

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 26 September 2017

**REPORT OF:** Business Manager – Strategic Place

**ITEM:** 3.

**CASE OFFICER** Rosalyn Eastman

**APPLICATION FOR CONSIDERATION:** EXMINSTER - 15/00708/MAJ - Land at South West of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)

**APPLICANT:** Bovis Homes Ltd - South Division

**WARD MEMBERS:** Councillors Goodey and Lake, Kenn Valley

## 1. REASON FOR REPORT

On 17 January 2017, Planning Committee resolved that:

*“Subject to:*

*A) The completion of a Section 106 Agreement within 9 months of the date of this Committee to provide:*

- 1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)*
- 2. A minimum of 30 Custom Build Dwelling plots*
- 3. A scheme for provision of 4 Gypsy and Traveller Pitches*
- 4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding)*

5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling, (precise amount to be agreed with Devon County Council)
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling
8. Land and financial contribution for Health Provision at total cost of £500 per dwelling
9. Travel planning and packs including £300 voucher per dwelling
10. Exe Estuary SPA mitigation contributions at £96 per dwelling
11. Resident Information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat
13. Hedge removal covenants
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use
15. Indoor sports provision and management
16. Play provision and management
17. Green space provision and management
18. Allotment provision and management
19. Two x Traffic Regulation Orders at £5,000 each

*If, as a result of further information, new viability or changes to government policy these provisions need to be amended, the Business Manager – Strategic Place will consult with Ward Members and the Chairman of Planning Committee before exercising delegated powers.*

- B) The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:*
- i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer*
  - ii) Land for Community and Health provision*

*C) The completion of Agreement(s) in relation to SANGS provision.*

*PERMISSION BE GRANTED subject to:*

*D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:*

- 1. Requirement for Reserved Matters submissions*
- 2. Timing of submission of Reserved Matters of phases*
- 3. Time limit for commencement of phases*
- 4. Development to proceed in accordance with approved plans/documents*
- 5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.*

6. *Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 300 dwellings.*
7. *On-going development compliance plans to demonstrate how the overall Masterplan vision will be achieved.*
8. *Primary control – uses and quantum permitted by the permission*
9. *Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses)*
10. *Local Centre provision*
11. *Tree constraints and protection*
12. *Landscape strategy*
13. *Landscape and Ecology Management Plan (LEMP)*
14. *Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and provision*
15. *Construction access strategy and phasing including for occupants*
16. *Noise/air quality protection including for occupants*
17. *Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity*
18. *Archaeological investigations*
19. *Scheduled Monument management and interpretation*
20. *Biodiversity protection*
21. *Foul sewerage survey and provision*
22. *Construction management including noise, air quality and traffic*
23. *Public art*
24. *Lighting strategy*
25. *Watercourse pollution prevention during both construction and operation*
26. *Contaminated land investigation*
27. *Bus stop provision*
28. *Dedication of land to highways to site boundaries*
29. *Detailed highway design*
30. *Safe access to bus stops*
31. *Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme*
32. *Pedestrian and cycle bridge timing*
33. *The site access and visibility splays shall be constructed, laid out and maintained for that purpose*
34. *No development shall take place until a waste audit statement has been provided, and approved*
35. *Alternative uses (e.g. secondary school/flexible uses within the Local Centre)*
36. *Bat and bird boxes*
37. *Identification of opportunities for apprentices”*

It is unlikely that the Section 106 Agreement will be completed by the relevant date (17 October 2017) and therefore an extension to this resolution is requested as detailed below.

The application was originally considered by Planning Committee as the proposals are significant in scale and the Business Manager – Strategic Place considered that they merited review by Planning Committee prior to determination of the application.

## 2. RECOMMENDATION

Subject to:

A) The completion of a Section 106 Agreement by 23 January 2018 to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)
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### **3. COMMENTARY**

- 3.1 Following the resolution by Planning Committee to grant planning permission for the Bovis Homes proposals at South West Exeter in January 2017, Officers of the Council along with their colleagues from Devon County Council and the Bovis Team have been working hard to progress the various agreements necessary to allow this important development to take place.
- 3.2 Key planks of this work reflect the concerns of Members as expressed at Planning Committee including:
  - Discussions with the Parish Council and Ted Wragg Trust in relation to potential models for delivering community access to school/sports/community facilities;
  - Liaising with Devon County Council in relation to highway design and logistics; and,
  - Working with LocatEd and the EFSA on securing the land for the All-through school.
- 3.3 Good progress has been made on drafting the Section 106 Agreement and work is underway on the other agreements to enable planning permission to be granted.
- 3.4 In light of the complexity of the agreements and the number of parties involved in signing the documentation, it is however highly unlikely that agreements will be completed by 17 October 2017.
- 3.5 The recommendation above therefore seeks an extension to the original resolution to allow additional time to finish the drafting process and get agreements completed and subsequently the planning permission issued.
- 3.6 All parties are keen to have the planning permission issued by the Christmas break and therefore an extension to the resolution until the next Planning Committee after Christmas is sought. It is considered that this provides sufficient time for drafting/approval processes whilst ensuring that all parties remain focused on achieving the issuing of the Planning Permission in order that works on site can commence during the first part of 2018.

### **4. POLICY DOCUMENTS**

#### Teignbridge Local Plan 2013-2033

- S1A (Presumption in favour of Sustainable Development)
- S1 (Sustainable Development Criteria)
- S2 (Quality Development)
- S5 (Infrastructure)
- S9 (Sustainable Transport)

S10 (Transport Networks)  
S11 (Pollution)  
EC1 (Business Development)  
EC10 (Local Shops)  
WE2 (Affordable Housing Site Targets)  
WE4 (Inclusive Design and Layout)  
WE7 (Custom Build Dwellings)  
WE11 (Green Infrastructure)  
EN3 (Carbon Reduction Plans)  
EN4 (Flood Risk)  
EN5 (Heritage Assets)  
EN6 (Air Quality)  
EN7 (Contaminated Land)  
EN8 (Biodiversity Protection and Enhancement)  
EN9 (Important Habitats and Features)  
EN10 (European Wildlife Sites)  
EN11 (Legally Protected and Priority Species)  
EN12 (Woodlands, Trees and Hedgerows)  
SWE1 (South West of Exeter Urban Extension)  
SWE3 (Ridge Top Park)

Exminster Neighbourhood Development Plan

EXM1 (Community Sports & Leisure Facility)  
EXM3 (Quality of Design)

Devon Waste Plan

W4 (Waste Prevention)  
W10 (Protection of Waste Management Capacity)

SWE Development Framework  
Alphington Development Brief  
National Planning Policy Framework  
National Planning Policy Guidance

## **5. CONSULTEES AND REPRESENTATIONS**

No further consultations or publicity in relation to the application have taken place. We continue to work with Devon County Council, Exminster Parish Council and other relevant bodies in order to progress matters.

## **6. COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

CIL receipts are anticipated to be around £20-25 million of which 25% will be passed to Exminster Parish Council.

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.



