

APPLICATION 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 - LAND AT NGR 284185 101165 (CREEDY BRIDGE) CREDITON DEVON (2-05-03)

The Committee had before it a * report of the Head of Planning, Economy and Regeneration considering revisions to the wording of three of the Heads of Terms of the S106 agreement and the associated S106 implications from those proposed revisions. The resolution made by Members of the Planning Committee on the 19th September 2018 was for planning permission to be granted subject the prior signing of a S106 agreement, with the revisions sought relating to planning obligation numbers 1, 2 and 4 as outlined within the resolution. Delegated authority was also requested to allow minor changes to the wording of planning conditions in order to allow for a phased approach to development across the site.

The Area Team Leader informed the meeting of the contents of the update sheet which referred to an enquiry from Sandford Parish Council with regard whether S106 contributions towards improvements to the existing public rights of way could be used to deliver a footpath/cyclepath between the site and the village of Sandford.

He answered the questions posed in public question time

- With regard to what would happen to the land if the school was not progressed, then the land would go back to the applicant and further planning permission would be required.
- With regard to the policy allocation for 200 dwellings whereas the proposed development was for 257 which was considered due to viability in order to provide land for the rugby club. The 257 dwellings were granted planning permission in 2018, where it was noted that the viability appraisals did not include for this provision in the Heads of Terms.
- With regard to the rugby club and that they were being kept at arms length with regard to any discussions. He stated that officers had been in discussions with the rugby club with regard to the transfer of the land, the rugby club had wanted a nil or nominal rate; this had been clarified by Counsel's advice; the land would be safeguarded for the rugby club but would not be transferred at a nil/notional value.

The officer further explained and listed the Heads of Terms that required amendment (as identified in the report) and the delegated authority that was sought for the Head of Planning, Economy and Regeneration.

Consideration was given to:

- Clarification with regard to the safeguarding/transfer of land and the amendment that pre-commencement conditions be removed
- That maybe following delegation to the Head of Planning Economy and Regeneration consultation take place with the Chairman, Vice Chairman and Ward Members to make any changes to the wording of the planning conditions

- The views of the representative of Crediton Rugby Club with regard to how the club had supported the application on the basis that they would receive land; any transfer on terms discussed today would not enable the club to move. He asked that the application be reviewed in it's entirety so that all matters could be reconsidered.
- The views of the agent for the applicant with regard to the fact that amendments to the 3 Heads of terms would enable the development to be unlocked, the safeguarding of the land for a period of 15 years for the rugby club, the policy changes within the emerging Local Plan which had an impact on the Gypsy and Traveller site and that the flexibility within the S106 agreement would allow for the funding of the proposed cycle path.
- The views of the Chairman of Sandford Parish Council with regard to the vision of a footpath/cyclepath between the development and Sandford village
- The view of the representative from Upton Hellions Parish Meeting with regard to the financial package and the need for further consultation to benefit both the parishes impacted upon by the development.
- The views of the Ward Members with regard to the flexibility within the S106 to contribute towards a footpath between the development and Sandford Village. The need for consultation with the local communities, the need for community engagement, cycling/walking routes should be encouraged and flexibility within the S106 for sustainable travel.
- Clarification from officers that the cycleway could be formed from the flexibility within the S106 agreement
- The provision of the school on the site

RESOLVED:

a) That 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.

b) 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)

Notes:

i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant was known to her;

ii) Cllr F W Letch declared a personal interest as he had attended a presentation at the rugby club;

iii) Cllrs: E J Berry Mrs F J Colthorpe, Mrs C P Daw, Mrs C Collis, L J Cruwys, S J Clist, F W Letch, E G Luxton, D J Knowles, R F Radford, Mrs M E Squires , Miss E Wainwright and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from the applicant/agent;

iv) Mr Graves spoke on behalf of Crediton Rugby Club;

v) Mr Smith spoke as agent;

vi) The Chairmen of Sandford parish Council and Upton Hellions Parish Meeting spoke;

vii) Cllrs Mrs M E Squires and Miss E Wainwright spoke as Ward Members;

viii) The following late information was reported:

Sandford Parish Council has enquired whether S106 contributions identified towards improvements to the existing Public Rights of Way network could be used to deliver a footpath/cycleway between the Pedlerspool site (Creedy Bridge) to the village of Sandford.

Through a meeting with the Local Highway Authority it was explained that the S106 monies contained within the Heads of Terms have been allocated to identify projects and therefore changes at this late stage are not possible.

The scheme for the Sandford Path has not been worked up to a point to show exact costings involved with confirmation obtained by land owners but an alternative route of achieving this project following further work such as through the Boniface Trail (which has Cabinet support from Devon County Council) has been outlined to Sandford Parish Council.

Extract from officers report to highlight changes being proposed

3.1 The proposed changes to the planning obligations heads of terms 1, 2 and 4 are 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.