

# Agenda Item

**Executive Board**

**01 September 2010**

**10/1013**



## **Development Proposal adjacent St John's Road, Exmouth**

### **Exempt Information**

Para 3 Schedule 12A information relating to the finance or business affairs of any particular person

### **Summary**

The Council have been approached by a property development company who have an interest in land adjacent to St John's Road. The land is subject to Local Policy LEX1 (the Valley Parks) which dictates that development other than that to provide a safe corridor for pedestrians and cyclists and for outdoor recreations will not be permitted. The Developer is proposing a housing scheme which will incorporate some public space within. In addition, the Council owns the land which would provide the two accesses required into the site.

### **Recommendation**

- 1) That Members authorise the Principal Estates Surveyor to enter into negotiations to dispose of land required for access to the land proposed for development**

#### **a) Reasons for Recommendation**

The reasons for reaching the recommendations are set out in the main body of the report

#### **b) Alternative Options**

Require strict adherence to the Special Planning Policy set out in the Local Plan

#### **c) Risk Considerations**

To support development in contradiction with the Local Plan could set a precedent and there could be a future expectation from other developers to develop on land which has been identified for adoption by the Council

#### **d) Policy and Budgetary Considerations**

##### **Positive Impact Overall**

Affordable Homes.

Safe Environment.

Clean Environment.

Young People.

Excellent Customer Service.

Inspirational Council.

#### **e) Date for Review of Decision**

N/A

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## **1 Main Body of the Report**

### **Background**

- 1.1 For some years, the land between St John's Road and Dinan Way has been identified as part of the Valley Parks under Local Policy LEX1 with the ambition to provide a safe corridor for pedestrians and cyclists and for outdoor recreation and to be adopted by the Council. While it is understood that tentative enquiries have been made in the past to purchase the land for this purpose, the Council have not done so. Given the current economic climate, it is unlikely that the Council will be in a position to acquire and adopt the land in the short to medium term.

### **2.0 Recent Update**

- 2.1 Highland Property Development have acquired an interest in part of LEX1. Attached as Appendix 1 is a scheme the Developer has drawn up to gain an initial response from the Council as to whether development may be permitted on this site. The Plan in this scheme shows a housing development of some 54 houses incorporating some informal open space allowing pedestrian and cycle access. The scheme as shown would provide a minimum of 21 affordable homes as well as the public open space provision. The areas shown outlined red on the plan show the land owned by the Council and required by the Developer for access.
- 2.2 The Council's Housing Enabling Officer has advised that 2 and 3 bedrooomed houses are very much in demand and this has been supported by Cornerstone Housing.
- 2.3 The site is in a flood plain and the developers have already gone through the flood zones in detail with the Environment Agency. The playing fields that the Council own at St John's Road, are generally waterlogged and currently run-off into the land. These issues would need to be resolved with the Environment Agency and Southwest Water.
- 2.4 This is not an easy site to develop and there would be a great deal of expense with the supply of new services, new roads, walkways and cycle paths. In addition some of the ground works in some areas will need pile construction. As such, Members should expect that if the scheme should proceed, the Council may be asked to take a less than best capital receipt on the access land. Members should also be aware that to date, Officer's have indicated that the Council would not expect to be required to take on the ownership and maintenance of the public open space and that there is an expectation that this would be carried out by a residential management company.

### **3.0 Conclusion**

- 3.1 There are many issues that would need to be resolved before development could go ahead on this site. These can all be discussed and resolved where possible through the planning process and are not matters for consideration in this report. However, in order to progress discussions, the developers need some assurance that Members are willing to dispose of the required land to gain access to the site. The merits of the proposals in terms of affordable housing and open space provision are planning matters and Members should note that they may have some bearing on the value that can be reasonably be expected for the land required for access.

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## **Legal Implications**

The Council own the freehold title to the track (which runs through to the old school building) and the playing field both of which were acquired from Devon County Council, and the area of land needed for the scheme will have to be carefully checked to ensure that the Council do not breach the covenants restricting the use of the playing field. There is already a right of way for agricultural purposes into the proposed development land. These issues will require to be investigated at the appropriate time but there are no other legal issues requiring comment on this report

## **Financial Implications**

Any potential capital receipt would be advantageous to funding the Capital Programme in future years, and as this is in effect a ransome strip site, this could be substantial.

Responsibility for maintenance of the open space needs to be clearly stated.

## **Consultation on Reports to the Executive**

### **Background Papers**

- Appendix 1 – Scheme plan by Developer

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Executive Board  
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