

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

**14/00881/MOUT – OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 700 DWELLINGS, 22,000 SQUARE METRES OF B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL AND NEIGHBOURHOOD CENTRE WITH ASSOCIATED ACCESS INCLUDING A LEFT IN LEFT OUT JUNCTION ON THE WESTBOUND A361 AND ACCESS AND EGRESS ON TO BLUNDELLS ROAD.**

**Cabinet Holder**

Cllr Richard Chesterton

**Responsible officer**

Jenny Clifford, Head of Planning and Regeneration

**Reason for Report:** In light of ongoing negotiations over this application post Committee, to consider several proposed amendments to the draft S106 and planning conditions as a result.

**RECOMMENDATIONS:**

- 1. To amend draft condition 10 to allow development to commence on site, up to and including the occupation of 270 dwellings (or the equivalent amount of employment floorspace in traffic generation terms north of Blundells Road), prior to the construction of the full A361 road junction and its opening for public use. Amended wording as follows:**

**10. ‘Either no more than 270 dwellings may be occupied on site or no employment floorspace over and above the amount (sq metres) equivalent to the occupation of 270 dwellings (equivalent in terms of traffic generation numbers) may be occupied on land to the north of Blundell’s Road until the construction and opening for public use of the full A361 road junction and the linking road to Blundell’s Road granted under permission 14/01168/MFUL (or as amended by a subsequent planning permission for this highway infrastructure)’.**

**Reason:** To ensure delivery of the full A361 road junction whilst ensuring adequate on site facilities are available for all traffic attracted to the site up to the specified amount of residential or employment development in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents and area in accordance with policy in National Planning Policy Framework’.

- 2. To amend the draft condition 11 to allow the construction and occupation of employment land north of Blundell’s Road without the need for the roundabout at the junction with Blundell’s Road. Amended wording as follows:**

**11. ‘No residential development hereby approved shall take place on land to the south of Blundell’s Road until the roundabout at the junction of**

**Blundell's Road with the link road hereby approved under permission 14/01168/MFUL (or as amended by a subsequent planning permission for this highway infrastructure) has been constructed and made available for use'.**

**Reason: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework'.**

- 3. To amend the draft S106 agreement allow a change in the mix of affordable housing tenure; to allow 60% affordable rent units and 40% intermediate units. Previous committee resolution to be amended as follows:**
  - i) 22.5% affordable housing on site to be provided for occupation on a 60% affordable rent and 40% intermediate tenure mix.**

**Relationship to Corporate Plan:** To ensure the delivery of key plans for Mid Devon, including a thriving economy, better homes, empowering local communities and caring for the environment.

**Financial Implications:** Benefits in bringing forward development more quickly to trigger the payment of contributions towards traffic and social infrastructure and to deliver housing that will assist the Council's 5 year land supply of housing sites.

**Legal Implications:** To update the previous committee resolution to ensure compliance and avoid risk of legal challenge.

**Risk Assessment:** The risks are set out in the main body of the report.

## **1.0 BACKGROUND.**

- 1.1** Application 14/00881/MOUT was submitted in outline and was for ' a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road – land east of Tiverton, south of A361, and both north and south of Blundells Road Uplowman Road Tiverton Devon'. Work towards the S106 agreement has and is on-going, seeking to resolve outstanding issues. A 'mini' S106 has now been completed relating to Blundell's Road traffic calming. Its engrossment has ensured that funding has been committed, by the applicant, to the Blundell's Road traffic calming scheme, whilst the remaining issues of the S106 are negotiated. It commits funding, prior to the start of the traffic calming works, scheduled for July 2016. The 'mini' S106 will sit beside the main S106 delivering the committee resolution.

1.2 At the meeting of 23<sup>rd</sup> April 2015, Planning Committee resolved to grant planning consent on land within the Tiverton Eastern Urban Extension for up to 700 dwellings and 22,000sqm employment floor space subject to the signing of a S106 and conditions (application 14/00881/MOUT). The full Committee resolution on Application 14/00881/MOUT is set out in **Appendix 1** of this report. Negotiations regarding the S106 have been on-going. It is as a result of these negotiations that this report presents proposed changes to the S106 and also certain draft conditions. The application has not yet received planning permission as the S106 is unsigned.

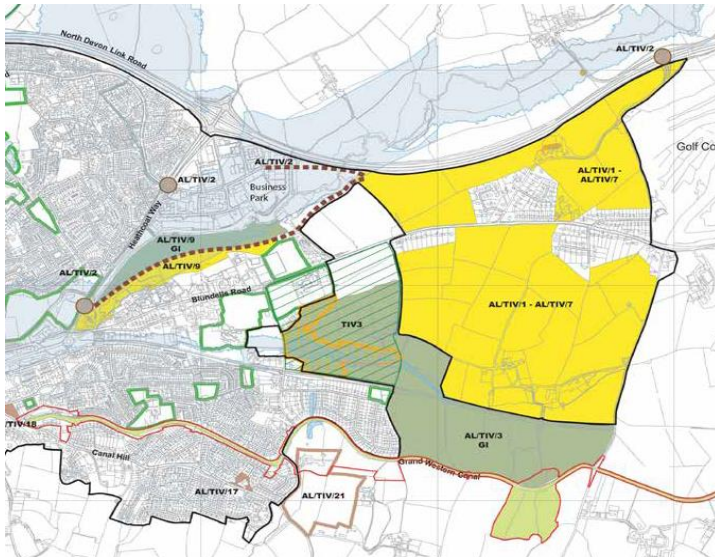
1.3 In considering this report it is brought to Members attention that following on-going negotiations focused around the S106 agreement further amendments to draft conditions which will be the subject of a further report to planning committee (August meeting). A variation of condition application relating to the A361 Road Junction permissions will also be required and will also be addressed within the same report in August. The main points will relate to:

- The community centre land;
- Timing of development;
- Connection from the land holding on Area A (Chettiscombe Trust land) to Area B.
- The second acoustic fence on the A361 road junction; and
- Timing for the completion of the planting on the A361 road junction

## **2.0 POLICY BACKGROUND.**

2.1 The Allocations and Infrastructure Development Plan Document (AIDPD) (adopted 2011) allocates sites for development. One such site is the 153 hectare mixed use site east of Tiverton, referred to as the Tiverton Eastern Urban Extension (EUE). This major strategic allocation reflects the approach of the Core Strategy to concentrate growth in Tiverton and Cullompton. Policy AL/TIV/1 of the AIDPD provides detail of its development:

- 1550 - 2000 dwellings, including a proportion of affordable housing.
- 95,000 - 130,000 sqm of employment floor space.
- Transport provision to ensure appropriate accessibility for all modes.
- Environmental protection and enhancement.
- Community facilities to meet local needs arising.
- Carbon reduction and air quality improvements.
- An agreed phasing strategy to bring forward development and infrastructure whilst retaining overall development viability.



Extract of development area from key diagram for Tiverton Allocations and Infrastructure Development Plan Document.

- 2.2 Policy AL/TIV/7 of the AIDPD outlines the need for the master planning of the site leading to the adoption of a Supplementary Planning Document. The Tiverton EUE Masterplan SPD was adopted by the Council in April 2014.
- 2.3 The production of the Masterplan SPD was made more complicated by the absence of some site-wide survey work. As a consequence it does not fully resolve the land use issues across the whole allocation. It therefore makes reference to the fully surveyed land area as Area A and the area of unresolved land use planning, as Area B. In the short term it results in a two phase delivery of the EUE. Area A and associated road infrastructure ahead of Area B. In the interest of delivering a comprehensive scheme the southern land parcel of Area A will make provision for access into Area B by means of a primary route through it and up to the boundary of Area B.
- 2.4 This report relates to Application 14/00881/MOUT (Chettiscombe Trust) that forms the majority part of Area A.

### 3.0 RELEVANT PLANNING HISTORY.

13/01616/MOUT – ‘Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements’. Granted September 2015.

14/00604/MFUL - ‘Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (revised scheme)’ at Post Hill Hospital, Tiverton. Resolution to grant permission subject to a S106 agreement August 2014.

14/00667/MFUL – ‘Construction of a ‘left in left out’ road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier’. Granted September 2014.(Phase 1 of highway junction relating to land to the south 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 the 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’. Granted October 2014. (Phases 1 and 2 of highway junction relating to land to the north and south of the A361).

#### **4.0 PROPOSED AMENDMENTS TO S106 / CONDITIONS ON 14/00881/MOUT.**

##### **4.1 Timing of development in relation to the new A361 junction.**

4.1.1 Application 14/00881/MOUT has a resolution to grant planning permission subject to a signed S106 agreement and conditions. As drafted, condition 10 of the Committee Resolution is proposed as follows:

*‘No development shall take place on site until the Left in Left out junction onto the A361 previously consented under LPA ref: 1400667/MFUL has been constructed and made available for use.*

*REASON: 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, and in accordance with policy in National Planning Policy Framework’.*

and Condition 11:

*‘No development hereby approved shall take place on land to the south of Blundell’s Road and / or the employment land until the roundabout at the junction of Blundell’s Road and the link road hereby approved has been constructed and made available for use.*

*REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework’.*

4.4.2 This report seeks a change to that resolution to allow development to commence on site, up to and including the occupation of 270 dwellings, prior to the completion of the full A361 road junction. The Adopted Masterplan SPD (part 6.4) outlines that completion of the full A361 junction shall be completed

prior to the occupation of no more than 600 dwellings on the Eastern Urban Extension. Waddeton Park have consent to construct and occupy 330 dwellings without the need for the Left In Left Out or full A361 road junction. As such, in accordance with the adopted masterplan there are a remaining 270 dwellings that can be occupied before the completion of the full junction.

4.4.3 Funding to deliver the full A361 road junction is proposed as follows:

<b>Funding Source</b>	<b>Contribution (£)</b>
Waddeton Park (secured)	£1.7 million
Chettiscombe Trust (subject to S106)	£3.7 million
Area B (projected)	£2.6 million
LEP (match funding)	Up to £7.5 million
<b>TOTAL</b>	<b>£15.5 million</b>

4.4.4 Early development /delivery of housing is required to release development value on the site in order to be able to make the A361 financial contribution payments. As existing Condition 10 thwarts development on the Chettiscombe Trust land such that no development can take place until the junction has been constructed and made available for use. The first homes will therefore be provided after the up-front provision of highway infrastructure and yet the junction requires financial contributions from development in order to be built. This burdens the applicant such that the land is less attractive to developers building out the scheme which as a consequence thwarts the funding stream towards the delivery of the junction. There is a resulting mis-match between development on the ground and contributions required to service the construction of the A361 junction. Unless an amendment is made, it is likely that the junction and development will stall.

4.4.5 The full A361 road junction is due to commence on site in earnest, during 2017, for completion in 2018. Latest projections indicate that a single housebuilder would aim to build approximately 50 dwellings per year, but this may not be achieved in year 1. This rate is accelerated if more than one developer is operating on the site at the same time.

4.4.6 Prior to the completion of the full A361 road junction, it is considered there would potentially be three developers operating on the EUE at the same time, two on Waddeton Park land and one on Chettiscombe Trust land. The table below illustrates the anticipated housing delivery trajectory for the first few years:

Anticipated Housing Completions		
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Year	Waddeton Park completions assuming two developers	Chettiscombe Trust completions assuming 1 developer in these early years	Total per year	Running total
2017	50	25	75	75
2018	75	50	125	200

Whilst completion numbers are modest, there are clear implications associated with resulting traffic movements being directed down Blundell's Road during this period.

- 4.4.7 In allowing Condition 10 to be amended to deliver some housing (or equivalent employment floorspace) in advance of the new junction, there would be a general acceptance that construction traffic (for the housing element only as the A361 construction traffic would be taken directly off the A361) and traffic following occupation of completed properties would come along Blundell's Road until such time that the A361 road junction is completed and open to the public. The Waddeton Park development of 330 dwellings is able to be built out without the new A361 junction. Traffic in connection with this development will already travel along Blundell's Road.
- 4.4.8 Development has not commenced on the Waddeton Park site as early as anticipated. Waddeton Park has indicated that a reserved matters application will be submitted towards the end of August 2016. Commencement on site would be anticipated late spring 2017 and first occupation late 2017. DCC have advised that the quantity of vehicles coming to the site is not easily quantifiable at this point in time but would be more readily available through Condition 14 relating to the submission of a detailed construction management plan that will include timings of traffic movements. However, initial start-up of a site is where the greatest vehicle movements are with clearance and associated haulage. Vehicle movements then generally fall into a regular pattern. When the traffic regularises on the Chettiscombe Land it could potentially double that associated with the Waddeton Park site, but there will be a time delay between the two sites given their relative position in the planning process. Given, the anticipated completion of the full A361 road junction by September 2018, the greatest impact of the proposed change will be on the amenity of Blundell's School, pedestrians crossing the road and the general amenity of Blundell's Road. However, DCC could accept this level of development without the A361 junction, as without it, Chettiscombe Trust are unlikely to sign the S106 and DCC would not get any funding for the A361 junction.
- 4.4.8 A report to Scrutiny Committee on the 23 May 2016 indicated that until the Council can demonstrate a 5 year land supply (with 20% buffer) there will be

vulnerability to housing applications coming forward on sites that have not been planned for development. This is often dubbed 'planning by appeal'. Appeal losses can result in an unbalanced distribution of piecemeal development, development in areas considered unsuitable by the Council, reduced levels of funding towards affordable housing / community facilities and service infrastructure and additional costs to be borne by the Council. Decision making is also taken out of local control. When a local planning authority does not have a 5 year land supply, houses can be legitimately provided by developers on sites not planned for until supply figures are next tested and a new Local Plan is adopted. Allowing development to come forward on the Chettiscombe Trust land in a considered and controlled manner provides clear benefits towards accelerating delivery on the planned housing allocation at the EUE.

- 4.4.9 It is therefore recommended to allow development to commence on this site, up to and including the occupation of 270 dwellings, prior to the completion of the full A361 road junction. As an alternative (in traffic generation terms), it is proposed to allow flexibility in the condition to provide some employment floorspace on land north of Blundell's Road. The condition has been drafted to allow for either a limited number of dwellings or the equivalent amount of employment floorspace. No greater amount of employment floorspace is allowed on land to the north of Blundell's Road before the full A361 junction. Amended wording to Condition 10 is proposed:

*10. 'Either no more than 270 dwellings may be occupied on site or no employment floorspace over and above the amount (sq metres) equivalent to the occupation of 270 dwellings (equivalent in terms of traffic generation numbers) may be occupied on land to the north of Blundell's Road until the construction and opening for public use of the full A361 road junction and the linking road to Blundell's Road granted under permission 14/01168/MFUL (or as amended by a subsequent planning permission for this highway infrastructure)'.*

*REASON: To ensure delivery of the full A361 road junction whilst ensuring adequate on site facilities are available for all traffic attracted to the site up to the specified amount of residential or employment development in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents and area in accordance with policy in National Planning Policy Framework'.*

- 4.4.10 The proposed amendments to Condition 10 would still require the full junction to be completed prior to the occupation of the 600<sup>th</sup> dwelling of the entire EUE as required by the Adopted Masterplan.



4.4.11 In the event that 270 dwellings can be occupied prior to the completion of the full A361 road junction, amendments to the draft condition 11 would be required. The current draft condition 11 does not allow any residential development on land south of Blundell's Road and/or on the employment land until the roundabout at the junction with Blundell's Road with the linking road to the A361 junction has been constructed and is open to the public. It is noted that the link road between the new junction and Blundell's Road is proposed to be delivered as part of the DCC led scheme for the full A361 road junction and the roundabout is proposed to be delivered by the developer(s) associated with the Chettiscombe Trust land. Under the existing draft condition no employment development can be developed without the roundabout having been constructed, even if the A361 junction and link road are in place. In order to facilitate the delivery of development that will trigger contributions towards the full A361 road junction it is proposed that reference to the employment land is deleted from the draft Condition 11. As revised, this would allow employment development without the need for the roundabout. This is acceptable to the Highway Authority. The following wording is proposed:

*11. 'No residential development hereby approved shall take place on land to the south of Blundell's Road until the roundabout at the junction of Blundell's Road with the link road hereby approved under permission 14/01168/MFUL (or as amended by a subsequent planning permission for this highway infrastructure) has been constructed and made available for use'.*

*REASON: To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework'.*

## **4.2 Affordable Housing.**

4.2.1 The Committee resolution to Application 14/00881/MOUT resolved that the S106 would provide 22.5% affordable housing on site for occupation on an affordable rent basis:

(i) 22.5% affordable housing on site to be provided for occupation on an affordable rent basis.

4.2.2 The Draft S106 seeks a tenure mix of 60% affordable rent and 40% intermediate units. This proposed split of housing tenure complies with the MDDC Supplementary Planning Guidance on affordable housing delivery. Confirmation received from our Housing and Property Services (02.12.16) indicates support for such a change. Housing Services indicate further that the intermediate units may be either shared ownership or 80% discount market housing. A change to the Committee resolution is therefore sought to allow a change to the mix in affordable housing tenure to 60% affordable rent units

and 40% intermediate units. The committee resolution to be amended as follows:

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**List of Background Papers:** Cabinet 17<sup>th</sup> April 2014 (Masterplan SPD)  
Cabinet 7<sup>th</sup> April 2016 (Draft Design Guide)  
**Application 14/00667/MFUL** Construction of a 'left in left out' (LILO) road junction.  
**Application 14/01168/MFUL** Construction of a full A361 road junction  
The adopted policies relating to the Tiverton Eastern Urban Extension may be viewed in the AIDPD at  
<https://new.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/part-2-aidpd/>

**Circulation of the Report:** Members of Planning Committee