are listed as follows: up to 56 affordable homes, a site to accommodate 5 gypsy / traveller pitches, a new home for Crediton Rugby Club and a site to deliver a new primary school in the Town. Therefore it is considered that paragraph 11 of the NPPF also lends support to the application, in terms of the uplift in the number of residential units proposed, given that the scope of community benefits that are to be delivered are considered.

3.0 **THE PROPOSED REVISIONS TO THE WORDING AND ASSOCIATED IMPLICATIONS**

- 3.1 The proposed changes to the planning obligations Heads of Terms (HoT) 2 and 4 are as follows:

2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community or (if approved by the Council pursuant to the approved scheme) provision of a site with equivalent capacity off-site (or the expansion of an existing Gypsy and Traveller Site) and the following provisions regards delivery and operation:

- *The Owners are not to occupy more than 43% of the Dwellings until a Traveller Pitches Scheme has been approved by the Council. The Traveller Pitches Scheme will set out*
 - i) *The location of the Traveller Pitches Site which are 5 pitches and whether they are off-site, on-site or an off site extension (to an existing AHP) site.*
 - ii) *The specification for the Traveller Pitch Works including for each Serviced Pitch providing and building an Amenity Building, a Hardstanding Area sufficient to accommodate, a large trailer, a, touring caravan and parking spaces for two vehicles (2.4m x 4.8m) with the balance of the pitch seeded to grass*
- *In deciding whether to approve a Traveller Pitches Scheme which has off-site Traveller Pitches Site, or an extension of an existing Traveller Pitches Site the Council has regard to Policy DM7*
- *Before the occupation 75% of the development the owner has to complete the Traveller Pitch works to the Traveller Pitches Site and in the case of an on-site or off-site Traveller Pitches Site to transfer the Traveller Pitches Site to an affordable housing provider or the Council for sale price of a £1. There is a fall-back position that if the Council refuses to take the site after completion the developer can develop the rest of the dwellings.*
- *The owners covenant not to use the Traveller Pitches Site other than for a site for Travellers and Gypsies, to maintain the site once completed and not to sell it other than for £1.*

4. The safeguarding of 8.6ha of land shown edged [] on Plan x appended hereto for the relocation of the Crediton Rugby Club and provisions requiring:

- *said site to be transferred to the Council or its nominee (i.e. the Rugby Club) if called for within a period expiring at the date 10 years from commencement of the development on site; and*
- *the provision of a suitable temporary and permanent access road to the boundary of said site.*

3.2 The second head of term relates to the provision of 5 pitches for the Gypsy and Traveller community. Further to ongoing discussions with the applicant, the proposed change to the wording within the Heads of Terms is to finalise the trigger points for delivery and mechanisms to ensure delivery either provided by a registered provider or for the applicant to provide to the Council for a nominal fee of £1 to provide a site with fully laid out pitches for use by Gypsy and Traveller Community.

3.3 In respect to the fourth Head of Term relating to the safeguarding of a site for Crediton Rugby Football Club, further to ongoing discussions with the applicant and the Rugby Club, in order to safeguard the site for the rugby club relocation, a timeframe of 10 years following the commencement of development on site has been agreed to, in order to allow for the rugby club to work on an application to obtain outline planning permission for residential development on their current site which would allow for the finances to purchase the site at Pedlarspool for a fixed recreation land value and to submit an application for a new clubhouse and playing facilities. Therefore the revisions to the wording for this Head of Term are considered to be

acceptable as this inclusion takes into account the legal advice received over the interpretation of policy.

4.0 CONCLUSIONS

- 4.1 It is considered that the Devon Garden Trust response and the material considerations do not outweigh the previous resolution by Members to approve the proposed development subject to the signing of a S106 agreement. There is no objection to the proposed changes to the Heads of Terms from a planning perspective which are intended to result in the same outcome of safeguarding areas of the site for the relocation of Crediton Rugby Football Club and the delivery of 5 gypsy and traveller pitches within the district, in line with the Local Plan Review policies. Members may also recall that the resolution was made to delegated authority to the Head of Planning, Economy and Regeneration to allow minor changes to wording of planning conditions as reported within the previous committee report to allow for a phased approach to development across the site is also considered to be in line with government guidance.
- 4.2 Therefore the recommendation remains that planning permission be granted subject the prior signing of a S106 agreement to secure:
1. The safeguarding of a 1.1ha site for a Primary School and obligations securing the transfer of said site to Devon County Council if required by the County Council within an agreed time period running from Commencement of Development and expiring 5 years after any Commencement on the western development parcel.
 2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community or (if approved by the Council pursuant to the approved scheme) provision of a site with equivalent capacity off-site (or the expansion of an existing Gypsy and Traveller Site) and the following provisions regards delivery and operation:
 - The Owners are not to occupy more than 43% of the Dwellings until a Traveller Pitches Scheme has been approved by the Council. The Traveller Pitches Scheme will set out
 - i) The location of the Traveller Pitches Site which are 5 pitches and whether they are off-site, on-site or an off site extension (to an existing AHP) site.
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 - In deciding whether to approve a Traveller Pitches Scheme which has off-site Traveller Pitches Site, or an extension of an existing Traveller Pitches Site the Council has regard to Policy DM7
 - Before the occupation 75% of the development the owner has to complete the Traveller Pitch works to the Traveller Pitches Site and in the case of an on-site or off-site Traveller Pitches Site to transfer the Traveller Pitches Site to an affordable housing provider or the Council for sale price of a £1. There is a fall-back position that if the Council refuses to take the site after completion the developer can develop the rest of the dwellings.

- The owners covenant not to use the Traveller Pitches Site other than for a site for Travellers and Gypsies, to maintain the site once completed and not to sell it other than for £1.
3. 56 units of affordable housing. The precise tenure and mix of unit sizes to be specified as follows: 40% Discounted housing and 60% Affordable Housing for rent, and with a property size requirement as follows: 1 bed 10%, 2 Bed 50%, 3 Bed 35% & 4 Bed 5%.
 - A phasing plan to manage the delivery of the affordable housing units.
 - Cascade arrangements as set out in the Devon Home Choice policy framework
 4. The safeguarding of 8.6ha of land shown edged [] on Plan x appended hereto for the relocation of the Crediton Rugby Club and provisions requiring:
 - said site to be transferred to the Council or its nominee (i.e. the Rugby Club) if called for within a period expiring at the date 10 years from the commencement of the development on site; and
 - the provision of a suitable temporary and permanent access road to the boundary of said site.
 5. The setting up of a management company for the long-term management and maintenance of all communal areas including any parking courts, landscape, public open space and children's play areas.
 6. Sustainable Travel Measures (to include a public transport contribution, a contribution to undertake improvements to existing PROW network and the provision of travel plan vouchers for future occupiers of the 257 houses) - £955,900.00. To be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
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 11. Off-site highway works as follows:
 - Access arrangements from A3072 (Exhibition Way);
 - Pedestrian and cycle access on to the Pounds Hill / Stonewall Cross Junction, Old Tiverton Road and Pedlarspool Lane; and provision of passing places along Stonewall Lane.

And the following planning conditions imposed:

1. Before any part 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 site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and they shall accord with the guiding principles as set out at section 5 of the Design & Access statement (March 2018) to support this outline application.
3. The development hereby permitted shall be begun either before the expiration of three 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 which have been approved, whichever is the latter.
4. The details required to be submitted by condition 1 for each development area shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with adjacent development areas.
5. For each phase of development hereby approved no development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic arrive at and depart from the site;
 - (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
 - (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste
 - (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
 - (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.
 - (i) Details of the amount and location of construction worker parking.Works shall take place only in accordance with the approved Construction Management Plan.
6. For each phase of development the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

7. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

8. No phase of the development hereby approved shall be commenced until a site compound and car park have been constructed to the written satisfaction of the Local Planning Authority. No part of the development hereby approved shall be occupied in an agreed phase until the following works have been provided in accordance with the agreed phasing programme:

- a) The access road and roundabout has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway;
- b) The footway on the public highway frontage required by this permission has been constructed up to base course level

9. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with the agreed phasing programme and in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority:

- a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- c) The cul-de-sac visibility splays have been laid out to their final level;
- d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

10. The developments and uses hereby approved shall not be occupied and/or brought into use until the works to the highway off-site and as shown on drawing no. PHL-02 rev F have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

11. No development shall take place on site until the first 20 metres of a construction access road is built and following this there will be no occupation of dwellings until such time as the off- site highways works for the provision of the access roundabout and new junction alignment for Old Tiverton Road as shown on drawing no PHL03 rev F have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

12. None of the dwellings hereby approved shall be occupied until the off-site highway works for the improvements to footways along Exhibition Road have been constructed, in accordance with a design specification which shall first have been

submitted to and approved in writing by the Local Planning Authority, and made available for use.

13. The developments and uses hereby approved shall not be occupied and/or brought into use until the off-site highway works for the provision of widening and passing bay provisions on Stonewall Lane between Pounds Hill have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

14. No development in relation to the proposed playing pitches and associated playing field area associated with the relocation of Crediton Rugby Club shall take place until a detailed design of the facilities proposed, including the proposed drainage facilities and fencing, have been submitted to and approved in writing by the Local Planning Authority beforehand. The design process is required to include an assessment of the ground conditions including a groundwater monitoring programme of the land area affected. The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

15. No phase of development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in relation to that phase. The development shall be carried out at all times in strict accordance with the approved scheme.

16. No part of each of the agreed phases of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system for each phase has been submitted to, and approved in writing by, the Local Planning Authority. The design of the permanent surface water drainage management system for each phase shall be in accordance with the principles of sustainable drainage systems, and the Flood Risk Assessment (dated 22nd February 2016 and 16th March 2018) documents submitted to support this application.

17. No part of each of the agreed phases of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by the Local Planning Authority.

18. No part of each phase of development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve each phase of the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. The agreed temporary surface water drainage management system for each phase must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

19. The development shall take place only in accordance with the recommendations of the Ecological Impact Assessment Report dated November 2016 and March 2018 submitted in support of this application.

20. Before each phase of development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all

receptors that may result. A full report of the investigation, risk assessment and any recommended remediation works including a timescale for completion shall be submitted to and approved in writing by the Local Planning Authority. Residential occupation of the site, or parts of the site affected by land contamination, shall not take place until the remediation works have been carried out in accordance with the agreed details.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and Country Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with policy DM1 of the Local Plan Review 2013-2033.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. To ensure the proper development of the site in accordance with policy DM1 of the Local Plan Review 2013-2033.
8. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents, in accordance with policies S8 and DM1 of the Local Plan Review 2013-2033.
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with policies S8 and DM1 of the Local Plan Review 2013-2033.
10. To minimise the impact of the development on the highway network in accordance with policy S8 of the Local Plan Review 2013-2033.
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12. To minimise the impact of the development on the highway network in accordance with policy S8 of the Local Plan Review 2013-2033.

13. To minimise the impact of the development on the highway network in accordance with policy S8 of the Local Plan Review 2013-2033.
14. In accordance with the requirements of policy CRE5 of the Local Plan Review and in order to ensure that the ground conditions in relation to the facilities are satisfactory in term of playing pitch provision.
15. In accordance with paragraph 141 of the National Planning Policy Framework (2012) and policy DM25 of the Local Plan Review 2013 – 2033 to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.
16. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems, in accordance with policies S9 and DM1 of the Local Plan Review 2013 – 2033.
17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with policies S9 and DM1 of the Local Plan Review 2013 – 2033.
18. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in in accordance with and policies S9 and DM1 of the Local Plan Review 2013 – 2033.
19. To ensure protected species are not harmed by the development in accordance with Policy DM1 of the Local Plan Review 2013 – 2033.
20. To protect future occupiers across the site from risk from contamination in accordance with Policy DM4 of the Local Plan Review 2013 – 2033.

Contact for any more information

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Background Papers

Committee Report and minutes relating to
planning application Planning Application
17/00348/MOUT

File Reference

17/00348/MOUT - Residential development
of up to 257 dwellings and up to 5 Gypsy and
Traveller pitches; 8.6 hectares of land made
available to facilitate the relocation of

Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations

Circulation of the Report

Members of Planning Committee