

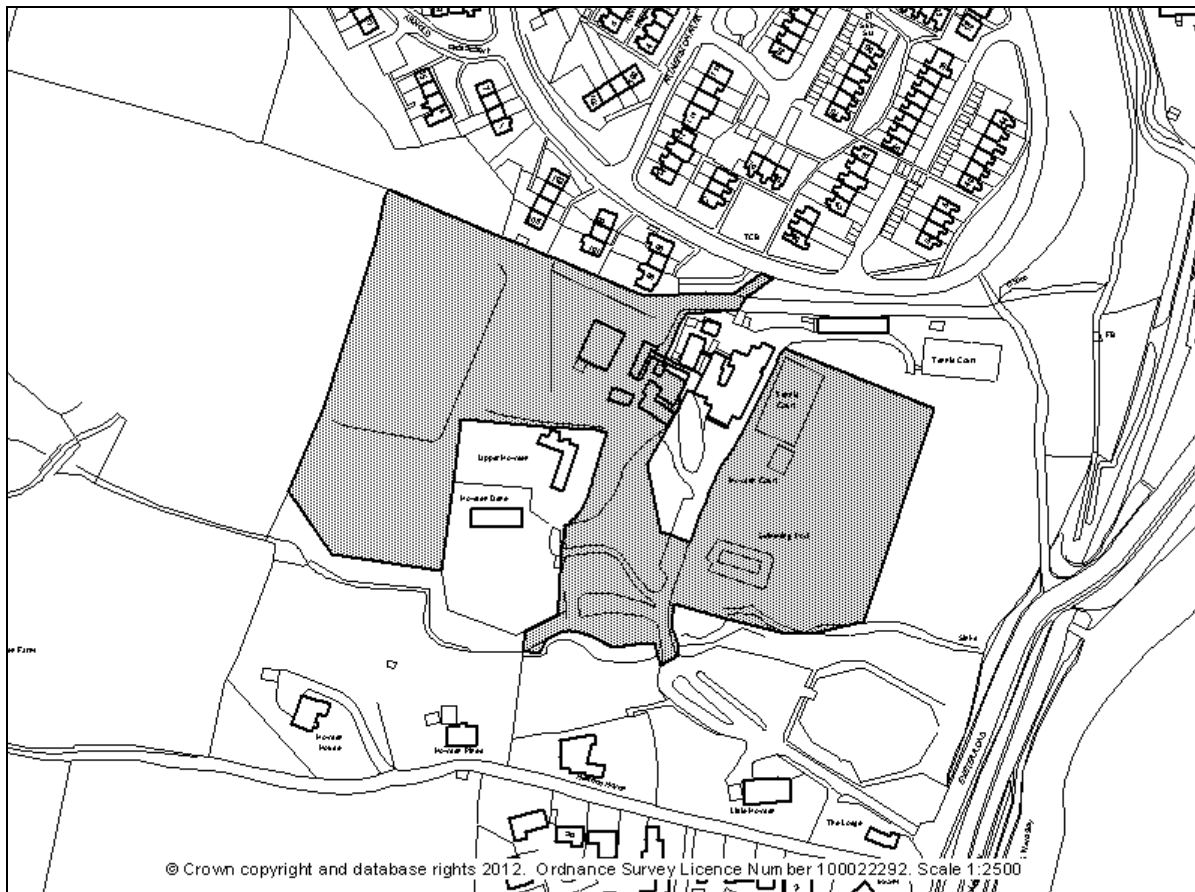
Application No. 11/01927/MFUL

Grid Ref: 111535 : 294646

Applicant: Mr D Lovell, Heritage
Developments South West Ltd

Location: Land and Buildings at NGR
294646 111535 Howden Court
Tiverton Devon

Proposal: Erection of 36 dwellings with
associated access road, car
parking, landscaping and
demolition of existing outbuildings
adjacent to Howden Court



Update report for Planning Committee Meeting on 1ST February 2017 regards LPA ref 11/01927/MFUL

1. The Planning Committee considered matters in relation to the off- site works required as part of the proposed housing development at Howden Court/St Aubyns Rise under LPA ref: 11/01927/MFUL at their meeting on the 30th November 2016. The issue for consideration was in relation to the delivery of the proposed footpath link between the new housing estate and Palmerston Park, which formed part of the terms of the approved scheme details. The update report prepared for the meeting on the 30th November follows on from this further update note (hereafter referred to as the Report). The report considered on 30th November 2016 is attached as Appendix 1.
2. As set out in the Report the footpath link is an approved detail under the terms of the relevant planning permission but has not yet been constructed. Notwithstanding the officer recommendation set out in the Report, Members voted to defer making their final decision on whether the proposed link between the site and Palmerston Park as approved under LPA ref: 11/01927/MFUL, to allow officers to have further discussions with Heritage Homes and any other relevant land owning interests as to what could be achieved in terms of an off-site financial contribution in lieu of providing the link and on a quid pro quo basis.
3. Since that meeting further consultations have been undertaken with Heritage Homes and Devon County Council as summarised in date order as follows:

1st December 2106: Heritage Homes have confirmed that if the Local Authority wish for the footpath link to be provided it would be completed along with the other works required to surface the highways in the Spring of 2017.

1st December 2016: Heritage Homes have confirmed that the route that the footpath would have to follow would be slightly different to the route shown on the approved planning application drawings as shown on Appendix 2 to this report. Heritage Homes have provided the following explanation for this revision to the route:

When the road was built the levels were such that it was necessary to build a very large 6m. high reinforced concrete retaining wall to support the road along the line of what is shown as the boundary for Plot 48 and the front of the house.

This meant that we have had to take the path slightly to the left before dropping down as otherwise the road could not be supported due to the levels and poor ground conditions and also the gradient of the path would have made it unusable.

Irrespective of the reasoning for this deviation for the route your officers do not consider that this revised route is materially different from the route shown on the approved planning drawings.

3rd January 2017: Devon County Council have provided the following comments regarding the footpath and securing a contribution to deliver off-site works that would facilitate connectivity improvements for non car journeys between the new estate and it's environs.

I can confirm that the Highway Authority would not wish to adopt the footway as there is a commodious alternative and the footway link would represent a maintenance liability.

I also confirm that having visited site the use of funds for alternative improvements in and around the junction while they would be welcomed would not provide for any direct improvement or benefit for the site. There is already a pedestrian drop crossing and the installation of more formal crossing facilities would necessitate its installation further to the south west which would not be attractive compared to the existing crossing point therefore no benefit to the residents of the site. Therefore any substitution of funds for the footpath would not be reasonable from a highway perception, but improvements to pedestrian access to the town centre may be desirable, and I am aware of schemes promoted by DfT for cycle and pedestrian improvements in Tiverton Town Centre which may be relevant and you may wish to discuss with Steve Densham.

4. In addition at the Scrutiny Committee on the 12th December 2016, Members expressed a concern that if a decision is reached which does not require the footpath to be delivered that it would be seen as the Council not enforcing its own ruling. Scrutiny Committee considered that this would set an unfortunate precedent for other developers to emulate.
5. Recommendation: Since the meeting on the 30th November the developer has confirmed a timescale to deliver the footpath and along a very similar route to that shown on the approved plans. The Highway Authority have not been able to identify any initiatives off site which could be funded and therefore improve the connectivity between the site and its environs in lieu of providing the footpath as required by policy AL/TIV/11. In the absence of a specific project which would deliver the same connectivity benefits, as the footpath link between the site and Palmerston Park, it is not considered that there would any robust policy based justification not to secure the delivery of the approved footpath.

Therefore, Members of the Committee are requested to vote to endorse the delivery of the footpath link as shown on the approved plans and as to be varied to the route as shown at Appendix 2 to this report. This will ensure compliance with policy requirements as required by the planning permission subsequently granted.