

PTE/19/26

Teignbridge Highways and Traffic Orders Committee
4 July 2019

Removal of Building, Improvement and Visibility Lines at South West Exeter

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the building lines at South West Exeter as prescribed in the Schedule attached as Appendix I be revoked and rescinded and removed from the Register of Local Land Charges.

1. Background

Proposals for the removal of building lines were reported to this Committee at its meeting on 28 February 2019.

It was RESOLVED:

that this matter be deferred for further consultation with the local County Councillor and clarification on funding the removal of building, improvement and visibility lines, with a further report to the next meeting.

A meeting has since been held with the local County Councillor and this report seeks to provide the additional information requested by Members.

2. Building Lines

The original plan demonstrating the building lines is based on the planned alignment of the A379 of the time and dates from 1936. It is understood that the building lines were introduced to protect the land for future highway improvements, which may not have been foreseen at the time the A379 was built. They allow for a 40 feet (approximately 12 metre) strip alongside part of the A379 to be protected from future development. The building lines have been indicated, as accurately as possibly, on the plan included in Appendix II. The area between the A379 and the building line shown in blue is currently protected from future development.

As can be seen on the plan, the building lines do not extend along the full length of the A379 and as such only the area between the highway boundary and the extent of the building line is protected from development. Whilst there are not currently plans for further changes to the A379, beyond that which is required for the proposed development, it is recognised that there may be concerns that unforeseen impacts could require improvements. As the building lines are not comprehensive along the A379, the benefit of them in relation to any unforeseen future changes is considered to be minimal.

3. South West Exeter

South West Exeter is a development of 2,500 dwellings on both sides of the A379. The building lines have the potential to impact on the delivery of this development. Retaining the building lines would necessitate a re-design of the proposed development, which is well

advanced. This would delay the delivery of the development. Furthermore, given that the building lines would not be able to be used for development, they have the potential to impact on the quality of the development being delivered, particularly if not maintained.

As reserved matters applications for the development have not yet been submitted, the impact of the building lines on the number of dwellings delivered cannot be quantified. Given the area covered, the impact on the number of dwellings may be considered small. The impact on the delivery of the proposed new all-through school at South West Exeter has also been considered. The school is critical for both the development at South West Exeter and the wider Exeter area. The building lines are adjacent to the school site, but do not directly impact on the site. There is a risk that any impact on the delivery of the housing at South West Exeter, could have a consequential impact on the delivery of the new school. Removal of the building lines would help to address this.

In order to bring forward and support the delivery of the development at South West Exeter, a bid to the Housing Infrastructure Fund to deliver infrastructure at South West Exeter for £55.1 million. DCC was successful with this bid. The intention of the funding is to deliver infrastructure upfront to unlock development and increase its rate of delivery. Retaining the building lines would likely slow down the delivery of the development as well as potentially impacting the ability to deliver the infrastructure included in the successful Housing Infrastructure Fund bid.

4. Options/Alternatives

The Committee may decide to retain in the Register of Local Land Charges the lines detailed in Appendix I. The original intention of the building lines was to safeguard land for future improvements which could not be foreseen at the time. The development proposed in the area, including highway improvements, can be accommodated within the land available without the need to retain the building lines. As part of planning for the development, consideration has been given to sustainable modes. Provision for pedestrians and cyclists will be retained along the A379, in addition to the new development providing internal links. Similarly, bus services will be able to continue using the A379, with the expectation that bus links will also be facilitated within the development.

Further capacity improvements to the A379 are not anticipated. In addition, the rest of the network would not have the capacity to accommodate increases in capacity on the A379 in this location. It should also be noted that the building lines, as shown, are not comprehensive along the A379. This would impact the ability to deliver any improvements to the A379, without requiring additional land which is not protected. As such, it is considered that there is limited benefit in retaining the building lines, and this is outweighed by the benefits of removing them, which leads to greater certainty regarding the delivery of the new all-through school as well as ensuring the comprehensive delivery of development at South West Exeter.

5. Financial Considerations

There are no additional costs involved in implementing the recommendation. The modifications to the Register of Local Land Charges would be undertaken by existing staff. A review of building, improvement and visibility lines within the area of the West Devon Borough, South Hams District and Mid Devon District Councils have been undertaken in recent years. It is intended to review other Districts in the County in due course as staff resources permit. In the interim the cases of any development proposals that conflict with building, improvement or visibility lines will be reviewed individually.

6. Environmental Impact Considerations

It is considered the environmental impact of implementing the recommendation would be neutral.

7. Equality Considerations

It is considered there are no considerations in relation to the Public Sector Equality Duty in implementing the recommendation.

8. Legal Considerations

The lawful implications of the recommendations have been considered and taken into account in the preparation of this report.

9. Reasons for Recommendations

It is considered that the historic improvement, building and visibility lines in the Register of Local Land Charges summarised in Appendix I are now obsolete by virtue of the changes to road layout or traffic patterns over the years, the powers contained in current Planning Legislation, or there is no prospect of the identified highway improvement being progressed.

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Electoral Divisions: Exminster and Haldon, Alphington and Cowick

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
Teignbridge HATOC report: Removal of Building, Improvement and Visibility Lines at South West Exeter	28/2/2019	Item 9: https://democracy.devon.gov.uk/documents/g2908/Public%20reports%20pack%2028th-Feb-2019%2010.30%20Teignbridge%20Highways%20and%20Traffic%20Orders%20Committee.pdf?T=10

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Schedule of Local Land Charges to be revoked and rescinded and removed from the Register.

Nature of prohibition or restriction; and reference to order, scheme, instrument, resolution, covenant, agreement or other document, under or by virtue of which prohibition or restriction is created or enforceable	Historic description of land affected by prohibition or restriction	Current road number/ Electoral Division	Date
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter By-Pass Road	A379 Exminster and Haldon	23 January 1936

Plan of Building Lines at South West Exeter

