

Yelland Quay Planning Addendum update

The Application 60823 was deferred on the 28th April 2021 based on the following decision by members of the Planning committee.

RESOLVED (11 for, 1 against, 2 abstained) that the application be DEFERRED for two cycles for the following reasons;

- a) An agreed masterplan for design was required in accordance with policy FRE02(a) and therefore a full planning application be presented to the Committee to include the access, scale and layout of the site;
- b) To request detailed design images so that an assessment of impact, adverse or otherwise, on the SSSI/AONB, could be scrutinised by the design review panel.
- c) To request an updated transport assessment to include details on how much (fill) could come to site by sea, in order to mitigate transport movements by road.
- d) To request a statement of local need to comply with policy FRE02(b)
- e) Figures on the viability of bringing in materials from other development sites to reduce costs and therefore supplement section 106 funds.

The application has been reviewed against the deferment and the following comments / updates and observations are as follows;

- a) An agreed masterplan for design was required in accordance with policy FRE02(a) and therefore a full planning application be presented to the Committee to include the access, scale and layout of the site;

This was not the understanding of the Agent and Applicant following the deferment of the planning application. There is no legal planning requirement on the submission of a full detailed planning application on this site. The application is a hybrid planning application agreeing the site masterplan, scale and massing of development proposals and access works. It was considered and agreed by the Applicant and Planning Authority through a paid Planning Performance Agreement dated 25.11.14, that a Hybrid Planning Application could be progressed (though at

this time the application description was different). The Masterplan has been identified for approval as part of the planning submission.

b) To request detailed design images so that an assessment of impact, adverse or otherwise, on the SSSI/AONB, could be scrutinised by the design review panel.

The current application has been through 2 design review processes through the various design iterations. The final design masterplan is a culmination and response to the last formal design review session. The applicants are not prepared to undertake another design review session prior to the determine of this outline planning application.

In terms an assessment of the landscape impact on the SSSI/AONB I would reiterate that the site is an allocation with the Adopted Local Plan for Northern Devon. As such, a formal assessment of the site would have been undertaken by Planning Policy which concluded there would be landscape impact by virtue of allocating 250 units and employment buildings on the edge of the SSSI/AONB. This assessment would have concluded the acceptability of the development in the allocation and consequently this was supported by the Planning Inspector and the Members of the joint Council prior to formal adoption. The application was supported by a comprehensive LVIA together with 31 viewpoints and 6 photomontages. The landscape officer confirmed that there was suitable evidence presented at this stage to justify the scale and mass of the development against the SSSI and AONB.

The debate at planning committee centred around this perceived impact of the development on the SSSI/AONB; however, the estuary landscape has, and is forever changing, the introduction of Chivenor Air Base, Instow Army Base, Fullabrook wind turbines, the church spires of Heanton and Instow, the former Coal fired Power Station and even the prominence of Saunton Sands Hotel have at some point been additions on this estuarine landscape. The landscape assimilates this development form and when viewed as a whole dilutes this into the views, we all know and love.

The view point that Cllr Derrick Spear asked for inclusion within the Committee Report emphasises this point.



This view point as described as 'Really magnificent scenery' by the Cllr includes the prominence of the urban form of Heanton Church, Chivenor Air Base, Perrigo Pharmaceuticals and Appledore in the background.

The development form at Yelland Power station would be read in conjunction with all the above together with the natural landscape that surrounds it.

I therefore conclude that no further assessment is required at this stage and sufficient information has been provided to planning committee to determine this outline planning application.

c) To request an updated transport assessment to include details on how much (fill) could come to site by sea, in order to mitigate transport movements by road.

To reaffirm the position following planning committee the volume of clean invert spoil required to achieve the required FFL's is

- $54,000 + 323,892 = 377,892\text{m}^3$
- 10m³ lorries; 8 lorries per hour for 8 hours a day (i.e., 64 movements/day) then fill takes 1 year 7 months.
- **However**, this traffic generation must be read against the traffic movements for the existing commercial site. In the month of March 2021, the traffic movements to and from the site are as follows:
 - 341 loads Concrete mixers Out
 - 178 loads Sand Out
 - 157 loads Aggregate/Cement In
 - 877 Small loads Aggregate/Concrete Out
 - 437 Staff and Auxiliary workers in

This would equate to **3980** traffic movements in March or **128** per day.

These movements are ticketed and recorded by Notts Contractors.

- Currently there are 128 movements/day associated with the existing commercial site of a similar scale vehicles to and from the site.
- As a licensed waste transfer station on site and typically the existing traffic movements would be occurring anyway transporting soil to and from the existing commercial premises.
- Therefore, there is no additional pressure on the wider highway infrastructure because of the filling of the development site.
- However, there is an aspiration to bring as much sub-based spoil from sea given the volumes that can be bought in via this mode of transportation in order to accelerate the 1 year 7 months.

d) To request a statement of local need to comply with policy FRE02(b)

The proposed Masterplan provides a housing mix.

	Yelland Quay	%	HEDNA Mix	%
1 bed	0	0	12-25	5-10
2 bed	85	34	75-87	30-35
3 bed	80	32	100-112	40-45
4 bed	65	26	37-50	15-20
5 bed	20	8	0	0
Total	250			

The tenure mix is comparable with the HEDNA mix with a slight decrease in 3 bedroom houses and an increase in 4 bedroom houses. This mix has been tested through the independent viability process and found to be acceptable based on the level of abnormals.

e) Figures on the viability of bringing in materials from other development sites to reduce costs and therefore supplement section 106 funds.

This has been noted by the applicant however we are not prepared to adjust the viability report documentation. This report has been independent verified and approved by Plymouth City Council's Viability Officer. Whilst I acknowledge that it may be possible to obtain fill, it cannot be guaranteed that all 378,000m3 will be

clean, inert spoil suitable, therefore I remain firm that these figures should not be adjusted within the Viability Report.

However, to bridge the financial gap between the applicant and planning committee we have reviewed the position and can confirm as follows:

- My client is prepared to provide the **£103,915.00** to North Devon CCG. This figure will come off the overall Developers profit for the development.
- In respect of the highway contribution this is not as straight forward. Following Planning committee, I have directly liaised with the DCC Highway Officer to ascertain the following questions. The DCC highways Officer response in yellow and Green from myself:
 - Currently you are seeking the financial contribution of £611,952.00. This equates to £2,440 per plot (based on 250) I accept there is some employment in this proposal however both West Yelland and North Lane paid £1,342.00 per unit? It also appears that Fremington Army Camp paid £30,000 as a financial contribution; I presume this was on the basis of existing use vs new? Can the same not be said for Yelland Quay with the traffic generation associated with the existing uses? Can you provide the justification for the £276,432.00 for the employment use given the comments raised on existing uses?

According to my records since 2016 this Authority has sought the financial contribution of £442,476.00p and not sure where £611,952.00p has arisen from. This was based on trips associated with the Residential Use and trips associated with all Commercial Uses (after conversion to residential trip rates). If I recall, some time ago, confirmation was provided to me regarding the various Commercial Uses and respective Gross Floor Areas during the earlier stage of the planning application process. If you wish for this Authority to reinvestigate I will need confirmation again of the current proposed commercial Uses and Gross Floor areas. However, it is just as likely the contribution requirements will go up as down. I also don't believe you can make a direct comparison between sites as each delivered different highway infrastructure, at different points in time, rather than purely contributions. i.e. Traffic signalised junction for the former Fremington Army Camp development.

Ok....I draw your attention to your response dated 06.02.21 which states: 1) The sum of £611,952.00 to be directed towards improvements at the Cedars Junction (A3125/B3233) and/or ESSO Garage/Wrey Arms Junction (Old Torrington Road/A3125); taking your point above has there been any adjustment for the existing traffic uses on the site which will offset the impact, for example in March 2021 there were **3980** movements associated with commercial activities on site? Has the existing use traffic generation within the TA (with lower figures) been taken into account on your

financial figure? Finally on your point regarding direct infrastructure we are also providing a dedicated right hand turn lane at with signalised crossings etc so I don't really understand the point you make in this regard, we have had these on site highway infrastructure works costed at £1,807,533.50 including new junction and new adoptable highway to the site.

- Can you provide details of how this money is to be spent and or breakdown?

The money is to be directed to the ESSO Garage/A3125/Old Torrington Road junction

I'm not sure how this can be CIL compliant if there is no scheme and no timetable

- Is there a scheme for Cedars or Wrey Arms Junction?
There is no scheme for the ESSO Garage/A3125/Old Torrington Road junction (the Wrey Arms junction) but there is for the Cedars Junction. Again, I am not sure why Cedars is referenced in the planning report as we have consistently referred to the ESSO Garage junction and this was, prior to planning committee, reconfirmed to the LPA.

Again your last consultation response does refer to Cedars roundabout.

- What other developments are contributing?

I believe there is a limited contribution requirement from one of the estate road developments located towards the end of Old Torrington Road

I do not believe this is correct:

- West Yelland (57663) was contributing £181,170 to improvements to B3233/A135 Cedars roundabout junction and/or improvements on the A3125/ Old Torrington Road
- Sampson's Plantation Phase 2 (50265) was contributing to £57,706.00 from toward junction improvements at the junction of A3125/B3233 (The Cedars)
- North Lane (56351) £87,230 towards improvements at the B3233/A3125 @Cedars' roundabout junction and/or improvements at the A3125/Old Torrington Road junction

To be honest there maybe more but I definitely can see 3 along the B3233 corridor that were to contribute to Cedars and or Wrey Arms

- Can you provide a timescale for delivery?

No Scheme at present but, of course, the developers transport consultant may wish to investigate a mitigation scheme of improvement

How can this be CIL compliant as you are potentially asking my consultant team to provide a design for the mitigation for the junction?

- Can you confirm why in your view this contribution is necessary and fair and reasonable in scale and kind as required by the CIL tests given the agreed figures for development trip generation set out in the TA.

Yes I do which is also borne out by your clients own Transport Assessment. Where the analysis is made of the ESSO Garage/A3125/Old Torrington Road junction it concludes there are queuing issues at both AM and PM peak times and is expected to be resolved by means of pooling transport contributions.

Ok...but you surely must require a scheme to be able to be costed and therefore seek fair and reasonable costs from each development site? Presently you could have a pot of upwards of £900k if including Yelland Quay but you don't know if the scheme to construct is £500k or £2M?

Given the above dialogue with DCC Highways Officer I cannot see how the contribution of £611,952.00 is founded on any evidence base and therefore I believe is not CIL compliant as a fair and reasonable cost attributed to the impact of the development. I do not believe the existing traffic use of the site has been taken into consideration as an offset or the on-site infrastructure provision as was the case at Fremington army Camp. This coupled with the fact there is still a discrepancy over A) which junction requires mitigation, B) that there is no design or approved scheme and C) no costings have been undertaken of an approved scheme means it is impossible to justify this financial contribution.

Please also note that subsequent Deeds of Variation at Mead Park Bickington by Wainhomes in 2016 (5 years ago!) successfully removed the off-site financial highway contribution for the reasons stated above.

- As reiterated above I do not believe that any S106 highway payment can be sought from the applicant, however **IF** the Planning Committee are content that a contribution is CIL compliant, then a contribution equating to a comparable cost to other residential schemes in the area; £1,342 x 250 units = **£335,500.00** to offsite Highway Works **specifically for ESSO**

Garage/A3125/Old Torrington Road junction (the Wrey Arms junction) would be agreed by the applicant. This figure will come off the overall Developers profit for the development.