

## AGENDA ITEM

PLANNING COMMITTEE

DATE: 9<sup>TH</sup> MARCH 2016

### REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

#### TIVERTON EASTERN URBAN EXTENSION: CONSTRUCTION OF NEW HIGHWAY JUNCTION TO A361.

**Cabinet Holder** Cllr Richard Chesterton  
**Responsible Officer** Head of Planning and Regeneration

**Reason for Report:** To report back on investigations over whether revisions to the approved highway junction design for the new A361 junction can be delivered and the implications of the revised scheme.

**RECOMMENDATION:** That the report be noted.

**Relationship to Corporate Plan:** Planning decision making is relevant to key objectives within the Corporate Plan of thriving economy, better homes, empowering our communities and caring for our environment.

**Financial Implications:** Revisions to the junction design being sought by nearby residents have been estimated by Devon County Council as resulting in an additional cost of £3 million. The Local Enterprise Partnership has approved up to £7.5 million of funding towards the junction subject to there being no significant change to the scheme or its benefits. The increased cost of the scheme to accommodate the revisions sought by residents are likely to be viewed as a significant change and risk this funding being put in danger.

**Legal Implications:** Planning permission has been granted for the new A361 highway junction to serve new development on the Tiverton Eastern Urban Extension. Subject to discharging pre-commencement conditions, the applicant is able to build out the approved scheme.

**Risk Assessment:** The revisions sought to the design of the junction by residents are undeliverable in the absence of the necessary land, would delay the construction of the junction thereby extending the time development traffic from the first phase of development on the urban extension will use Blundell's Road and also place £7.5 million of funding support at risk. Delay in bringing forward development on this strategically important site will also reduce the ability of the Council to demonstrate a 5 year housing land supply.

## 1.0 INTRODUCTION.

- 1.1 Mid Devon's Core Strategy was adopted in 2007 and sets out a growth strategy that seeks to balance social, environmental and economic objectives and concentrates development within the main settlements of Tiverton, Cullompton and to a lesser extent Crediton and Bampton. The Core Strategy sets out an overall need for 340 dwellings per year, amounting to 6,800 dwellings over the 20 year plan period up to 2026. Important to achieving the level of development (both housing and employment) identified and adopted within the Core Strategy are two urban extensions: to Tiverton and Cullompton respectively.
- 1.2 The Allocations and Infrastructure Development Plan Document (AIDPD) was adopted in January 2010 following extensive public consultation and examination by

a Planning Inspector. It allocates sites for development in order to meet the Core Strategy's growth requirements. The area around Post Hill to the east of Tiverton is allocated for mixed use development in the AIDPD for between 1,550 to 2,000 dwellings and 95,000 to 130,000 square metres of employment floorspace.

- 1.3 As required by policy, a public masterplanning exercise of the site has been carried out resulting in the adoption of a masterplan in April 2014. This masterplan provides for 1550 dwellings and 30,000 sq m of employment floorspace within the urban extension. A further masterplan exercise for part of the site remains to be undertaken.
- 1.4 In order to support the new development and reduce impact upon the existing highway network, particularly Blundell's Road, a new highway junction is required onto the A361 North Devon Link Road. The need for a new junction is set out within the allocation policy for the site with the masterplan providing more indication of the type and location of the junction.

## **2.0 BACKGROUND: THE NEW A361 JUNCTION.**

- 2.1 A full movement, grade separated junction to the A361 east of Gornhay Cross is proposed to serve development at the Tiverton Eastern Urban Extension. Two separate planning applications were received and have since been granted for this junction:

**14/00667/MFUL** *Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier.* Applicants Chettiscombe Trust Estate & Waddeton Park Ltd.

This application was granted on 4<sup>th</sup> September 2014 and relates only to the first phase of works by providing slips roads on the southern side of the A361 only.

**14/01168/MFUL** *Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of houses on Uplowman road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's road with associated engineering works and landscaping.* Applicant: Devon County Council. Planning permission granted 31<sup>st</sup> October 2014.

This second application provides for two phases with the second phase introducing slip roads on the northern side of the A361. Together, the two phases provide for a full movement, grade separated junction. A plan of the layout of the junction is attached as **Appendix 1** to this report. A planning condition requires that construction start before 31<sup>st</sup> October 2016. Devon County Council is currently working on the detailed construction design of the junction, tender documents and will be commissioning the construction of the full access. The following timescales for construction are being worked to:

- Submission of information to satisfy pre-commencement planning conditions
- Technical start of work on site before end of October 2016 (likely August)
- Detailed design work, compilation of tender documents by October 2016
- Tender process starts October 2016

- Tenders back and assessed March 2017
- Tender award May 2017
- Construction start July 2017
- Completion September 2018

2.2 It is intended that the junction will be funded via both the development on the urban extension via S106 agreements and also via the Local Enterprise Partnership (LEP). Up to £7.5 million towards the scheme has been agreed by the LEP on a match funded basis.

2.3 At the time of the consideration of the planning applications, objections were received, primarily from the residents of approximately 10 dwellings closest to the junction. These properties are in Pool Anthony Drive and Uplowmand Road. Mitigation measures to reduce impact upon local residents form part of the approved scheme and include earth bunding, acoustic fencing and the resurfacing of a section of the link road with a quieter surface. The impact of the scheme upon local residents was considered in some detail as part of the planning application process. The impacts were judged to be acceptable and planning permission was granted.

2.4 The nearby local residents maintain objection to the proposed junction and suggested revisions to the design in order to reduce its impact upon their properties. At the time of granting planning permission for the junction, Planning Committee resolved that a letter be written to DCC Highways to request that the suggested design amendments from residents be given serious consideration to see if they are able to be incorporated into the junction scheme. A copy of this letter is attached at **Appendix 2**. This report sets out the outcome of these investigations, together with their deliverability.

### **3.0 THE RESIDENT REVISED DESIGN.**

3.1 The scheme revisions promoted by local residents seek to reduce the height of the southern slip roads and take them further from the property boundaries. This would allow for a reduction in the height of bunding and acoustic fencing. The roundabout connecting the new junction to the road connecting with Blundell's Road would need to move further west and the proposed overbridge across the A361 would be repositioned at a more acute angle. The scheme revisions sought by residents would also necessitate new retaining structure that does not feature in the approved scheme.

3.2 In order to meet the required height for the overbridge across the A361, the height of the roundabout on the western side is fixed. The change to the vertical alignment of the southern on and off slips as sought would require this roundabout to be moved some 70m further west in order for it to achieve the correct height for the overbridge. This would also change the angle of the overbridge across the carriageway to be at more of an acute angle and therefore require a longer bridging structure and amending the embankment to the north of the A361.

### **4.0 IMPLICATIONS OF THE CHANGES AND RISKS.**

- 4.1 Investigations into the scheme indicate that the implications of accommodating the revisions to the design are significant and also attract risk to the delivery of the new junction as a whole. The issues are summarised as follows:
- i) Moving the roundabout further west will take more land requiring the permission of the landowner. Without this additional land being made available the revised design is undeliverable. This is a fundamental issue.
  - ii) The revised roundabout position to the west will take it outside the red line planning application site boundary. A new planning permission would be needed for the works.
  - iii) It is understood from DCC Highways that the revisions to the design of the scheme, in particular the retaining structure and the longer bridging structure are estimated to add a further £3 million in total onto the construction costs of the junction.
  - iv) The movement of the roundabout further west will eat into land proposed for employment development. It is estimated that it would result in the loss of approximately 2,000 sq m of employment floorspace out of a current total of 30,000 sq m for the urban extension as a whole. A reduction in employment floorspace below 30,000 was resisted during the masterplanning process.
  - v) Existing planning permission (14/1168/MFUL) for the A361 junction requires development to be begun before 31<sup>st</sup> October 2016, or it will lapse. Devon County Council is currently working on a tight timescale in order to achieve a technical start on site before this date in order to preserve the permission. This requires the submission of information for the discharge of pre-commencement conditions well in advance of that date. Detailed design work and completion of tender documents are also required to be complete by October 2016 in order to inform the tender process. This leads towards a main construction start July 2017 with completion September 2018. Any redesign and new planning permission requirement for it would delay the delivery of the road.
  - vi) Up to £7.5 million towards the construction of the junction has been approved by the Local Enterprise Partnership's Local Transport Board. The approval for this funding is subject to there being no significant change to the scheme or its benefits between this stage (programme entry approval) and final approval. The benefits of the urban extension and the junction scheme include the economic growth from the provision of employment floorspace. This benefit would be reduced as a result of the proposed change to the design of the junction. The estimated additional £3 million cost is likely to be viewed as a significant change to the scheme. The increased cost and reduced employment floorspace result in a high risk that the LEP funding would be put in danger. In the absence of this funding the full movement, grade separated junction will either not be delivered, or require alternative funding that will take time to secure.
  - vii) Delay in the delivery of development on the Tiverton Eastern Urban Extension will reduce the ability of the Council to demonstrate the required 5 year housing land supply. This could lead to speculative housing applications elsewhere in the District that are unplanned and locationally less acceptable to the Council.
- 4.2 Extensive discussions have taken place between residents and the Devon County Council Highway Engineers that are drawing up the detailed junction design and are project managing its delivery. These discussions have looked in some detail at

whether the proposed revised scheme is capable of being implemented and its implications. The response from DCC Chief Engineer dated 28<sup>th</sup> January 2016 in reply to Planning Committee's request that the revision be given serious consideration is attached at **Appendix 3**. It sets out the findings of their investigation of the revised design and identifies several fundamental problems with its delivery.

4.3 The owner of the additional land needed to move the roundabout further west has confirmed that he does not intend to accommodate the changes to the scheme. As this land is not being made available, the revisions to the scheme are unable to be delivered. Irrespective of other concerns / project risks set out above, this alone means that the revisions cannot be taken any further.

## 5.0 CONCLUSIONS.

5.1 Junction design revisions suggested by local residents to reduce the impact upon them have been extensively investigated over the last 8 months or so. They have proved to be undeliverable and to also have significant implications upon project timescales, cost and funding support.

<b>Contact for any more information</b>	Head of Planning and Regeneration (Mrs Jenny Clifford) 01884 234346
<b>Background Papers</b>	Planning Committee 1 <sup>st</sup> April 2015
<b>File Reference</b>	14/00667/MFUL 14/1168/MFUL
<b>Circulation of the Report</b>	Members of Planning Committee, Cllr Richard Chesterton.