

Public Document Pack

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PLEASE NOTE: Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 15 January 2020 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 12 February 2020 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
7 January 2020

Councillors: Mrs F J Colthorpe (Chairman), Mrs C P Daw, Mrs C Collis, R F Radford, E J Berry, L J Cruwys, S J Clist, F W Letch, E G Luxton, D J Knowles and B G J Warren

A G E N D A

MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 14*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 17 December 2019.

- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.
- 7 **THE PLANS LIST** (*Pages 15 - 64*)
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 65 - 66*)
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 67 - 68*)
To receive for information a list of recent appeal decisions.
- 10 **APPLICATION 19/00118/MOUT OUTLINE FOR THE ERECTION OF UP TO 105 DWELLINGS, ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ALLOTMENTS TOGETHER WITH VEHICLE AND PEDESTRIAN ACCESS FROM SISKIN CHASE AND PEDESTRIAN ACCESS FROM COLEBROOKE LANE - LAND AT NGR 301216 106714 (WEST OF SISKIN CHASE), COLEBROOKE LANE, CULLOMPTON** (*Pages 69 - 110*)
Following an appeal to the Planning Inspectorate against non-determination; to consider a report of the Head of Planning, Economy and Regeneration requesting that members advise how they would have determined the application.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 17 December 2019 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs C P Daw, Mrs C Collis, R F Radford,
E J Berry, L J Cruwys, S J Clist, F W Letch,
E G Luxton, D J Knowles and B G J Warren

Also Present

Councillor(s)

G Barnell, C J Eginton and Mrs M E Squires

Present

Officers:

Maria Bailey (Interim Group Manager for Development), Maria De Leburne (Solicitor), Alison Fish (Area Team Leader), Christie McCombe (Area Planning Officer), Adrian Devereaux (Area Team Leader), Daniel Rance (Principal Planning Officer), Greg Venn (Conservation Officer), John Millar (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

87 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

88 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

89 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Members were reminded of the need to declare any interests when appropriate.

90 **MINUTES OF THE PREVIOUS MEETING (00-03-13)**

The minutes of the meeting held on 20 November were approved as a correct record and signed by the Chairman.

91 **CHAIRMAN'S ANNOUNCEMENTS (00-03-57)**

The Chairman had no announcements to make.

92 DEFERRALS FROM THE PLANS LIST (00-04-07)

The meeting was informed that Item 9 on the agenda – application 19/00118/MOUT – land west of Siskin Chase, Cullompton) had been deferred to the next meeting to allow for the report to be updated.

93 THE PLANS LIST (00-04-51)

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

a) No 1 on the Plans List (***19/01189/OUT – Outline for the erection of 2 dwellings (revised scheme) – land at NGR 307538 116626 (North of Town Farm), Burlescombe***).

The Principal Planning Officer outlined the contents of the report by way of presentation explaining that this was a revised scheme submitted to address previous highway issues. He highlighted the location of the site and showed Members the proposed elevations and site sections of the proposal, the location of the Grade I listed church along with photographs from various aspects of the site. He explained that part of the historic hedge would need to be removed and updated the meeting on the recent advice from Historic England.

Consideration was given to:

- The views of the objector with regard to the impact of the application on the setting of the Grade I listed church, the previous highway objections, the heritage impact assessment, the work that would take place in an historical field and the removal of the hedge which had an ancient wall and that she felt that the application was not in line with policy DM27
- The views of the Parish Council with regard to the fact that the previous objections submitted by the Parish Council still stood, the application would have an impact on the setting of the listed church, there were a lack of pavements in the area and no local amenities, the development would impact on local roads and the ancient field had been green space in the setting of the church
- The views of the Ward Member with regard to the impact on the setting of the church, the lack of amenities in the village and that 2 additional houses was not a necessity for the village.
- An archaeological search would be required
- The historic value of the hedge and again the impact of the development on the setting of the listed church which included the statutory material considerations

It was therefore:

RESOLVED that: Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal, that of:

- The impact of the proposal on the historic hedge/wall

- The impact of the proposal on the historic location
- The impact of the proposal on the setting of the Grade I listed church
- The lack of pavements in the area and the narrowness of the roads.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr S J Clist declared a personal interest for personal reasons and left the meeting during the discussion thereon;
- ii) Cllr R F Radford declared a personal interest as he knew the owner of the property
- iii) Mrs Hill spoke as objector;
- iv) Cllr Trevelyan spoke on behalf of the Parish Council;
- v) Cllr Mrs C A Collis spoke as Ward Member;
- vi) The following late information was reported:

Consultation response from Historic England dated 31 October 2019

Thank you for your letter of 22 October 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England has now commented on many iterations of this scheme. Our most recent letter expressed some reservations about the increasing intensity of the development which resulted from the need to provide off-road turning spaces. This revised scheme now proposes to cover one of the parking spaces, landscaping the cover into the garden. The other turning space remains as previously submitted.

Historic England regrets that it has not been possible to minimise the scope of the associated infrastructure for this development as any increase in the scale of the parking and landscaping will have an impact on the views to and from the adjacent Grade I listed church. It is also unclear how the proposed covered turning area will be constructed and therefore what the visual impact on the views towards the church from the road opposite will be.

However, providing the detailed design of this proposed revision can be shown to minimise this potential impact to the satisfaction of your Conservation Officer, Historic England have no further comments to make on this application.

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

b) No 2 on the Plans *List (19/00210/MFUL – Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping – 36 Post Hill, Tiverton).*

This item had been deferred from the previous meeting to allow for further discussions between officers and the developer to take place with regard to the siting of plots 1 and 2 and to consider specifically the height of plot 2.

The Area Planning Officer provided the meeting with an aerial photograph of the site and photographs of the access to the site from various directions, she also highlighted the site plan focussing on plots 1 and 2 which had been identified at the previous meeting. Revised drawings had been provided reducing the floor level of plot 2 and reducing the roof pitches of both dwellings also moving plot 1 back 300mm and plot 2 back by 1.5metres. She provided comparative street scenes and elevation drawings which highlighted the amended scheme.

Consideration was given to:

- The road link through the site to Braid Park
- The views of the agent with regard to the highway link and the applicant's positive response to members concerns and the amendments that had been made which would reduce the impact on neighbouring properties he also highlighted the parking area for plots 14-17
- Whether plots 1 and 2 could be moved further back

RESOLVED planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure:

- Two, affordable rent, housing units to be provided on site at Plots 14 and 15;
- £77,085 financial contribution to Devon County Council Education (including legal fees) towards primary education and early years.
- £23,744 financial contribution towards Phase I of the refurbishment of Amory Park, Tiverton.
- Road connection, up to and including the boundary of the application site, to be constructed and made available for public use prior to the occupation of the 9th dwelling. The road to connect to the road within the adjacent northern site, currently under construction.

(Proposed by Cllr D J Knowles and seconded by Cllr B G J Warren)

- i) Cllr E J Berry declared a personal interest as he knew people in the vicinity of the site and chose to leave the meeting during the discussion thereon;
- ii) Mr Frost (Agent) spoke;
- iii) Cllr D J Knowles spoke as Ward Member;
- iv) Cllr L J Cruwys requested that his abstention from voting be recorded;
- v) The following late information was provided: Please note the following amendment to the bullet point 4 of the recommendation:

Road connection, up to and including the boundary of the application site, to be constructed and made available for public use prior to the occupation of the 9th dwelling. The road to connect to the road within the adjacent northern site, currently under construction.

- c) No 3 on the Plans *List (19/00718/MOUT – Outline for the erection of 26 dwellings – land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh)*.

The Area Team Leader informed the meeting that the application had been considered at the previous meeting and it had been resolved to defer the application to allow a site visit by the Planning Working Group to take place.

The Area Team Leader informed the meeting that the site was allocated within the emerging Local Plan as policy CH1 for a minimum of 20 dwellings and that the inspector had no issues with the allocation, the access to the site from School Close was in line with the allocated policy and members had seen an indicative layout for 26 dwellings on the site. The Highway Authority had indicated that using a formula, 6 additional dwellings would provide 3 additional movements during peak periods.

Photographs were also provided from various aspects of the site.

Consideration was given to:

- Whether the construction route could be used as the access to the site
- The number of vehicle movements calculated for peak times
- The views of the agent with regard to the site being allocated within the emerging Local Plan for a minimum of 20 dwellings, the lack of objection from the inspector, the lack of opposition to the proposal from the Highway Authority, the haul road would be over 3rd party land and that the parking leading into the site was transitory
- The views of the Parish Council with regard to the capacity for 26 dwellings on the site which was a 30% increase on the policy allocation. The additional 6 dwellings would represent at least 12 extra cars with the knock on effect of increased traffic as well as parked cars on the road from visitors. The access to the site was through a chicane in School Close and that 6 additional

dwellings would impact on the sewage facilities and water drainage infrastructure

- The views of the Ward Member with regard to the chicane in School Close and the increased vehicle movements that 6 additional dwellings would provide; he felt that the site was unsustainable and that 26 dwellings was too many
- Some members concerns with regard to the road access (including width) to the site.
- Whether any refusal of 6 additional dwellings would stand up at appeal

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure the following:

- a) 30% affordable housing in accordance with a scheme to be agreed with the Local Planning Authority.
- b) 5% self build as serviced plots.
- c) A financial contribution of £67,497.00 towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. This figure arising from a development of 26 dwellings resulting in 7 primary pupils with the calculation as follows: £7.25 per day x 7 pupils x 190 academic days x 7 years = £67,497.00
- d) A financial contribution of £31,330 towards public open space provision in the Parish of Chawleigh, which this figure based on an outline application for 26 dwellings.

(Proposed by the Chairman)

Notes:

- i) Cllr C J Eginton made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had been involved in discussions with the Parish Council, the applicant and objectors to the application;
- ii) Mr Smith (Agent) spoke;
- iii) The Chairman read a statement on behalf of Chawleigh Parish Council;
- iv) Cllr C J Eginton spoke as Ward Member;
- v) Cllrs: S J Clist, Mrs C A Collis, L J Cruwys and Mrs C P Daw requested that their vote against the decision be recorded

d) No 4 on the Plans *List (19/01132/MFUL – erection of 20 dwellings with associated access, parking and landscaping – land at NGR 283153 99974, Barn Park, CREDITON).*

The Area Team Leader outlined the contents of the report informing the meeting that the site was allocated within the emerging Local Plan as Policy CRE8 and that the projects for the public open space and air quality contributions had now been received.

He highlighted by way of presentation the site location plan for 20 affordable dwellings, the block plan of development, the highway layout and site section, street elevations, house types, the landscaping plans and photographs from various aspects of the site. He explained how the application had been put forward for 28% affordable housing on the site but confirmed that 100% affordable homes would be built with Government funding.

Consideration was given to:

- The need to amend condition 6 with regard to construction traffic during school pick up times
- Why there was no turning head at the end of the road
- The number of houses on the site and the density
- The drainage connections
- The view of the applicant with regard to the affordable housing scheme, 12 houses for rent and 8 shared ownership houses were proposed, the high quality design and the support the application had received

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to condition 6 criterion (d) to add the hours of delivery and construction traffic being restricted between 8am – 9am and 3pm – 4pm during school term times; and the prior signing of a S106 agreement to secure the following:

- 1) 28% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) A financial contribution of £54,608.00 towards additional education infrastructure at Hayward's Primary School which serves the address of the proposed development.
- 3) A financial contribution of £14,980 towards public open space provision in the Parish of CREDITON (Members to be updated on the allocated project prior to the Planning Committee).
- 4) A financial contribution of £62,076 towards Air Quality mitigation in the Parish of CREDITON based on the calculation of 14 x £4434 (Members to be updated on the allocated project prior to the Planning Committee).

(Proposed by Cllr F W Letch and seconded by Cllr S J Clist)

Notes:

- i) Mr Hourcian (applicant) spoke;
- ii) Cllr F W Letch spoke as a Town Councillor;
- iii) Cllr F W Letch declared a personal interest as his daughter lived close to the site;
- iv) The following late information was provided:

Allocated projects for Public Open Space and Air Quality contributions are as follows:

A financial contribution of £14,980 towards public open space provision in the Parish of Crediton, allocated to the provision of new or replacement play and/or exercise equipment at Barnfield Play Area, Crediton

A financial contribution of £62,076 towards Air Quality mitigation in the Parish of Crediton based on the calculation of 14 x £4434 with the allocated project being measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Crediton

- e) No 5 on the Plans *List (18/01966/TPO – application to part dismantle 1 Holm Oak tree, protected by Tree Preservation Order 10/00005/TPO – land at NGR 284218 100950 (between Old Tiverton Road and Pedlerspool Lane, Crediton).*

The Interim Group Manager for Development outlined the contents of the report providing photographs of the tree in question and highlighting the views of the arboricultural consultant and the recommendation that part of the holm oak should not be dismantled.

Consideration was given to:

- The views of the applicant with regard to concerns about the safety of the tree and that it may fall into the road, the report from Devon County Council stating that the tree was dangerous, he also had concerns with the view of the arboricultural consultant who did not want it dismantled. The tree was on his land and therefore he would be responsible if it did fall.
- The Chairman read a statement from Cllr Wainwright (Ward Member) who was in favour of keeping the tree and that the tree had no ailments or symptoms. She felt that the tree was part of the unique local character and habitat and would not easily be replaced.
- Cllr Mrs M E Squires (Ward Member and County Councillor) spoke in favour of the removal of the tree, she felt that it was dangerous and could fall into the road.
- Liability issues if the tree were to fall
- If the tree were to be dismantled then further trees should be planted

RESOLVED that: the application to part dismantle the 1 holm oak tree protected by Tree Preservation Order 10/00005/TPO be approved for safety reasons subject to a condition to refer to the planting of 3 additional trees in a nearby location within the first planting season following the dismantling of the tree.

(Proposed by Cllr E J Berry and seconded by Cllr L J Cruwys)

Notes:

- i) Mr Turner (applicant) spoke;
 - ii) The Chairman read a statement on behalf of Cllr Miss E Wainwright;
 - iii) Cllr Mrs M E Squires spoke as Ward Member and County Councillor.
- f) No 6 on the Plans *List (19/01608/HOUSE – Erection of single storey extension and separate garage/annex/workshop accommodation – Tanglewood, Dukes Orchard, Bradninch).*

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location, the existing and proposed plans, the existing and proposed elevations, the garage elevations and floor plans and photographs from various aspects of the site.

Consideration was given to:

- Privacy issues with regard to the annexe above the proposed garage
- The positioning of the rooflights
- The views of the objector with regard to overdevelopment of the site and the impact on her dwelling; the closeness of the proposal to her boundary, overshadowing and loss of light and the number of vehicles using the driveway
- The views of the agent who felt that there would be no impact on the neighbouring property with regard to overshadowing or loss of light as the extension would have no more impact than the original dwelling
- Any minimum distance between properties required for maintenance

It was therefore:

RESOLVED that the application be deferred to allow for a site visit by the Planning Working Group to consider:

- the impact of the proposal on the neighbouring property
- The access to the site
- Any possible overlooking issues

(Proposed by Cllr S J Clist and seconded by Cllr B G J Warren)

Notes:

- i) Mrs Brown spoke in objection to the application;
- ii) Mr Renouf (Agent) spoke.

94 **APPEAL DECISIONS (2-37-09)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to Minutes.

95 **APPLICATION 19/00118/MOUT OUTLINE FOR THE ERECTION OF UP TO 105 DWELLINGS, ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ALLOTMENTS TOGETHER WITH VEHICLE AND PEDESTRIAN ACCESS FROM SISKIN CHASE AND PEDESTRIAN ACCESS FROM COLEBROOKE LANE - LAND AT NGR 301216 106714 (WEST OF SISKIN CHASE), COLEBROOKE LANE, CULLOMPTON**

This item had been deferred as outlined in Minute 92.

(The meeting ended at 5.05 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 15th January 2020

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|--|
| 01. | 19/01961/HOUSE - Conversion of garage to additional ancillary accommodation to include extension and alterations to boundary wall at 1 Oak Crescent, Willand, Cullompton.
RECOMMENDATION
Grant permission subject to conditions. |
| 02. | 19/01309/FULL - Erection of a dwelling including demolition of a garage at Fair Havens, Mill Street, Crediton.
RECOMMENDATION
Grant permission subject to conditions. |
| 03. | 19/01340/FULL - Erection of dwelling at Land at NGR 266108 109805 (Paddons Farm), Wembworthy, Devon.
RECOMMENDATION
Grant permission subject to conditions and the signing of a S106 agreement to secure. |
| 04. | 19/01507/OUT - Outline for the erection of a dwelling and formation of access at 48 Twitchen, Holcombe Rogus, Devon.
RECOMMENDATION
Grant permission subject to conditions and the signing of a S106 agreement to secure. |
| 05. | 19/01700/FULL - Erection of dwelling and formation of access (Revised Scheme) at Southertons Farmhouse, Westleigh, Tiverton.
RECOMMENDATION
Grant permission subject to conditions and the signing of a S106 agreement to secure. |

Application No. 19/01961/HOUSE

Grid Ref: 303302 : 110673

Applicant: Mr & Mrs Dugard

Location: 1 Oak Crescent
Willand
Cullompton
Devon

Proposal: Conversion of garage to additional ancillary accommodation to include extension
and alterations to boundary wall

Date Valid: 21st November 2019



APPLICATION NO: 19/01961/HOUSE

MEMBER CALL-IN

This application is to be determined by the planning committee for the purposes of transparency as the applicant is employed by Mid Devon District Council.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Conversion of garage to additional ancillary accommodation to include extension and alterations to boundary wall.

APPLICANT'S SUPPORTING INFORMATION

Site location plan, block plan, existing and proposed floor and elevation plans, proposed section plans, proposed wall/ access plan.

RELEVANT PLANNING HISTORY

85/01575/ARM - PERMIT date 18th December 1985

Detailed drawings for the erection of 107 dwellings together with garages, access roads and drainage

78/00389/FULL - PERMIT date 31st March 1983

Outline for residential development with access thereto, with sites reserved for shopping and open space on 8.70 hectares (21.49) off Gables Road and Deanhill Road, Willand

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High quality design

DM8 – Parking

DM13 – Residential extensions and ancillary development

CONSULTATIONS

Willand Parish Council: No comments at the time of writing the report. Officers will provide any updates to committee members.

Highway Authority: No comments received at the time of writing the report. Officers will provide any updates to committee members.

Environment Agency: Householder development and alterations within Flood Zone 1 - No EA consultation required.

REPRESENTATIONS

No letters of representation have been received at the time of writing the report. Officers will provide any updates to committee members.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
2. Design and appearance
3. Impact on neighbouring properties
4. Impact on parking provision

1. Policy and procedure

The site is located within the defined settlement limit of Willand. Development within defined settlement limit boundaries is considered to be acceptable as a matter of principle and in accordance with policy COR17 of the Mid Devon Local Plan part 1 (Core Strategy). Willand is considered to be a sustainable location for minor development proposals such as affordable housing meeting a local need, small scale employment and tourism, and residential extensions/ ancillary development within the village boundary is considered to be acceptable in principle subject to development proposals complying with detailed development management policies contained within the Mid Devon Local Plan part 3 (Development Management Policies).

2. Design and appearance

The proposed application scheme incorporates a single storey extension to the side of the property forward of the existing garage which is to be converted to living accommodation. A single storey rear extension is also proposed. Minor changes are also proposed to the boundary wall to the side of the property to enable pedestrian access to the rear of the property. The proposed scheme is considered to be inkeeping with the existing house and materials are proposed to match those found on the main house at present in accordance with policies DM2 and DM13 of the Mid Devon Local Plan part 3 (Development Management Policies).

3. Impact on neighbouring properties

The property forms an end plot on the junction of Oak Crescent and Meadow Park. The neighbouring property to the north east side of the property (no. 3 Oak Crescent) has been consulted as part of the application process. At the time of writing this report no comments have been received. An update to members will be provided at the planning committee meeting. Having visited the site, officers have no concerns and consider that the proposal will cause no adverse impacts on occupants of the neighbouring property in terms of loss of privacy, loss of light or overbearing impact. As such the proposal is considered to comply with policies DM2 and DM13 of the Mid Devon Local Plan part 3 (Development Management Policies).

4. Impact on parking provision

The existing parking arrangement for the property is located to the front of the garage on the properties driveway and on street parking to the front of the property. The existing garage is not used for parking for the property. The Mid Devon parking provision in new development supplementary planning document states that where garages or car ports are provided they will not count as parking spaces. As such officers are content with the parking situation at present which would not be altered by the proposal to convert the garage to additional living accommodation. The proposal is therefore considered to comply with policy DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice

REASONS FOR CONDITIONS

1. In accordance with the provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT/ REFUSAL

The proposals in terms of their scale, design and position on the property are considered to be supportable in policy terms. The proposal is considered to respect the character, scale, setting and design of the existing dwelling. The proposal would not result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of the neighbouring properties. Parking provision for the property is considered to be acceptable and in accordance with policy standards. Overall the proposal is considered to comply with the following policies; Mid Devon Core Strategy (Local Plan Part 1) COR17 of the Local Plan Part 3 (Development Management Policies) DM2, DM8, DM13 and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 19/01309/FULL

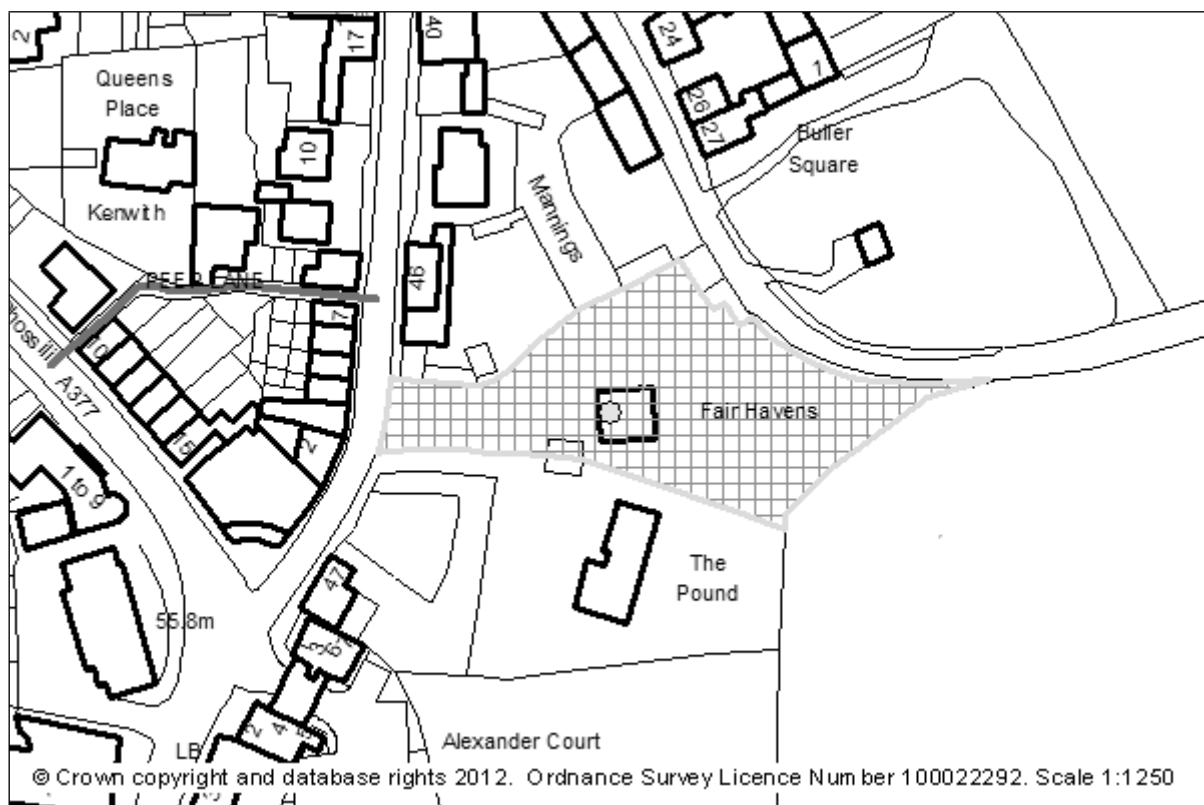
Grid Ref: 283951 : 100017

Applicant: Mr Chris Reed

Location: Fair Havens
Mill Street
Credton
Devon

Proposal: Erection of a dwelling including demolition of a garage (Revised Scheme)

Date Valid: 15th August 2019



APPLICATION NO: 19/01309/FULL

MEMBER CALL-IN

Cllr John Downes called the application in to consider whether the proposal would result in overdevelopment of the site and non-compliance with the original approval.

RECOMMENDATION

Grant planning permission subject to conditions

PROPOSED DEVELOPMENT

Erection of a dwelling including demolition of a garage at Fairhavens, Mill Street, Crediton. The site is located within the town of Crediton and within the Crediton Conservation Area. The site was formerly occupied by a modest, single storey dwelling, however works have been undertaken to provide a larger dwelling on the site. Access is achieved via a shared private drive which rises steeply up from Mill Street to the west of the site.

The application seeks consent for the erection of a dwelling and demolition of the existing garage. The site area extends to approximately 1805sqm. At the time of the case officer site visit the external shell of the dwelling was largely complete (with roof, windows and doors installed) and the internal fit out was being undertaken.

The proposed dwelling is a two storey, 4 bedroom dwelling constructed of brick with a tile roof and black uPVC windows and doors. The design and form of the dwelling is similar to the scheme approved for extending the original building back in 2003 under planning permission 03/00835/FULL. It is proposed that foul drainage will be disposed to the mains system and the surface water will be managed via a soakaway.

APPLICANT'S SUPPORTING INFORMATION

Application form

Plans

Planning statement

Letter regarding wildlife survey

Letter re tree protection plan and arboricultural method statement (December 2017)

RELEVANT PLANNING HISTORY

01/02006/FULL - PERMIT date 27th August 2002 Erection of workshop/study building

02/00297/FULL - PERMIT date 3rd September 2002 Erection of conservatory, a single storey and a two storey extension and a main second storey together with retention of boundary wall

03/00835/FULL - PERMIT date 9th June 2003 Erection of single and two storey extensions to north and east elevations and verandah to west elevation and retention of boundary wall

04/00839/FULL - REFUSE date 24th June 2004 Erection of 1 no. dwelling with new access

14/00388/FULL - PERMIT date 6th January 2015 Erection of 3 dwellings with shared courtyard and parking areas, following demolition of existing dwelling

17/01744/FULL - WDN date 14th December 2017 Variation of conditions (8), (9) and (13) of planning permission 14/00388/FULL to allow early commencement of development

19/00625/NMA - WDN date 23rd May 2019 Non material amendment for 03/00835/FULL to increase the roof height of single storey North extension to include a room with associated dormer to front and bay window to rear, insertion of full height brick chimney to North elevation

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 Local Distinctiveness

COR15 Crediton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development

DM2 High quality design

DM8 Parking

DM14 Design of housing

DM27 Development affecting heritage assets

CONSULTATIONS

CREDITON TOWN COUNCIL- 22nd August 2019-

Crediton Town Council OBJECTS to this development. It appears to have been built without any permission and is not a variation of anything existing. This is illegal. It is a large 3-storey detached residence, as opposed to a garden shed, to ignore it, or accommodate it, would be a travesty of planning procedures and law. Had this come forward as a new application, the Town Council would have had the opportunity to comment on its impact on the conservation area in terms of its scale and use of materials. The Town Council would also have been able to look at its sustainability. Such a proposal would not have been supported by Crediton Town Council. To this end, the actual current development is unacceptable and should not have been built.

PUBLIC HEALTH- 22nd August 2019-

Contaminated Land: No objection to this proposal. (21.8.19).

Air Quality: No objection to this proposal. (15.8.19).

Environmental Permitting: No objection to this proposal. (15.8.19).

Drainage: No objection to this proposal. (21.8.19).

Noise & other nuisances: No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties. (21.8.19).

Housing Standards: No comment. (20.8.19).

Licensing: No comment. (15.08.19).

Food Hygiene: Not applicable. (16.8.19).

Private Water Supplies: Not applicable. (16.08.19).

Health and Safety: No objection to this proposal enforced by HSE.

Informative: There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/> . If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive. (16.8.19).

HIGHWAY AUTHORITY- 2nd September 2019- standing advice applies.

MDDC CONSERVATION OFFICER- 6th September 2019

I have visited the site which is a raised site accessed from Mill Street Crediton. The existing house replaces a former bungalow which originally gained planning permission in 2003.

The design and materials are not particularly sympathetic to the character of the Crediton Conservation Area however these have been approved previously. This application relates to raising the ridge of the north addition and it would appear that the main roof of the house has been converted with additional roof lights and gable windows which would be permitted development unless the ridge is built higher than the approved. The roof lights are visible features from views in the Conservation Area from Mill Street and Buller Square and are harmful to the character of the CA and should be removed if not permitted development.

The raising of the roof of the north side addition and added bay window are in the same style as the existing design and are still subservient. The large rooflight to the front elevation should be removed if not permitted development.

REPRESENTATIONS

At the time of writing this report 5 letters of objection have been received, the main issues raised are summarised below;

1. The site sits at a higher level than Downeshead Lane
2. The impact on the conservation area and houses in Downeshead Lane is not in keeping with current planning requirements
3. It is clearly visible from a wide surrounding area and is not in keeping with the local vernacular
4. The retrospective application makes a complete travesty of planning laws and a mockery of the planning committee
5. The 2003 permission for extension of the original bungalow lapsed
6. Our garden is now completely overlooked by the upper storey windows of the house
7. The materials are unsympathetic. The original bungalow had red tile roof but its height meant they were not very visible
8. The current bright terracotta coloured roof tiles are not the same as the original property and are out of keeping with the conservation area
9. There is no screening to the building
10. Concern that the building has not been built to building regulation approval
11. The increased height of the building is dominant in views from neighbouring properties
12. Concern as to how the garage will be demolished without impact to the neighbours garage which it attaches to
13. There is no plan to show areas of car parking and turning
14. The letter from Advanced Arboriculture is referred to despite having been submitted under a separate application (14/00388/FULL)
15. The existing access is in a poor state of repair
16. Trees and earth have been removed from the entrance to the drive to support the widening of the access, they have stated that there is no intention to change the access from Mill Street. Confirmation of their intention is required.

One letter of support has been received which states that the original bungalow had become derelict and a complete eyesore. The design is basically the same as the approved planning permission from 2003.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy, planning history and principal of development
2. Design, impact on heritage assets
3. Impact on the amenity of neighbouring occupiers
4. Highway and parking issues
5. Other issues

1. Policy, planning history and principal of development

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Although the application has been submitted on a retrospective basis is not considered to be material to determination of the application and the application should be considered on its merits.

The site is located within the settlement of Crediton where policy COR15 seeks for the town to continue to develop as a small market town by increasing the self-sufficiency of the town and its area and reduce the need to travel to Exeter by widening and expanding employment opportunities, enhancing retail provision and improving access to housing and services.

The application was submitted following discussions with the Council's Enforcement Team. The submitted planning statement sets out that the application was submitted as a retrospective application for variations to approved development 03/00835/FULL. Application 03/00835/FULL related to the previous bungalow that existed on the site and granted consent in 2003 for the erection of single and two storey extensions to north and east elevations and verandah to west elevation and retention of boundary wall. The applicant's case is that the 2003 consent was implemented within the 5 year timeframe and they considered that they were continuing with the lawful implementation of that scheme. It is stated that the description of development at that time did not reflect the scope of development approved by the plans which actually show a comprehensive redevelopment to create a 4 bedroomed, two storey dwelling.

It is understood from the drawings available in relation to the 2003 application, that the bungalow that existed on the site had an almost square shape foot print apart from a modest porch projection to the front. It provided a kitchen, lounge, bathroom and two bedrooms. It is understood to have been constructed with brick and a tile roof.

The approved plans (03/00835/FULL) demonstrate that the scheme that could have been achieved under that consent resulted in an enlarged footprint and increase in height to provide accommodation over two levels, it also included the installation of dormer and bay window features. At ground floor level it would have provided an enlarged kitchen breakfast room, utility, lounge, gym, shower room and study. At first floor level it would have provided four bedrooms, an en-suite and a bathroom. The proposed material palette comprised brick and render walling, tiled roof and white uPVC windows.

In 2014, consent for three dwellings was granted on the site. It is understood that this consent has been implemented but has not been built out.

The applicant has explained that the works under the 2003 consent were partially implemented and they had intended to complete the works under that consent. In May 2019 a non-material amendment application was submitted which sought some variations to the plans approved under 03/00835/FULL, the variations were not considered to be non-material and therefore this application has been submitted to seek to regularise the development.

In principle it is considered that the provision of a new dwelling on the site, replacing the previous bungalow, would be supportable in this location.

2. Design, impact on heritage assets

In terms of the design of development, DM14 (Design of housing) and DM2 (High quality design) are applicable.

Policy DM2 requires designs of new development to be of high quality based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptable adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of;
 - i) Architecture
 - ii) Siting, layout, scale and massing
 - iii) Orientation and fenestration
 - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

Policy DM14 outlines that 'New housing development should be designed to deliver;

- a) High quality local places taking into account physical context, local character, density and land use mix;
- b) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- c) Suitable sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;
- d) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stair lift installation or space for the provision of a lift in homes with more than one store;
- e) Private amenity space that reflects the size, location, floorspace and orientation of the property;
- f) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;
- g) On sites of 10 houses or more the provision of 20% of dwellings built to the lifetime homes standard;
- h) Car parking in accordance with policy DM8.

Section 72 of the Town and Country Planning Act (1990) requires that special attention be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM27 (LP3) requires development proposals likely to affect heritage assets and their settings to consider their significance, character,

setting and local distinctiveness, and the opportunities to enhance them. Where proposals would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use. The site is located within the Crediton Conservation Area. There are listed buildings located at Buller Square, north east of the site and 3 Mill Street, opposite the access point at the west of the site.

The design as sought for approval is for a two storey (with loft space) 4 bedroom dwelling with dormer window and bay window features. The design is considered to reflect the general design approach approved within the 2003 scheme, albeit with some alterations. The main alterations include amendments to the fenestration arrangement (including the addition of two roof lights to the west elevation, replacement of two ground floor windows on north elevation with one glazed double door opening, replacement of a window to east elevation with a glazed door opening and installation of three roof lights, installation of additional windows to south elevation), alterations to the internal layout and the addition of a chimney to the north elevation. The most significant alteration from the previously approved scheme relates to the increased height of the single storey extension to the north to increase it to provide accommodation at first floor level, this includes the provision of a large roof light to the west elevation and an additional bay window to the rear (east elevation).

There are some concerns that the design and materials are not entirely sympathetic to the character of the conservation area. This concern has been raised by the Conservation Officer, the full comments being set out above. Notwithstanding this, the planning history, including the scope of the scheme approved under the 2003 consent, are considered to be a material consideration. The alterations proposed to that scheme are considered to be relatively minor and generally in keeping with the character and appearance of the previously approved scheme. Whilst it is recognised that the roof lights result in interventions to the roof scape that causes some harm to the character and appearance of the conservation area, the level of harm is considered to be low, particularly having regard to the alterations that could have been achieved under permitted development. The material palette largely reflects the structure that previously existed on the site, whilst the roof is now more prominent within the wider street scene as a result of the increased height of the dwelling and the 'new' appearance of the tiles which are likely to soften in appearance when weathered. There is a varying material palette within the immediate area including brick and render walling, slate and tile roofs and timber and uPVC windows. On this basis it is not considered that the material palette is unacceptable or incongruous in this setting. Having regard to the design of the scheme previously approved under the 2003 consent and the scope of the proposed alterations, overall it is considered that the design is acceptable and the proposed development is considered to result in less than substantial harm to the character and appearance of the conservation area and the setting of the listed buildings nearby to the site.

The application has been called in to consider whether the proposal represents over development of the site. Whilst the proposal seeks consent for the erection of a dwelling on the site which is larger than the modest bungalow that previously existed, the proposal is for a single dwelling within a relatively large site area. The site would enable a relatively generous external area, including parking and garden space, to be retained for the benefit of the dwelling and the level of amenity space is considered to be appropriate for a dwelling of this size, particularly within this urban context having regard to the density of properties surrounding the site. Furthermore, it is noted that consent has previously been granted for the erection of three dwellings on the site.

3. Impact on the amenity of neighbouring occupiers

The property is detached and sits in a relatively large plot, notwithstanding this there are neighbouring residential properties surrounding the site. There are a number of residential properties to the north and north west of the site, by virtue of the existing land levels the site sits in

an elevated position in relation to those properties. As such there are some relatively open views between the site and the rear parts of those properties including their garden areas. The revised design for which consent is now sought, proposes to replace two ground floor windows with a glazed double door opening to serve the lounge. Whilst this would offer views to the north, the dwelling is set back from the boundary by approximately 12m and it is not considered that the proposal results in an unacceptable relationship with the neighbouring properties particularly having regard to the screening which would be afforded by the proposed boundary hedgerow and the tree planting proposed directly north of the dwelling. Similarly it is considered that the additional accommodation and associated roof lights within the west elevation would not result in an unacceptable relationship with the neighbouring properties. Although the dwelling sits at an elevated level it is set back from the boundary and there is sufficient separation distance such that it is not considered to be overbearing despite the increased height at the northern elevation.

The neighbouring property which shares the access road is located to the south of the site. There is a substantial intervening hedgerow which provides screening between the two properties. This scheme seeks to replace a ground floor door with a window, move a first floor bedroom window and install a window within the loft. It is not considered that the proposal would result in any significant adverse impacts to the amenities of those occupiers, particularly having regard to the previously approved scheme.

Concerns have also been raised by the occupiers of the property located to the north west of the site on the other side of Downeshead Lane. The concerns are that the development is visible from all the rooms in their house and their garden which is now overlooked. Whilst it is recognised that there are now relatively open views between the site and that property, having regard to the separation distance it is not considered that the relationship between the properties would be unacceptable.

Overall, having regard to the separation distance to the surrounding properties it is not considered that the proposed development would result in harm to the amenities of neighbouring occupiers in terms of loss of light or overshadowing. Overall, the likely impact to the amenity of neighbouring properties is considered to be acceptable having regard to the previously approved scheme on the site, the separation distances to the neighbouring properties and the design, orientation and scale of the proposed development.

4. Highway and parking issues

It is proposed that the existing concrete driveway would be retained to serve the dwelling. The block plan demonstrates that there would be a parking area provided to the front of the dwelling which would provide sufficient room for parking and turning in accordance with policy DM8 and these facilities would prevent conflict with the traffic accessing the neighbouring site. It is not considered that the proposed development would result in any significant increase in traffic that would raise concerns in terms of highway safety or capacity issues.

5. Other issues

Some trees have been removed from the site during the course of the works. The applicant has submitted a letter containing a tree protection plan and arboricultural method statement, dated 13th December 2017, and originally submitted to discharge condition 10 of the 2014 permission for the erection of three dwellings on the site. In accordance with the 2014 consent a number of trees were agreed to be removed from the site. In addition, a further plan has been provided to clarify that two trees were removed from the front of the site as they were causing damage to the neighbours outbuilding. The holly bush in the north east corner of the site was also removed as it is stated that it was in a poor condition and damaging the subterranean building on Downeshead

Lane. The trees are located in the Crediton Conservation Area and therefore it is likely that a notification in accordance with section 211 of the Town and Country Planning Act 1990 would have been required. It is also understood that there was an overgrown Leylandii hedge to the northern boundary of the site which was removed. The submitted landscaping plan indicates that much of the site would be laid to lawn, with borders in wild grasses. It is proposed to provide a replacement hedgerow to the northern boundary of the site which will be of mixed native species to be retained at a height of no more than 2m. It is also proposed to provide additional/ replacement tree planting including 2 Corkscrew Hazel trees at the front of the site, two weeping cherry trees to the north west of the dwelling, 3 silver birch directly north of the dwelling and an ornamental cherry to the north east. The proposed landscaping will help to soften the impact of the development and help to mitigate for the loss of trees which has taken place. The additional planting will provide a positive contribution to the character and appearance of the conservation area and a condition is proposed to secure the proposed planting.

The proposal seeks to remove the existing garage which serves the property. The garage is part of a double garage with the adjoining part belonging to the neighbouring property. The garage is a flat roof structure of brick construction, sited forward of the dwelling. The building is of no particular architectural or historic merit and there are no concerns with its partial removal in terms of the impact to the street scene or the character or appearance of the conservation area. The owner of the adjoining garage has raised concern with regard to how part of the structure will be demolished without adverse impact to the structural capability of the adjoining part of the building which is proposed to remain. The applicant has confirmed that the internal wall will be left in place and faced in brick, the roof and eaves will be made good. The developer will need to ensure compliance with other appropriate regimes including the party wall act and it is not considered that these matters are relevant to determination of the planning application.

The applicants have not submitted an ecological appraisal in respect of the works. They consider that the garage is a contemporary structure with a solid roof structure with no access for wildlife. The Local Planning Authority has previously granted consent for the erection of the demolition of the garage without benefit of an ecological appraisal. At this time the Local Planning Authority has no evidence to confirm that the building provides a suitable habitat for protected species, and in light of the history of the site it is not considered reasonable or necessary to require an ecology appraisal at this stage, however the applicant will be reminded of their duty in respect of protected species and habitats by way of an advisory note.

The comments of Public Health are noted, however given that the works on site are largely complete and no concerns have been raised in relation to the timing of the works it is not considered reasonable or necessary to limit working hours in this instance.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

REASON FOR APPROVAL OF PERMISSION

The application for the erection of a dwelling including demolition of a garage is considered to be supportable in policy terms. Having regard to the development previously approved on the site and the scope of the proposed alterations, overall it is considered that the design is acceptable and the proposed development is considered to result in less than substantial harm to the character and appearance of the conservation area and the setting of the listed buildings nearby to the site. In this instance, the public benefits associated with the provision of a new build 4 bedroom dwelling

replacing the previous structure on the site, is considered on balance to outweigh the harm arising to the heritage assets. The likely impact to the amenity of neighbouring properties is considered to be acceptable having regard to the separation distances to the neighbouring properties and the design, orientation and scale of the proposed development. The proposal does not raise any concerns in terms of highway safety or capacity issues and the proposed parking is compliant with policy DM8. Having regard to all material planning considerations, the application is recommended for approval in accordance with policies COR2 and COR15 of the Mid Devon Core Strategy, DM1, DM2, DM8, DM14 and DM27 of the Local Plan part 3 (Development Management Policies) and the NPPF.

CONDITIONS

1. The commencement of the development shall be taken as 14th August 2019, the date the application was registered.
2. The development hereby permitted shall be carried out in accordance the approved plans listed in the schedule on the decision notice.
3. The proposed hedgerow and tree planting shall be carried out in accordance with the details shown on drawing number IW 719/07 (received by the Local Planning Authority on 3rd December 2019) within 9 months of the first occupation of the dwelling. Any species which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
4. The hedgerow as shown on drawing number IW 719/07 (received by the Local Planning Authority on 3rd December 2019), once established, shall be retained at a minimum height of 1m above the adjoining ground level and no higher than 2m.
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D or E of Part 1 of Schedule 2, relating to extensions, additions and alterations to the roof, porches and outbuildings, shall be undertaken without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. To provide a legal commencement date for the development.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area and to safeguard the character and appearance of the Crediton Conservation Area in accordance with policies DM2 and DM27 of the Local Plan part 3 (Development Management Policies).
4. In the interests of the visual amenity of the area and to safeguard the character and appearance of the Crediton Conservation Area and the amenity of neighbouring occupiers in accordance with policies DM2 and DM27 of the Local Plan part 3 (Development Management Policies).
5. To safeguard the character and appearance of the Crediton Conservation Area in accordance with policies DM2 and DM27 of the Mid Devon Local Plan part 3 (Development Management Policies).

INFORMATIVES

None

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 19/01340/FULL

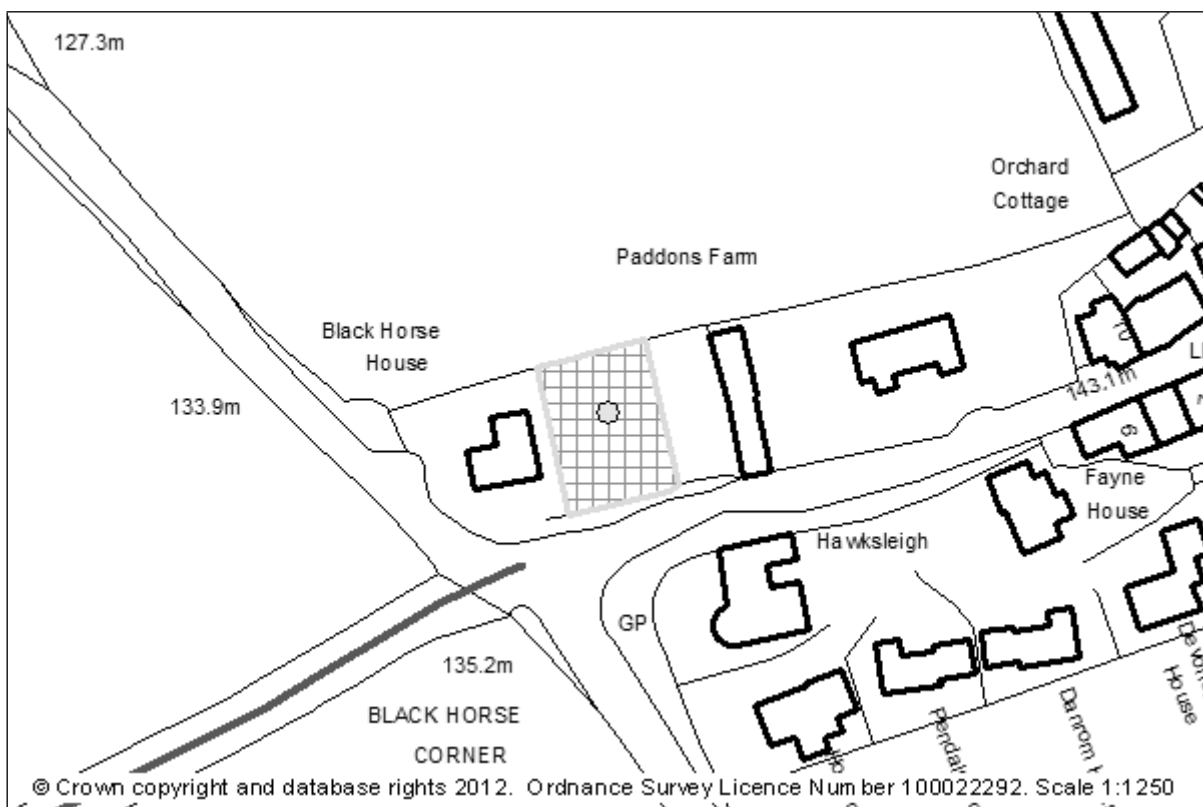
Grid Ref: 266113 : 109805

Applicant: Mr Matthew Fowler

Location: Land at NGR 266108 109805 (Paddons Farm)
Wembworthy
Devon

Proposal: Erection of dwelling

Date Valid: 5th August 2019



APPLICATION NO: 19/01340/FULL

MEMBER CALL-IN

This planning application has been called in by the Ward Member, Councillor John Daw for the reasons that this development was approved in the past but lapsed and it is within the curtilage of the village boundary.

RECOMMENDATION

Grant permission subject to conditions and the signing of a S106 agreement to secure:

The affordable or low-cost housing to remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of a dwelling on land at NGR 266108 109805 (Paddons Farm), Wembworthy. The site is located within the village on an area of garden land sited associated with Paddons Farm (Toms Cottage & Barncote) with the neighbouring property of Black Horse House to the other side.

The proposal is outlined as being for a single self-build dwelling to obtain planning permission for a family home to allow the applicant to continue live and work in the local area, and get on to the housing ladder. It would be a detached 2 storey four bed dwelling incorporating design features such as a half hipped roof. The proposed materials include a natural stone plinth, render walling and a slate roof, with grey UPVC windows and doors. A new site access is proposed to be created onto the highway which would be hard surfaced in a bound material.

APPLICANT'S SUPPORTING INFORMATION

Application Form
Site Location Plan
Planning Statement

RELEVANT PLANNING HISTORY

90/01445/OUT - PERMIT date 14th June 1991
Outline for the erection of two dwellings and alteration to existing vehicular access

14/01657/FULL - WDN date 24th November 2014
Erection of 2 dwellings and construction of new vehicular access

14/02134/FULL - REFUSE date 27th April 2015
Erection of a dwelling (Revised Scheme)

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 – Meeting housing needs
COR9 - Access

COR12 - Development Focus
COR 18 – Countryside

Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)
AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 – Sustainable design
DM8 - Parking
DM14 - Design of housing
DM15 – Dwelling sizes

National Planning Policy Framework

Local Plan Review 2013 – 2033

Policy DM6 - Rural exceptions sites

CONSULTATIONS

WEMBORTHY PARISH COUNCIL – 4th September 2019

1. The application is to develop a plot of vacant land. I have no objection to this land being developed; it would make sense to infill to create additional housing in the village, subject to adhering to local planning policies/guidance and as long as access and parking allowance don't create issues in that area of the village and appropriate consideration is made in relation to existing properties.
2. The application appears to address a previous planning objection in relation to the site level and I assume that the proposed reduction in the current site level would be sufficient to alleviate previous concerns.
3. The planned property would appear to be 'visually attractive', not being dissimilar to the existing properties on the opposite side of the road. On this basis, the proposed property would fit in with the local surroundings.
4. Parking allowance is advised as meeting minimum parking requirements, which would suggest that there, should be no further parking congestion in the vicinity.
5. Building of 'affordable housing' is important in order to encourage communities to grow and thrive, especially in rural areas. I am, however, struggling to understand how a 4 bedroom detached house can be classed as affordable housing. The majority of people purchasing their first home on the property ladder would be buying a flat or a 1 or 2 bedroom house, not a 4 bedroom detached house. Whilst I commend the applicant in assisting with the property build i.e. a 'self-build' and am not aware of personal circumstances, or indeed how much a self-build costs, I would have thought that the land would be put to more appropriate use for building two smaller properties that would allow two local residents to make their first housing purchase of 'affordable housing'.
6. The Planning, Design and Access Statement mentions Chulmleigh, approx. 4 miles away but does not reference Winkleigh, which is just under 3 miles away and which offers amenities

closer than identified in the statement. Appendix 1 provides details of two properties in Wembworthy (£290,000 and £595,000), but none for Winkleigh, which would be considered a reasonable distance to live and travel if working in Wembworthy. Having looked at properties for sale in Winkeigh, there are several currently on the market, with modern 3 and 4 bedroom homes available from between £215,000 and £325,000. I feel that the properties included in Appendix 1 do not provide a true reflection of available property purchase options, not adequately supporting the call for lack of 'affordable housing' locally.

HIGHWAY AUTHORITY – 21st August 2019

Standing advice applies please see Devon County Council document

<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

HOUSING OPTIONS MANAGER – 23rd September 2019

There is no housing need in the village.

PUBLIC HEALTH – 16th August 2019

Contaminated Land: No objection to this proposal. (14.8.19).

Air Quality: No objection to this proposal. (14.8.19).

Environmental Permitting: No objection to this proposal. (14.8.19).

Drainage: No objection to this proposal. (14.8.19).

Noise & other nuisances: No objection to this proposal. (14.8.19).

Housing Standards: No comment. (14.8.19).

Licensing: No comments. (13.08.19).

Food Hygiene: Not applicable. (13.8.19).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal.

IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. (13.08.19).

Health and Safety: No objection to this proposal enforced by HSE. (13.8.19).

HISTORIC ENVIRONMENT SERVICE – 2nd September 2019

I have no additional comments to make on this application to those already made on the earlier planning application 14/02134/FULL, namely:

The proposed development site occupies an area shown from at least the mid-19th century Tithe Map to contain buildings associated with the farmstead of Paddons. The age of the origin of the farmstead is unknown but it may have early origins. Groundworks associated with the construction of the two new dwellings have the potential to expose and destroy archaeological and artefactual deposits associated with the early farmstead of Paddons that may be present across the site. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The

WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>

FORWARD PLANNING – 3rd October 2019

Note

This Forward Planning response discusses the policy context around the principle of a self-build dwelling in this location. All other matters associated with the application have not been addressed but will be considered by the case officer in the process of determining the application.

Policy Context

National Planning Policy Framework

The NPPF defines self-build and custom-build housing as 'housing built by an individual, a group of individuals, or persons working with them or for them, to be occupied by that individual. Such housing can either be market or affordable housing. Paragraph 61 makes clear that the size, type and tenure of housing needed for different groups in the community should be assessed and

reflected in planning policies (including but not limited to)...people wishing to commission or build their own homes.

Paragraph 77 states that Local Planning Authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. Paragraph 79 stipulates that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- The development would re-use redundant or disused buildings and enhance its immediate setting;
- The development would involve the subdivision of an existing residential dwelling; or
- The design is of exceptional quality, in that it:
 - Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The Adopted Local Plan

- *Core Strategy (adopted 2007)*

Policy COR18 stipulates that development outside the settlements defined by COR13-COR17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. With regards to housing, Clause a) permits affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker and accommodation ancillary to a dwelling.

- *Allocations and Infrastructure Development Plan Document (AIDPD) (Adopted January 2011)*

Policy AL/DE/6 notes that the development of a site for 100% affordable housing to meet the needs of the local community will be permitted where there is a proven need for affordable housing who have a strong local connection with the parish or an adjoining parish, the site adjoins a settlement in a location with the parish or an adjoining parish, the type of affordable housing and the scale of provision is limited to meeting the proven local need, and a planning obligation is enforced which retains all the dwellings as affordable housing in perpetuity and gives priority to occupation by those with a strong local connection with the parish or adjoining parishes.

Local Plan Review 2013-2033

The Local Plan Review process is well advanced. The approach to rural housing development set out within the Council's emerging plan, largely echoes that taken in the adopted Local Plan. Policy S14 stipulates that development outside of the settlements defined by Policies S10-S13 will be required to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. With regards to housing, Clause a) permits affordable and low cost housing to meet local needs.

Policy DM6 'Rural Exception Sites' stipulates that the development of a site for predominately affordable or low-cost housing, including self-build housing, to meet proven local need in rural areas will be permitted where:

- a) There is up to date evidence of housing need secured through a housing need survey, or in the case of a self-build proposal, evidence of eligibility for shared ownership housing through 'Help to Buy' or an equivalent scheme;

- b) Each house will be occupied by at least one person with a strong local connection to the parish
- c) The site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues;
- d) The type and scale of affordable or low-cost housing is appropriate to the proven need;
- e) The affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

Paragraph 48 of the NPPF makes clear the weight that may be given to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given), the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given), and the degree of consistency of the relevant policies in the emerging plan to this Framework [the NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Assessment

This application proposes the erection of one self build dwelling at Paddons Farm, Wembworthy, Devon. Wembworthy is not a defined settlement under Policy COR17 of the Core Strategy. It is therefore defined as 'countryside' under COR18 where development is strictly controlled subject to appropriate criteria, as applied through detailed development management policies.

Whilst the Local Plan Review policies are yet to be adopted and do not therefore carry full weight, Policy DM6 of the Local Plan Review includes specific considerations for low cost housing (including self build housing) in the countryside which are highly relevant to this application.

Clause a) requires up-to-date evidence of housing need secured through a housing need survey, or in the case of a self-build proposal, evidence of eligibility for shared ownership through 'Help to Buy' or an equivalent scheme. The supporting text for Policy DM6 applies the following criteria:

- Cannot afford to purchase a home suitable for their housing needs within a reasonable travel distance of their work place and have a household income not exceeding £60,000;
- Have savings or sufficient funds to pay, if required, a deposit (which may be 5% or more of the purchase price), legal fees, stamp duty and other costs of moving;
- Can sustain home ownership in the longer term;
- Are not already a home owner or named on a home mortgage;
- Have a good credit history.

There is currently insufficient information available in relation to whether the prospective occupiers satisfy the above eligibility criteria.

Clause b) requires that each house will be occupied by at least one person with a strong local connection to the parish. As both prospective occupiers have lived within Wembworthy for a number of years, this test appears to have been met.

Clause c) requires that the site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues. Wembworthy does not have a defined settlement limit, although paragraph 4.22 of the supporting text makes clear where parishes do not contain a defined settlement but may have an affordable housing need, a broader interpretation of 'settlement' will be appropriate, as long as there would be reasonable access to local services and infrastructure. The case officer is best placed to determine whether this test has been met, having visited the site and surrounding locality.

Clause d) requires that the type and scale of affordable or low cost housing is appropriate to the proven need. Advice from the Council's Housing Department will confirm whether the proposal is

appropriate to housing needs in Wembworthy. It is acknowledge that this self build proposal will be tailored to the needs of the applicant, although it is still expected that the proposal is of a modest size that reflects the principles of affordability for those in housing need.

Finally, Clause e) requires that the affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale. Paragraph 4.25 of the supporting text makes clear that whilst low-cost housing does not meet the definition of affordable housing in terms of tenure, the Council will require the same controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area.

Conclusion

The principle of whether a self-build dwelling would be appropriate in this location is contingent on demonstrating that the requirements of Policy DM6 have been met. Principally, there is a need for additional information to demonstrate that there is evidence of housing need in Wembworthy, as well as evidence of eligibility in accordance with the criteria referred to above. Should these requirements be met, there is a need to secure appropriate controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area.

REPRESENTATIONS

No letters of representation received

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application is for the erection of a new self-build dwelling with associated access on land located in the small village of Wembworthy which is located approximately 1.5 miles south west of Eggesford Station and 2 miles north east of the village of Winkleigh. The site is surrounded on two sides by residential dwellings which are 2 storeys in height with the dwelling to the west side of the site fronting the road whereas the properties to the east face onto the application site. To the north of the site are fields and to the south, the site is bounded by the public highway close to the junction of Black Horse Corner.

The main issues in the determination of this application are:

- 1. Policy**
- 2. Highways and highway safety**
- 3. Design and appearance of development and visual impact on landscape**
- 4. Living conditions of the occupiers of nearby residential properties**
- 5. Other issues raised**
- 6. The planning balance**

1. Policy

S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework), published by the Government in March 2012 and revised in 2018 and later in 2019, is noted as one such material consideration. Wembworthy is not classified within the local plan as a village with a settlement limit, with the nearest such settlement being Chawleigh which is just over three miles to the north east although it is noted that Winkleigh, a settlement in the district of Torridge is slightly closer at 2 miles. As such, a key issue relates to the principle of the development for a

dwelling on this site which can be justified as this proposal represents the creation of new dwelling outside the recognised settlement limits, being countryside in policy terms.

The Mid Devon Core Strategy 2007, in its Policy COR1, sets the distribution of new development to meet sustainability objectives; with Policy COR12 concentrating development principally on the 3 main towns. Outside the main town areas, developments are to be limited to those which support rural uses. Policy COR2 seeks to ensure development that will 'sustain the distinctive quality, character and diversity of Mid Devon's environmental assets', particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment. The site is outside any settlement limit boundary and is therefore considered to be in the open countryside in planning terms, where restrictive policies apply. Policy COR18 seeks to restrict new development in the countryside. It sets out the types of development which are considered to be acceptable in principal and this does not include new open market dwellings, only allowing for affordable dwellings to meet local needs or housing essential to accommodate an agricultural or forestry worker. Therefore a proposal for a self-build dwelling which is subject to a S106 agreement to enable the dwelling to remain affordable with a local connection tie could accord to this policy whereas an unrestricted open market dwelling would be considered to be contrary to policy COR18.

Reference has been made to emerging policies within the Local Plan Review and specifically Policy DM6 - Rural exceptions sites which states:

'The development of a site for predominantly affordable or low-cost housing, including self-build housing, to meet proven local need in rural areas will be permitted where:

- a) There is up-to-date evidence of housing need secured through a housing need survey or, in the case of a self-build proposal, evidence of eligibility for shared ownership housing through 'Help to Buy' or an equivalent scheme;
- b) Each house will be occupied by at least one person with a strong local connection to the parish;
- c) The site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues;
- d) The type and scale of affordable or low-cost housing is appropriate to the proven need;
- e) The affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

The inclusion of a proportion of market housing within exception sites will be permitted where the proportion of market housing will be less than the provision of affordable or low-cost housing and the market housing will be at the lowest level necessary to ensure that the development is deliverable.'

The supporting text at paragraph 4.24 outlines that *'self-build housing will be permitted under this policy where at least one of the occupiers has an established housing need, assessed against appropriate officially published criteria. The Government's Help to Buy scheme applies eligibility criteria. Successful applicants:*

- *Cannot afford to purchase a home suitable for their housing needs within a reasonable travelling distance of their work place and have a household income not exceeding £60,000;*
- *Have savings or sufficient funds to pay, if required, a deposit (which may be 5% or more of the purchase price), legal fees, stamp duty and other costs of moving;*
- *Can sustain home ownership in the longer term;*
- *Are not already a home owner or named on a home mortgage;*
- *Have a good credit history.'*

In light of the above, further information was provided for the applicant to outline that they would comply with the above criteria.

Paragraph 4.25 states that *'self-build housing will constitute low-cost housing rather than affordable housing, as it will not be rented or part-owned by a housing association. In the event that the Help to Buy scheme is discontinued or the Council identifies a more appropriate way of assessing eligibility, the Council will consider whether suitable criteria for assessing housing need exist elsewhere that can be applied to self-build proposals. Whilst low-cost housing does not meet the definition of affordable housing in terms of tenure, the Council will require the same controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area.'*

It is considered that on the basis that this application is being submitted as a self-build house with reference made to Policy DM6 of the emerging Local Plan Review, given the location of the application site in a village without a settlement limit, the Local Plan policy is clear that low cost housing such as self-build will only be permitted in the countryside where it will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

Therefore in order for the Local Planning Authority to support a dwelling in line with this policy, the applicant has been advised that they would need to enter into a S106 agreement in order to achieve this. The applicant has expressed some concerns with doing this based on their savings and the potential resale value but it has been highlighted that the policy for a self-build house in this location is in order to allow an applicant to build a property which would otherwise not be available to them, rather than as a developer opportunity for an open market dwelling.

As part of the S106 agreement, there would be an affordable housing cascading criteria which would open up the property for sale by more than the local community following appropriate advertising over an outlined time frame. In addition to this, in light of the concerns of the applicant to resale value it is considered that the applicant might find it is the case that given the limited housing stock for sale in Wembworthy for four bedroom properties, the resale value of the property in a few years time may be such that they do receive a healthy return on their original investment should they wish to sell and move on from the area based on an 80% of market value sale.

If the applicant does not wish to enter into a S106 agreement, this would constitute an open market dwelling in the countryside albeit in a village without a settlement limit having limited access to facilities with a reliance on private transport. There has been a previous refusal of an open market dwelling on this site in 2014 where similar policies applied. In this instance, having regard to what the NPPF states, the issue then is whether there are material considerations that would justify the development despite this conflict with the development plan.

At appeal in 2016 the Authority was found not to be able to demonstrate a 5 year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are countryside and those which are within defined settlements. Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. The Forward Planning Team has advised *'The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.'*

A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test.

Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.

Draft policies in the Mid Devon Local Plan Review, where relevant, will be material to the determination of planning proposals and weight given in accordance with paragraph 48 of the 2019 NPPF. The adoption of the Mid Devon Local Plan Review will establish a new housing land supply position and policies that will carry full legal weight for the determination of planning applications concerning proposed housing development in Mid Devon.

Other development plans, including the Devon Minerals and Waste Local Plans and Neighbourhood Development Plans (once 'made'), adopted masterplans and supplementary planning documents, where relevant, can also be material to the determination of planning proposals for housing development.'

As policies relating to housing delivery in the Core Strategy are considered to be out of date the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states:

'Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. Paragraph 8 of the NPPF outlines the three objectives of sustainable development, being those of economic, social and environmental. It is considered that each objective needs to be satisfied for a proposal to be considered a sustainable development.

With regard to the Council's emerging policy (Local Plan Review), the strategy for development focus will be at Tiverton, Cullompton and Crediton as identified in policy S1 and S2. It does not propose to allocate any part of the site as a residential allocation but accordingly only limited weight can be attached to the policies and proposals, but this could change shortly following the Planning Inspectors report. The application scheme where not restricted as affordable with a local connection would lead to the provision of a new dwelling in the countryside in policy terms, which would in most circumstances be contrary to the policies of restraint in the Development Plan. The village of Wembworthy comprises few facilities and services with the village set within a rural setting with a reliance on private transport by residents to access necessary day to day services.

It is noted that a recent planning decision was allowed on appeal for a dwelling in the village of Updown which is also a village with no settlement limit. In this case the Planning Inspector concluded that applying the 'tilted balance' outlined in paragraph 11(d) of the Framework, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. With the proposal in Updown the Planning Inspector commented 'I have found that no harm would arise in respect of character and appearance, biodiversity or drainage. These matters are, therefore, neutral in the planning balance. However, I have found that the proposal complies with the Framework in terms of the location of development. The delivery of housing in accordance with the policies of the Framework is a benefit as is the potential support for local services that would result. Given the reduced weight that I have attributed to the conflict with the development plan, that harm does not significantly and demonstrably outweigh the benefits. Therefore, applying the tilted balance the presumption in favour of sustainable development applies. I give this substantial weight.'

With respect to the village of Wembworthy it is considered that there are even fewer facilities within the village having no school for example. Paragraph 78 indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Neither the adopted or proposed Development Plan documents propose new development at Wembworthy. The village itself has limited local services such as a church, hall etc. with the public house being detached from the built up area of the village and accessed along a lane having the national speed limit with no public footpath. Therefore the creation of a single dwellinghouse in Wembworthy is unlikely to support these very limited local services. The potential use of home delivery grocery shopping services from supermarkets in Tiverton or Crediton (there is no evidence that more local shops would provide this service), would be of no benefit to the existing services in the local rural community.

Paragraph 79 indicates that planning decisions should avoid development of isolated homes in the countryside unless one or more circumstances apply. Therefore in this case, for the application to be supported there is required to be special circumstances that would justify the development on the basis of a claimed essential need by the applicant to reside in this village and be unable to avoid open market accommodation. This is the reason to support subject to a S106 agreement in order that there are material considerations that would outweigh the conflict of the development with Policy COR1 and COR12 with respect to the sustainability of the site and the limited weight given to COR18 and national planning policies.

2. Highways and highway safety

Policy COR9 of the Mid Devon Core Strategy (Local Plan part 1) requires that proposals are in accessible locations and road safety is managed through control of development. Policy DM2 of the Local Plan 3 Development Management Policies requires development to be safe and accessible. The site plan shows that the proposed access to serve the residential development would be located centrally with visibility splays on either side. Sufficient space to provide at least 2 parking spaces for the dwelling are to be provided which would accord with the parking standards required by policy DM8 of the Local Plan 3 Development Management Policies.

From a highway safety point of view, it is considered that the development would be able to achieve the required safety requirements relating to access width and visibility splays. If this application was to be unrestricted allowing for and open market dwelling, the accessibility of the site from main services and facilities such as schools and shops, outside of use of a private vehicle would be questioned from a sustainability point of view with little scope to encourage

sustainable modes of travel such as walking and cycling as outlined through DM2 of the Local Plan 3 Development Management Policies and Policies COR8 (Infrastructure Provision) and COR9 (Access) of the Core Strategy which require new development to be planned to meet the social and economic needs of the community and reduce the need to travel by car. However this application is recommended on the basis of a self-build house subject to a S106 agreement to secure that the affordable or low-cost housing remains affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

3. Design and appearance of development and visual impact on landscape

Policy DM14, the policy outlines that 'New housing development should be designed to deliver:

- a) High quality local places taking into account physical context, local character, density and land use mix;
- b) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- c) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;
- d) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stairlift installation or space for the provision of a lift in homes with more than one storey;
- e) Private amenity space that reflects the size, location, floorspace and orientation of the property;
- f) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;
- g) On sites of 10 houses or more the provision of 20% of dwellings built to the lifetime homes standard;
- h) Car parking in accordance with Policy DM8.'

As far as the general design, scale and appearance of the dwelling proposed is concerned, a proposal for a two storey dwelling having a natural stone plinth, render walling and a slate roof would be acceptable in accordance with Policies DM2 and DM14 of the Local Plan 3 Development Management Policies. The overall size of the dwelling would meet the minimum internal floorspace requirements as outlined within Policy DM15 [Dwelling sizes] of the Local Plan 3 Development Management Policies and the national space standards guidance. In terms of the visual impact on the landscape, the design of the dwelling and location between existing housing would ensure that there was not a detrimental impact on the landscape.

4. Living conditions of the occupiers of nearby residential properties

Guidance within the NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. The overall design and layout of the proposed dwelling would ensure adequate separation distance between the proposed dwelling and any other neighbouring residential property. No windows are proposed in the side elevations which could result in overlooking and given the position of the dwelling, it is not considered to result in any significant loss of light to a neighbouring property.

Given the orientation of the neighbouring properties, a couple of residential units would face the side elevation of the new dwelling but there would be a distance of just under 14 metres achieved from the front elevation of these dwellings and side elevation of the proposed dwelling, which is considered to be an acceptable relationship and not sufficient alone to warrant a planning refusal. Overall, it is considered that the development would comply with policy DM2 of LP3 DMP with regard to allowing sufficient amenity for neighbouring users.

5. Other issues raised

The Historic Environment Team at Devon County Council has advised that the proposed development site occupies an area shown from at least the mid-19th century Tithe Map to contain buildings associated with the farmstead of Paddons. The age of the origin of the farmstead is unknown but it may have early origins. Groundworks associated with the construction of the two new dwellings have the potential to expose and destroy archaeological and artefactual deposits associated with the early farmstead of Paddons that may be present across the site. Therefore the impact of development upon the archaeological resource here needs to be mitigated by a programme of archaeological work which has been conditioned.

The application involves land currently used for garden land and therefore is not accompanied by a Wildlife Report to confirm the presence or absence of any noted wildlife as it falls below the thresholds where a further survey would be required. However the applicant would still need to comply with the Wildlife and Countryside Act 1991, and the Conservation of Habitats and Species Regulations 2010.

Mid Devon adopted policy AL/IN/3 requires that all new dwellings are subject to the necessary infrastructure payments relating to Public Open Space where these meet the tests in the Community Infrastructure Levy Regulations. A financial contribution toward public open space provision (AL/IN/3) would usually be required for an open market dwelling but in this instance as this would represent an affordable dwelling secured through a S106 agreement, no contribution is sought.

Foul drainage would be via the existing mains drainage system and with respect to the disposal of surface water, a soakaway is proposed. The land is also not within a flood risk area.

6. Planning Balance

The NPPF sets a strong emphasis on the delivery of sustainable development. Fundamental to the social objective is supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. The NPPF is clear that delivering sufficient housing is a key consideration for Local Authorities. Notwithstanding whether or not the Council is able to demonstrate that it has a 5 year supply of housing land this proposal would only make an incremental numerical contribution to housing stock, rather than in terms of appropriateness.

The NPPF sets out that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. A self-build house restricted to an affordable dwelling with a local connection would entail social and economic benefits in providing a dwelling for a family in need and supporting jobs during construction and as future occupants would make use of existing services and facilities in the village and wider area, which would not necessarily be the case for an unrestricted open market dwelling.

Special circumstances have been identified with the community need in allowing a house for the applicant and their family to remain in the village is a key material consideration given that the site falls within open countryside where in policy terms the nature of the area and its surroundings are remote from services and facilities. Policy COR18 establishes only certain types of development are permissible in the open countryside, of which affordable dwelling meeting a community need is one whereas a new open market housing is not expressly one.

Policies COR2 'Local Distinctiveness', DM2 'High Quality Design' and DM14 'Design of Housing' seek to ensure that development respects landscape character and otherwise integrates appropriately with its surroundings. The NPPF sets out that planning should recognise the intrinsic character and beauty of the countryside and that it is appropriate to reinforce local distinctiveness. It is considered that a two storey dwelling on this site located between two residential dwellings within a village setting would be in accordance with these policies. For these and the above reasons, the application site on balance is considered to be an appropriate location for the development proposed.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

CONDITIONS

Subject to the applicant entering into a S106 agreement to secure the affordable or low-cost housing to remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale the following conditions are recommended:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to their use on site, details or samples of the materials to be used for all the external surfaces of the building shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials shall be so retained.
4. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
5. No part of the development hereby approved shall be brought into its intended use until the access driveway, turning areas and parking spaces have been provided and maintained in accordance with the approved plans.
6. The surface water drainage of the site shall be designed as to prevent the discharge of surface water onto any highway.
7. Construction works shall not take place outside 07.30 hours to 19.00 hours Mondays to Fridays and 07.30 to 13.00 hours on Saturdays and at no time on Sundays, Bank Holidays and Christmas Day.
8. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A,

B, C and E of Part 1 of Schedule 2 relating to extensions, alterations to the dwelling and outbuildings shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan 1) COR2 Local Plan Part 3: (Development Management Policies) DM2, DM14 and DM27.
4. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.
5. To ensure that adequate facilities are available for the traffic attracted to the site.
6. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety.
7. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with policies DM2 and DM14 of the LP3 DMP.
8. To safeguard the visual amenities of the area and residential amenity of neighbouring residents in accordance with Mid Devon Core Strategy (Local Plan 1) policy COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM14, DM15 and DM27

INFORMATIVES

1. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal.

REASON FOR APPROVAL OF PERMISSION

Subject to the conditions imposed the proposed development for the provision of a self-build dwelling with a S106 agreement secured to ensure that the affordable or low-cost housing is to remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale is considered to be acceptable in principle. The applicant has demonstrated that he would be able to comply with the criteria outlined for self-building housing as outlined within emerging policy DM6 (Rural exceptions sites) of the Local Plan Review. The development site is well related to the existing village and the design and layout of the dwelling is considered acceptable. It is considered that the development would not result in any significant adverse impact on residential amenity, the highway network or the environment in general. The

proposal is considered to comply with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies) and emerging policy DM6 (Rural exceptions sites) of the Local Plan Review 2013-2033.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 19/01507/OUT

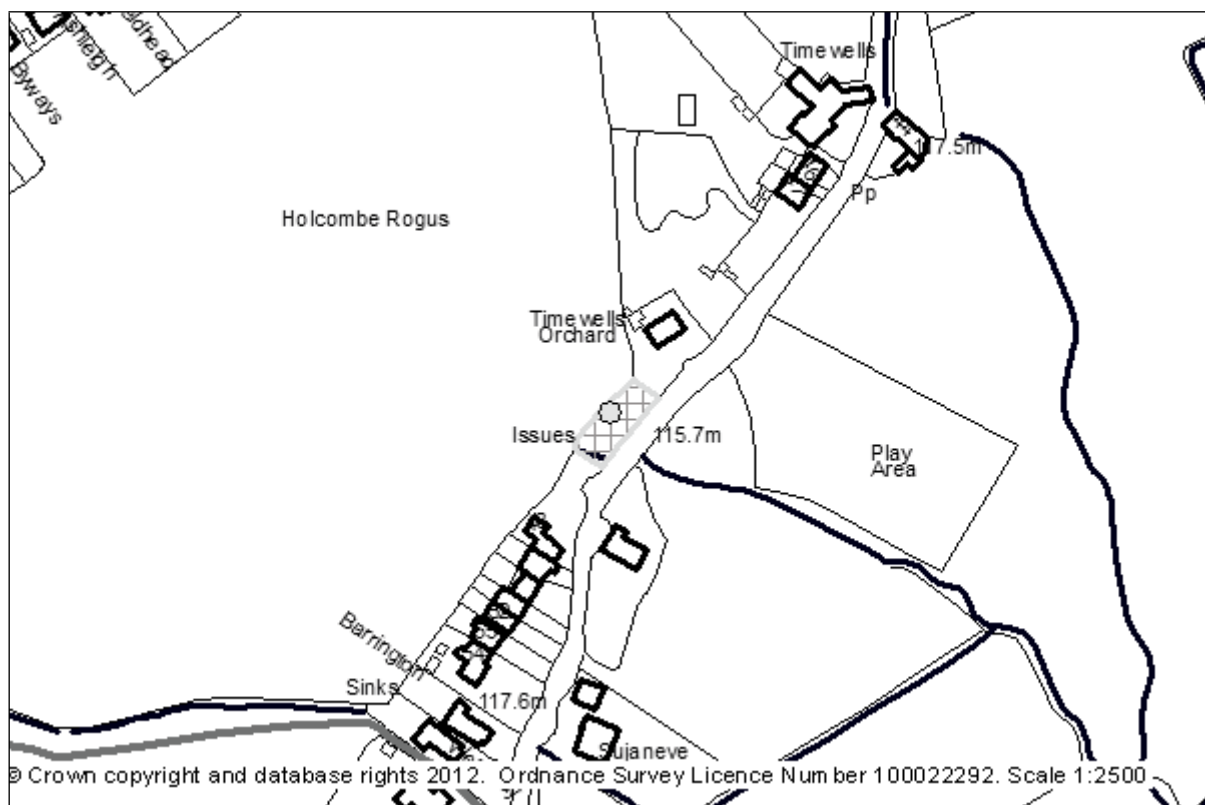
Grid Ref: 305642 : 118543

Applicant: Mr Bray

Location: 48 Twitchen
Holcombe Rogus
Devon
TA21 0PS

Proposal: Outline for the erection of a dwelling and formation of access

Date Valid: 2nd September 2019



APPLICATION NO: 19/01507/OUT

MEMBER CALL-IN

Cllr Jo Norton

To consider that the area has flooded regularly and this has had a negative impact on the site and the dwellings around it. If the site were to be developed, there could be serious implications for the owners and those living near to the site.

In addition the site is too small to develop.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of a dwelling at land to the North East of 48 Twitchen Holcombe Rogus the site is in a countryside location with no settlement limits. All matters are reserved other than access for future consideration. The existing dwelling is located immediately to the side of the site set within a terrace of houses; the site consists of an associated garden area to the property. The development site proposed is to the side of Timewells Orchard a bungalow, not in the ownership of the applicant. The site is a mix of grass and shrubs bordered to the front by an existing stone retaining wall with a mature hedge atop. The proposed site is to utilise the existing access onto the class III highway serving 48 Twitchen at the south west of the site. To the rear the site is bounded by open countryside.

The application provides some detail about the dwellings and the associated gardens and parking areas. However, the plans in all respects are illustrative and are not taken as the layout for which planning permission is sought.

APPLICANT'S SUPPORTING INFORMATION

Plans

Design and Access Statement

RELEVANT PLANNING HISTORY

85/01675/FULL - PERMIT date 29th November 1985

Construction of vehicular access

87/00228/FULL - PERMIT date 18th March 1987

Erection of extension of garage and entrance lobby

87/01556/OUT - REFUSE date 23rd September 1987

Outline for a single dwelling and access

88/01002/OUT - REFUSE date 4th July 1988

Outline for the erection of a dwelling

19/01507/OUT - PDE date

Outline for the erection of a dwelling and formation of access

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 – Meeting housing needs
COR8 - Infrastructure Provision
COR11 - Flooding
COR12 - Development Focus
COR18 – Countryside

Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)

AL/IN/3 – POS

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development
DM2 – High quality design
DM3 – Sustainable design
DM8 – Parking

Emerging Local Plan

S13 - Villages

CONSULTATIONS

HIGHWAY AUTHORITY - 13.09.19

Standing advice applies please see Devon County Council document
<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

HOLCOMBE ROGUS PARISH COUNCIL – 29 September 2019

Our Council considered the above application at its meeting on Thursday 26th September. Our Council objects to the grant of planning permission for the proposed development for the following reasons:

1. The application site is not suitable for development for a new dwelling given that the site and the adjoining highway are subject to serious flooding. It is understood that the site has been subject to flooding three times in the last 18 months. Our Council noted the letter of objection sent by the owners of an adjoining property (Timewells Orchard) and agrees with what is said in that letter as illustrated by the submitted photographs.
2. The serious run-off that currently exists would be exacerbated by the creation of additional access way and the introduction of a new dwelling and parking areas on the application site.
3. The applicant's surface water drainage strategy cannot, in our Councils opinion, conceivably address the serious flooding issues affecting this site and the adjoining highway.
4. The application site is small and erection of a two-storey dwelling on the site would adversely affect the street scene immediately adjoining the Holcombe Rogus Conservation Area.
5. The creation of a new visibility splay proposed by the applicant would be unsightly.
6. Apart from the issue of flooding, the road narrows at the site of the proposed access way and given the size of the application site, there is a strong likelihood that more cars will park outside or near the children's playground with a consequent danger to children.
6. Any encouragement of additional parking on the highway should be avoided since this is hazardous for other road users generally. Vehicles frequently travel at 30 mph, and sometimes faster, along the narrow road.

Our Council asks MDDC to refuse planning permission for the proposed development. If nevertheless the Council's officers are minded to grant planning permission under delegated powers, our Council asks that this planning application is called in for consideration by MDDC Planning Committee.

If, contrary to the objections raised by our Council, MDDC determine to grant planning permission for the proposed development, our Council ask that any Section 106 contributions arising from the application be allocated for the refurbishment of the Holcombe Rogus Play Area.

HOLCOMBE ROGUS PARISH COUNCIL - 18 November 2019

Our Council continues to strongly object to the granting of outline planning permission for the proposed development for the reasons that were highlighted in the Council's first response (dated 29th September 2019) and wish to raise the following further points.

1. The Council noted that the revised drawings for a smaller dwelling but this will not affect the flooding issue which remains a considerable concern. In addition to the road flooding the Council can confirm that the actual site has flooded three times within the past year.
2. The drainage system in the village is antiquated and currently SW Water are investigating serious floods that have occurred in the property 50 yards up the road. Trying to establish where the drains are located as they are currently unfit for purpose and this would be exacerbated by another dwelling. It would appear the sewage pipes actually run through the site and this could seriously affect the adjoining properties. With water courses running either side of the proposed dwelling which will increase the flood risk and over the years the stream and bank behind the Twitchen Cottages have had trees and hedging removed so this has affected the water course that would flow through this site. This year more cottages along this stretch of road have flooded.
3. The Council support the comments raised by xx xxxxxx regarding the agent's submission to the application and the flooding issue.
4. The Council noted the revised access proposals but have concerns that there would be insufficient parking for both 48 Timewells and the new dwelling. There are already parking issues along this stretch of road and many vehicles are being parked next to the Play Area with consequent danger to children. The Uffculme School bus passes through twice a day and many farm vehicles along this narrow stretch of road which cannot support any more parked vehicles.
5. The size of the dwelling is considered to be too large and if MDDC were minded to grant permission the dwelling should be a single storey building with one or two bedrooms only.
6. The application is not clear if the hedge at the back of the property would remain, which the Council feel is important for the overwintering birds and hedgehogs. This should be considered as a condition if minded to approve the application.

In conclusion, if MDDC are minded to grant outline planning permission this should be for a single storey dwelling, there should be no new accessway; the hedges at both the front and rear of the property to be maintained at all times and replaced if necessary. Works should be carried out on site to ensure that there is no exacerbation of water run-off and conditions should be imposed to deal with these matters. In addition, the Parish Council would want to have the opportunity to consider any detailed application that may be made in due course.

Our Council asks MDDC to refuse planning permission for the proposed development. If nevertheless the Council's officers are minded to grant planning permission under delegated

powers, our Council asks that this planning application is called in for consideration by MDDC Planning Committee.

If, contrary to the objections raised by our Council, MDDC determine to grant planning permission for the proposed development, our Council ask that any Section 106 contributions arising from the application be allocated for the refurbishment of the Holcombe Rogus Play Area.

REPRESENTATIONS

There have been two letters of representation which are summarised below.

- Concerns raised with regard to water runoff from the fields behind the site over and through onto the highway.
- Constrained site
- Not enough parking provision

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1) Policy;
- 2) Impact on character and appearance of the area;
- 3) Impact on neighbours;
- 4) Highway safety; and
- 5) S106 obligations.
- 6) Raised Flood Issues

- 1) Policy

The Government's commitment to a "plan led" planning system is apparent throughout the NPPF. Paragraph 2 acknowledges the need for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise as set out in the statutory presumption in favour of the development plan in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The NPPF is a material consideration.

Policy COR1 of the Mid Devon Core Strategy 2007 seeks to deliver sustainable development including through meeting the housing needs of all sectors of the community and delivering development of an appropriate density for the location. Policy COR18 of the same document sets out that development outside the settlements defined by COR13-COR17 will be strictly controlled. At present Holcombe Rogus is not designated as a village, where development will be limited to minor proposals within their defined settlement limits as set out in Policy COR17. However the emerging Local Plan Review 2013 -2033 makes changes to the settlement limits of a number of villages and towns. Holcombe Rogus is one of these where it is to be provided with a settlement limit and the proposed site will be within the new settlement limits, giving weight to the proposal and support under policy S13 Villages of this emerging plan.

The Local Plan Review has been through its consultation and examined in public. At no time in this process has there been any objections to the proposed inclusion of the settlement limits to Holcombe Rogus and as such, as the process is close to conclusion it would be appropriate to give weight to this emerging policy in this instance. Therefore the weighted balance is considered to override the existing policies giving the weight to the emerging policy over the existing along with any other valid and applicable plan policies.

Policy COR2 of the Mid Devon Core Strategy 2007 seeks to sustain the distinctive quality, character and diversity of the District's environmental assets.

The proposal must not adversely affect the safe functioning of the highway and provide appropriate parking facilities in line with Policy DM8 of the Local Plan Part 3 (DMP) which sets out that new development should provide a minimum of 1.7 car parking spaces per dwelling but allows for some variation on a case by case basis dependent upon the accessibility of the site and the type, mix and use of a site.

This proposal is in line with the emerging general locational policies for residential development in the District.

2) Impact on character and appearance of the area

The site presently consists of what appears to be a garden area associated with 48 Twitchen set to the northeast of the property. To the northeast, the site is constrained by an existing bungalow and its outbuilding with open fields to the north and to the road by a low stone retaining wall and hedge.

The site is raised above the adjoining road level. Any two storey unit in this location would lead to potential issues with regard to the scale and mass of the proposal on a relatively small site, it will be crucial to ensure that the design and layout respects the character of the area, not only with regard to its overall size but also the height of the building. Therefore it is considered that the site will only accommodate a very small low level single storey dwelling.

Most properties in this area front onto the road suitable detailing on the elevations facing the road need to be considered at reserved matters so that it doesn't detract from the street scene.

In light of the above, it is possible that residential development on the site would not result in a form of housing which would be at odds with the built character of the surrounding area.

3) Impact on neighbours

Chapter 12 of the NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM14 which sets out that new development should respect the privacy and amenity of neighbouring residents.

This application provides no formal detail of the proposed scale of development, layout or window placement and this detail will be assessed as part of a reserved matters application. However given the siting of the plot in relation to neighbouring dwellings and their orientation in relation to the site, it is considered that it is likely that residential development could be accommodated on the site in a fashion that provides sufficient distance and juxtaposition between the possible development and the neighbouring properties so as to not adversely affect the living conditions of the occupiers of those dwellings.

4) Highway safety

The appropriate policy to be considered in respect of the access in this instance is policy DM2 High quality designs of new development must be of high quality, based upon and demonstrating certain principles in this case:

d) Creation of safe and accessible places that also encourage sustainable modes of transport;

Access is to be considered with regard to this proposal as part of the outline application for the dwelling.

The existing access to 48 Twitchen will be used which benefits from appropriate visibility and width to provide for the scheme as a shared access.

Visibility splays have been provided which relate to the required standing advice, as set by Devon County Council highways on visibility splays. The road speed at this location is low due to the parked vehicles and nature of the road.

A dwelling can generate between 6 and 8 vehicle movements per day. The illustrative plans indicate that there are sufficient spaces for parking for both the proposed properties. This road is subject to a 60 mph speed limit, in this location although this speed is not safely achievable and speed limits generally are around 20-30mph. This should allow sufficient safe use of the proposed access.

It is considered that the proposed access and parking provision meets with the Council's policies DM2, DM8 and DM14, and in accordance with policy COR9 in that it would not have an adverse impact on road safety.

5) S106 obligations

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (AIDPD) seeks to provide at least 60 square metres of public open space for each new market dwelling. Where it would be more appropriate the policy provides a mechanism in accordance with the adopted Supplementary Planning Document (SPD) on this matter, for off-site financial contributions toward the provision and funding of public open space to be made. A contribution of £2410 is required towards the offsite provision of public open space towards Phase 2 Play equipment in Holcombe Rogus.

The applicants have made the relevant contributions in relation to policies AL/IN/3.

6) Raised Flood Issues

Issues have been raised with regard to flooding in the area, and indeed the road is subject to flooding at times. However the proposal is on land raised above the road and so there should be no cause for concern with regard to this element. Anecdotal evidence has been submitted with regard to the run off from the surrounding hills into the stream behind the site and this causing the site to become waterlogged. The area is not within any flood area or subject to any surface water catchment area.

There is a drainage channel which runs through the site, it is intended that this will remain and the outflow enlarged onto the road to reduce any possible issue with capacity of the drainage channel to the rear of the site.

It is unlikely that the proposed scheme will cause any additional issues with flooding in the area, provided suitable soakaway systems are put in place, these can be further considered at reserved matters. The proposal has been assessed against CORE11 of the Core Strategy and is considered to be compliant with it.

CONDITIONS AND REASONS FOR CONDITIONS

1.CO1 Outline: Reserved Matters

No development shall begin until detailed drawings to an appropriate scale of the access, layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.

RO1 TCP (DMP) Order 2010

The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.

2. CO2 Outline: Submission of Reserved Matters

Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

RO2 S 92(2) of TCPA 1990

In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

3. CO3 Outline: Commencement

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.

RO3 Planning/Compulsory Purchase Act 2004

In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

4. CO6 Additional matters

The detailed drawings required to be submitted by Condition CO1 shall include the following additional information: boundary treatments, hard and soft landscaping, existing site levels, proposed site levels, finished floor levels, materials, and surface water and foul drainage.

RO6 (amended)

To enable the LPA to consider the impact of the development particularly on the occupiers of the neighbouring properties in accordance with policy DM2 of the adopted Mid Devon Local Plan Part 3 (Development Management Policies).

5.CM1 Materials: details/samples to be approved - amended

Prior to their use on site, samples of the materials to be used for all the external surfaces of the building and any retaining walls have been submitted to and approved in writing by the Local Planning Authority.

RM1 Ensure use of materials appropriate

To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with
Mid Devon Core Strategy (Local Plan 1) COR2
Local Plan Part 3: (Development Management Policies) DM2, DM15.

6.CL3 Existing trees/hedgerows to be retained – (Outline only)

As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedgerows are to be retained on the site as part of the development.

RL3 Interest of the visual amenity of area

In the interest of the visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies)

7. No part of the development hereby approved shall be brought into its intended use until the access driveway and parking spaces have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

8. Construction works shall not take places outside 0800 hours to 1800 hours Mondays to Fridays and 0800 to 1200 hours (midday) on Saturdays and at no time on Sundays and Bank Holidays.

REASON- to protect the privacy and amenities of neighbouring occupiers accordance with policies DM2 and DM14 of the LP3 DMP

9. No development shall begin until a Method of Construction Statement to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials

shall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: To ensure the provision of adequate facilities during the construction period and in the interests of highway safety.

10. CM13 Services underground

All telephone, electricity and mains gas services to the building shall be placed underground.

RM13 In order to safeguard visual amenity of area.

11. Prior to the first occupation of the dwelling details of refuse and recycling storage for the dwellings shall be submitted to and approved in writing by the Local Planning Authority hereby approved. Such approved refuse and recycling storage shall be retained thereafter.

REASON: To ensure adequate refuse and recycling facilities are provided for the dwelling in accordance with policy DM14 Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTES:

The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. This is to include the necessary surveys relating to the Crested newt protection area.

Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.

If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal. If mains water is to be used, would have no comment.

If you alter your proposals in any way, including in order to comply with the requirements of the Building Regulations, planning permission may be required.

NOTE: THIS DECISION NOTICE IS SUBJECT TO UNILATERAL UNDERTAKING/SECTION 106 AGREEMENTS, A COPY OF WHICH IS AVAILABLE TO VIEW ON PUBLIC ACCESS.

REASON FOR APPROVAL OF PERMISSION

This application seeks to ascertain whether the siting of residential development on this site is acceptable. The proposal is acceptable in principle as the site is considered to be a sustainable location and will be within the defined settlement limit of Holcombe Rogus shortly, where minor residential development is supported in accordance with policy S13 of the emerging Local Plan. Whilst the site sits within a relatively close residential context, it is considered likely that a small dwelling could be accommodated on the site at a density compatible with its surroundings. Furthermore the reserved matters application will ensure that the proposal would not result in harm to the character or appearance of the area, the amenity of neighbouring properties or any adverse impacts to the local highway network. The proposal is therefore in accordance with policies COR1, COR2 and CORE11 of the Mid Devon Core Strategy (Local Plan Part 1), together with policy AL/IN/3 of the Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2) and policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies)

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 19/01700/FULL

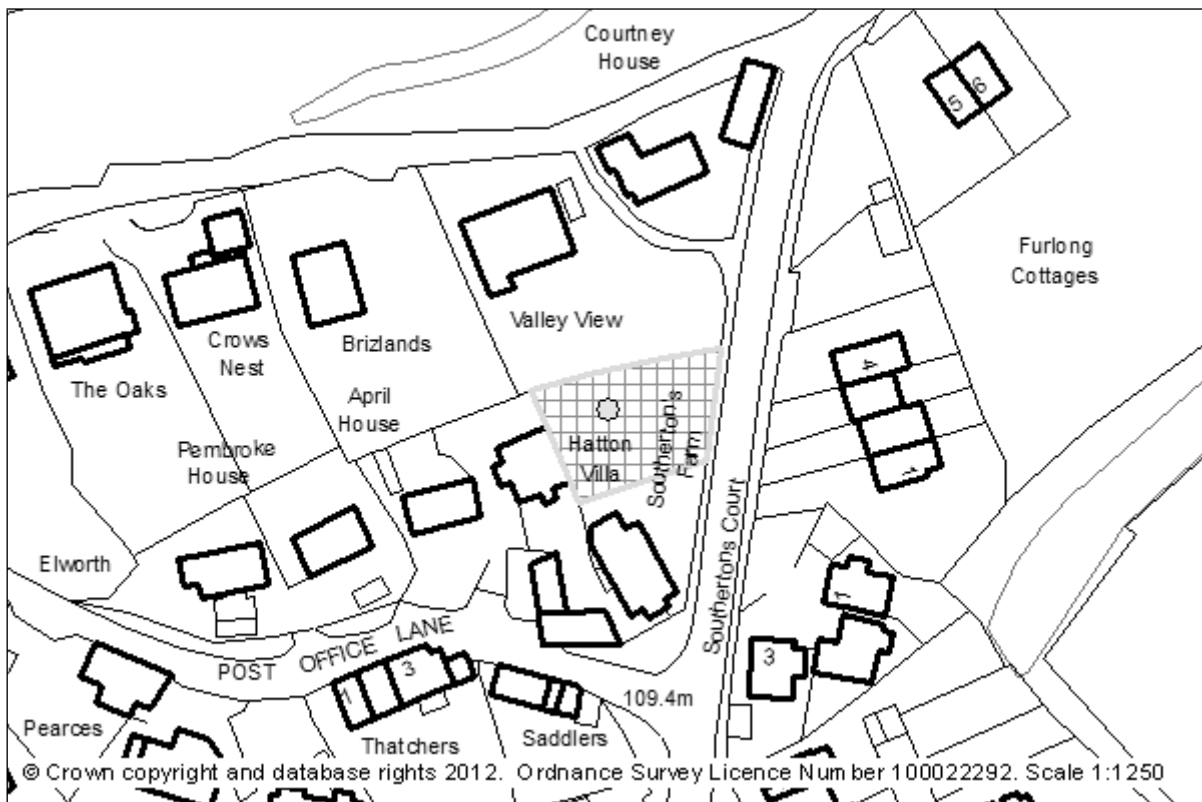
Grid Ref: 306102 : 117132

Applicant: Ms A Paris

Location: Southertons Farmhouse
Westleigh
Tiverton
Devon

Proposal: The proposed development is for the erection of dwelling and formation of access at Southertons Farmhouse, Westleigh.
The proposed dwelling presents itself as a traditional 2 bed bungalow with family bathroom and 1 ensuite with open plan kitchen and living area. The application also proposes a new access off of the highway to provide onsite parking and turning area. (Revised Scheme)

Date Valid: 18th October 2019



APPLICATION NO: 19/01700/FULL

MEMBER CALL-IN

Cllr Jo Norton

I wish to call-in the above application as I would like the Planning Committee to consider:

- The impact that this building would have on the light in the principle rooms of Hatton Villa (Kitchen and living room windows are in extremely close proximity to it).
- The impact that the excavations would have on the neighbouring properties (Hatton Villa and Valley View) due to the need to excavate a large amount of soil. The property cannot be taller than 3 metres, therefore this risks destabilising the nearby land and properties.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of dwelling and formation of access (Revised Scheme)

APPLICANT'S SUPPORTING INFORMATION

Site location plan, block plan, existing and proposed site plans, proposed floor, elevation and roof plans, existing and proposed garden wall elevations, design and access statement, surface and foul drainage strategy, wildlife trigger list,

RELEVANT PLANNING HISTORY

93/00581/OUT - PERMIT date 27th July 1993

Outline for the erection of three detached dwellings (previously granted under ref. 4/06/88/3098)

18/01543/FULL - WDN date 2nd November 2018

Erection of dwelling and formation of access

18/01832/FULL - PERMIT date 8th February 2019

Erection of dwelling and formation of access (Revised Scheme)

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 COR17

Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)

AL/IN/3

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2, DM8, DM14

CONSULTATIONS

BURLESCOMBE PARISH COUNCIL - 19.01700.FULL

Burlescombe Parish Council have unanimously agreed to object to the application above.

After attending the site of the Application on Thursday 14th November 2019, and visiting the immediate neighbours to the north and west of the application site, all parties are very concerned and distressed about the impact of the proposed erection of a building and the effect it will have on their properties.

The property to the west of the site has three windows on the east side which look directly over the site. These are all in principal rooms of the property; on the ground floor the kitchen and dining/lounge and on the first floor the master bedroom. The proposed plans will affect the amenity and privacy to the property as well as restricting daylight greatly.

Although the covenant on the height of the revised planning application dwelling has been recognised, this will mean significant groundwork for the removal of materials to take place. All direct properties surrounding the site have great concerns that this will affect the structural integrity of their properties and surrounding walling during and after the excavation takes place.

Access on to the road from the site has also raised concerns from residents adjacent to the site. It has also been noted that no case officer has attempted to visit the surrounding properties to the site to view the site from their perspective. Burlescombe Parish Councillors were of the understanding that there were no trees on the proposed site, but on arrival at the site, it's quite visible that there are a number of trees.

All of the above is reason for Burlescombe Parish Council to lodge a strong objection to the proposed application.

HIGHWAY AUTHORITY - 08.11.19

Standing advice applies please see Devon County Council document
<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

SOUTH WEST WATER - 06.11.19

I refer to the above application and would advise that South West Water has no objection subject to surface water being discharged to soakaways as proposed in the application details.

PUBLIC HEALTH - Contaminated Land: No objection to this proposal. (31.10.19).

Air Quality: No objection to this proposal. (29.10.19).

Environmental Permitting: No objection to this proposal. (29.10.19).

Drainage: No objection to this proposal. (31.10.19).

Noise & other nuisances: No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties. (31.10.19).

Housing Standards: No objection to this proposal. (31.10.19).

Licensing: No comments. (07.11.19).

Food Hygiene: Not applicable. (29.10.19).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal.

IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. (30.10.19).

Health and Safety: No objection to this proposal enforced by HSE. (29.10.19).

REPRESENTATIONS

Three letters of objection have been received at the time of writing the report. The main comments contained in these letters are summarised below:

- No consultation with neighbours
- Covenant on site to say no building over 3m high
- The location of the property will impact on amenity of neighbouring properties.
- May harm structural integrity of adjacent properties.
- The site area is 400sqm not 134sqm
- Plans indicate brick but as render over a brick plinth on the elevations, the roof is described as slate but tiles on the D&S
- States the site is level it is not
- Window to window relationship should be a minimum of 21 metres and 11-12m for non-habitable rooms, these are within 4m

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

Policies

COR2 Local Distinctiveness, Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. The efficient use and conservation of natural resources of land, water and energy, The preservation and enhancement of the distinctive qualities of Mid Devon's built environment and creates attractive places.

COR17 Villages, Development will be limited to minor proposals within their defined settlement limits and to allocations for: Affordable housing meeting a local need, Small scale employment and tourism, Services and facilities serving the locality; and other very limited development which enhances community vitality or meets a local social or economic need.

DM2, High quality designs of new development must be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area; Efficient and effective use of the site, having regard to criterion (a); Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets; Creation of safe and accessible places that also encourage sustainable modes of transport; Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of: Architecture, Siting, Layout, Scale and massing, Orientation and fenestration. Materials, landscaping and green infrastructure appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available.

DM8 Parking provision development must provide an appropriate level of parking, for a domestic dwelling a min of 2 spaces not including garaging,

DM14 Design of housing

New housing development should be designed to deliver; high quality local places taking into account physical context, local character, density and land use; Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows; Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together

with external space for recycling, refuse and cycle storage; adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stairlift installation or space for the provision of a lift in homes with more than one storey; private amenity space that reflects the size, location, floorspace and orientation of the property; sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation; car parking in accordance with policy DM8

Site and location

The site is located in Westleigh within the defined settlement limit where the principle of small scale residential development is accepted in principle. This application seeks permission for one market dwelling.

The dwelling presents itself as a 2 bed bungalow amounting to approximately 90 sqm of internal floor space.

The site is located to the North of the village to the West of the main road running through the centre of the village. To the North of the site at a higher level to the application site is a residential property known as Valley View, to the West of the site at the same level of the current site is a residential property known as Hatton Villa, to the South of the site slightly lower than the existing level of the site is Southerton's Farmhouse of which the site currently forms part of its garden, and to the East of the site on the other side of the road is a small development of 8 more modern two storey dwellings known as Southertons Park and Furlong Cottages.

In terms of the proposals' impact on the street scene, it is not considered that there will be a significant adverse impact on the street scene as a whole. The proposal is for a single bungalow with a height of no more than 2.95m. The proposed dwelling is considered to fit in with the general development pattern in the village and will make good use of a large currently underused garden and small orchard.

The dwelling is to be of single storey construction with materials including brick plinth with render above, slate roof and upvc/metal/wood windows and doors. The proposed is considered to be compliant with policy DM2 of the local plan in this respect.

Highways and Parking

The access has already been considered within the previous approval and the proposal on this application is the same as that in the approved application 18/01832/FULL the comments and assessment set out below therefore re-iterates the points considered previously.

The proposed access will require a section of the existing stone wall running along the Eastern boundary of the site to be removed to create a vehicular access to the site with visibility splay. Due to the footpath which also runs along this wall, the LPAs priority is ensuring that sufficient visibility can be achieved to protect the safety of users of this footpath. The proposed plans show that a 4m section of wall will need to be removed to allow good access into the site. A turning area and parking spaces for 2 vehicles is proposed in accordance with policy DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).

The Highway Authority has been consulted as part of the application process. The LPA have considered the comments received by the Highway Authority but due to the low speeds of vehicles going through the village in this location the LPA are content that a new access in this location is not likely to pose significant traffic and highway impacts. The Highway Authority has suggested that the wall is above the eye line of users of vehicles leaving the site which would generally be around 0.5m.

Ground Works

Due to the levels of the site, some land will need to be excavated to create an area to build the dwelling at a lower level. A retaining wall is proposed to the North of the site. An area of amenity/ garden space is to be provided for the property with some land available to the rear, sides and front of the property.

Amenity

The LPA are required to consider the impact of the proposal on existing residential properties in the area.

The most affected property will be Hatton Villa to the East of the site which has 3 windows which face onto the application site. The side wall of Hatton Villa is effectively the boundary line. The windows on this elevation are associated with the living room and bedroom of the adjacent dwelling. Whilst the LPA recognise that the outlook from this property will be different as a result of the proposed new dwelling, it is also recognised that the existing use of the site as residential garden could be used differently to how it is used now which would also alter the outlook for occupiers of Hatton Villa. The applicant has removed the bedroom window on the west elevation to the north to ensure there is no conflict with regard to window to window relationship. The window within the west elevation remaining is for a bathroom and this will be conditioned to be obscure glazing and fixed shut.

In conclusion, the LPA consider that the impact on Hatton Villa would not be so significant as to recommend refusal of this application. A previous application has been granted consent for a slightly different shaped property in the same location, although the neighbouring property Hatton Villa which is the most affected property will see a lesser degree of potential overshadowing due to the removal of a gable facing the property.

Space Standards

The Governments technical housing standards - nationally described space standard published in March 2015 - sets out requirements of the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The standard requires that a dwelling with 2 or more bedrooms has at least one double (or twin) bedroom, one double of which should be at least 2.75m wide, with all other double rooms being at least 2.55m wide. In order to meet the standard, double rooms must have a floor area of at least 11.5sqm and single rooms must have a floor area of at least 7.5sqm. In addition, single rooms should be at least 2.15m wide.

The standard outlines that a dwelling of this size should have a minimum internal floor area of 74 sqm with 2.5sqm of additional built in storage. The plans show that this minimum space standard is met and exceeded. All room dimensions referred to above are also met.

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document states that new housing developments will provide at least 60 square metres of equipped and landscaped public open space per market dwelling, to include children's play areas, sports areas, informal open space and allotments in appropriate proportions, with safe and convenient access on foot or cycle. Due to the size of this site it is more appropriate for open space to be located off the site. In this circumstance contributions from development will be sought per dwelling based on the normal cost of providing public open space elsewhere. A financial contribution of £900 towards replacement matting surrounding play equipment at Westleigh play area has been made in accordance with this policy.

Other Points

No details of where bins will be stored have been submitted as part of the application. Given the size and nature of the site, it is considered that there is sufficient space on the site to accommodate the required bins without causing nuisance to neighbouring properties or impact on the appearance of the site on the streetscene.

Foul sewage is to be disposed of via connection to main sewer. Surface water will be disposed of via soakaway.

Objectors have raised an issue with regard to a covenant that no structures within the garden are to be over 3m high. This is not a planning matter and would be a civil matter between the parties involved, and this is not a material consideration in determining this application.

Concern has also been raised with regard to structural stability of the neighbouring properties. The works will need to be undertaken with in necessary legislation with regard to supporting neighbouring properties. This however does not fall to be considered under this application but is controlled through other legislation and building control.

Materials are those set out on the plan as slate, render and brick plinth, the Design and access statement is not an approved document.

Window to window relationships are not set down in legislation although a rule of thumb does indeed suggest a 21m separation distance when windows are directly opposite, this is best practice, but not essential, in addition as windows become more oblique to the source window this distance diminishes. In this case there are 3 windows associated with the living room and bedroom on the adjacent property and a single obscure bathroom window (fixed shut) to the new building, There is considered to be no unacceptable issues of overlooking or impact on the amenity of the neighbours. The property is set to the east of the site and will only obscure very early spring and summer morning light to the neighbour's property. This is considered to be acceptable considering the relationship of other buildings to each other in the village.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The dwelling hereby permitted shall not be occupied until the site access has been hardened and surfaced with a bound material for a distance of not less than 6.00 metres back from its junction with the public highway, and drained so that no water drains onto the public highway. Thereafter the site access shall be permanently so retained and maintained.
4. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, E of Part 1, or Classes A, B of Part 2 of Schedule 2, relating to enlargements to the dwelling, additions and other alterations to the roof, incidental buildings, boundary treatments and means of access to the highway shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
5. Before the development hereby permitted is first brought into its permitted use the Bathroom window in the west elevation shall be non-opening, glazed with translucent glass, and be so retained.
6. Prior to the use of any above ground materials first being used on site details and or samples of the materials (including colour of render, Brick, Stone, Mortar, windows and external doors paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples and be so retained.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of highway safety to prevent mud and other debris being carried onto the public highway, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development management Policies).
4. To safeguard the visual amenities of the area and the residential amenity of neighbouring residents in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).
5. To safeguard the privacy of the occupiers of Hatton Villa in accordance with Adopted Mid Devon Local Plan policy DM2.
6. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy 2007 COR2 Adopted Mid Devon Local Plan Part 3 DM2,

REASON FOR APPROVAL OF PERMISSION/SUMMARY

The application scheme for the erection of a dwelling in the form of one market bungalow and formation of access from the public highway is considered to be acceptable in principle. The benefits of the provision of a single dwelling that respects the existing development pattern of development in Westleigh and has no unacceptable adverse impacts on highway safety, visual amenity and the amenity of neighbouring residents is considered to be policy supportable. As such the proposal is considered to comply with policies COR17 of the Mid Devon Local Plan part 1 (Core Strategy), DM2, DM4, DM8, DM14 of the Mid Devon Local Plan part 3 (Development Management Policies) and the National Planning Policy framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Major Applications with no Decision (Since last Committee Close Date)

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

<i>Item</i>								<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>		<i>Delegated</i>	<i>Committee</i>
1	3	11/03/2020	19/02058/MOUT	Outline for the erection of 90 dwellings together with associated infrastructure and other works	Land and Buildings at NGR 301165 107721(North of Trumps Orchard) Cullompton Devon	Ms Tina Maryan		DEL	

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LIST OF APPEAL DECISIONS FROM 5 December 2019

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
19/00413/MOUT	Outline for the erection of up to 37 dwellings with associated vehicular and pedestrian access	Land at NGR 295599 122818 (North of Frog Street) Bampton Devon		Committee Decision		Written Representations	Appeal Dismissed
17/00070/RURAL	Appeal against	Gaddon Down Plantation Ashill Devon				Written Representations	Appeal Dismissed

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PLANNING COMMITTEE 15 JANUARY 2020

Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane

Cabinet Member(s): Cllr Graeme Barnell
Responsible Officer: Mrs A Fish, Area Team Leader

Reason for Report: The applicants have submitted an appeal to the Planning Inspectorate against non-determination. This report is to request that members advise how they would have determined the application. At their meeting on 5th June 2019, the Planning Committee resolved that the application be deferred for further discussions between Officers and the agent/applicant to consider the possibility of a permanent vehicular access route from Colebrook Lane into the site. This report contains details of those discussions to aide members consideration of this application.

RECOMMENDATION:

1. That Members indicate that they would be minded to grant of planning permission subject to conditions and the prior signing of a S106 agreement

2. That delegated authority is given to the Head of Planning, Economy and Regeneration to secure an independent assessment of the submitted viability report to secure the necessary s106 requirements from the following and that it is agreed that the financial contribution towards the town centre relief road will be prioritised:

- i) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- ii) Financial contribution of £7,500 per dwelling towards the provision of the Cullompton Town Centre Relief Road
- iii) A financial contribution towards delivery of the new primary school of £4004.75 per dwelling, (equating to £420,498.00 for 105 dwellings).
- iv) A financial contribution towards secondary education facilities of £345,255.00 (based on 105 dwellings and the DfE extension rate of £21,921 per pupil).
- v) A financial contribution towards Early Years provision for 2, 3 and 4 year olds of £26,250 (based on 105 dwellings at £250 per dwelling).
- vi) A financial contribution of £135,000.00 towards the maintenance/provision/improvement of the bus service
- vii) A financial contribution of £1457.32 per dwelling to the Royal Devon and Exeter NHS Foundation Trust towards maintaining service delivery during the first year of occupation of each unit of the accommodation in the development.
- viii) Implementation and monitoring of a Travel plan
- ix) Provision of public open space, allotments and play areas on site.
- x) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

Financial Implications: An appeal against non-determination has been submitted. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the development plan and all other material considerations. If the Inspector found that the Council had behaved unreasonably in refusing the application, the Council would be required to pay the applicants appeal costs.

Legal Implications: The report identifies the views of the highway authority as statutory consultee in the planning process. If members resolve to refuse the application on highway (or other) grounds they must be able to clearly justify each reason for refusal. There would be no support at the appeal from the Highway Authority. With regards to the appeal, the Council will need to prepare draft planning conditions for the appeal and negotiate and complete a section 106 agreement.

Risk Assessment: If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour. Those costs could be significant in the event of the appeal being heard by public inquiry.

Equality Impact Assessment: Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons with protected characteristics have been identified in the determination of this application.

Relationship to Corporate Plan:

Homes

- Facilitating the housing growth that Mid Devon needs, including affordable housing
- Planning and enhancing the built environment

Environment

- Protect the natural environment

Impact on Climate Change: Section 70 (2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that in determining a planning application, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework. The climate emergency shall be considered through existing planning policies and any subsequent development plans.

1.0 Introduction/Background

1.1 At their meeting on 5th June, Members considered this proposal in detail following a site visit the previous day to view the site from Siskin Chase and Colebrooke Lane. A representative from the Highway Authority was also present at the meeting. Members were advised that the land was identified as a contingency site in the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the Local Plan Review. In both instances the policy sets out the requirement for 2 points of access from Siskin Chase. It does not state that any access from Colebrooke Lane is required.

1.2 The outline application has all matters except access reserved for future consideration and therefore access falls to be determined under this application.

1.3 The application is accompanied by a Transport Assessment which includes a stage 1 road safety audit. No concerns have been raised either in the road safety audit, or by the Highway Authority as statutory consultee with regards to the proposed use of Siskin Chase for access into the development.

2.0 Local Plan Review Update:

2.1 Since the application was last considered by Planning Committee, the Council has produced its proposed main modifications which were approved for public consultation by Council on 4th December 2019. Within that document (MM35 and MM36), it proposes that the contingency status of the site has been removed in response to the Inspectors Post Hearing Advice Note, with the site instead becoming an allocation. In addition, Devon County Council has advised the timing of the development of the site is not dependent on the Cullompton Town Centre Relief Road coming forward as long as financial contributions are made towards the delivery of the relief road. As a result of this document being approved for public consultation by Council, some weight can be attributed to the document as a material consideration in the determination of this application.

3.0 Reasons for deferral:

3.1 At their meeting on 5th June 2019, the Planning Committee resolved that the application be deferred for further discussions between Officers and the Agent/applicant to consider the possibility of a permanent vehicular access route from Colebrook Lane into the site.

3.2 Following the meeting on 5th June, your officers have approached the applicant with regards to the possibility of vehicular access from Colebrooke Lane.
The applicant has advised as follows:

'As you are aware, we gave an undertaking through the application process to secure a temporary construction access from Colebrooke Lane in order to remove the need for construction access to use Siskin Chase.

However, during the Planning Committee's consideration of the planning application, certain Members sought this temporary construction access as a permanent means of secondary access for the development.

A secondary vehicular access is not required by the site-specific policy in the Local Plan (which specifically requires access from Siskin Chase). Moreover, the need for such an access has not been identified in the submitted Transport Assessment, Road Safety Audit or in relation to the consultation response received from County Highways. Quite rightly, officers made it clear to Members that a secondary point of vehicle access is not required and nor is it necessary.

Nevertheless, Members resolved to defer a decision on the application in order to ask Taylor Wimpey to review their position.

That review has been undertaken and Taylor Wimpey would not raise an objection in principle should the Council resolve to require the temporary access for construction traffic shown on Plan 173040_G_09 to become a permanent means of secondary access/egress.

However, and for the avoidance of doubt, this position is subject to the following caveats:

a) In so far as there is no policy and/or highway safety basis to require provision of this additional means of access, any off-site highway works for the provision of footpaths, street lighting and/or junction enhancements to Colebrooke Lane or Swallow Way will not be funded by Taylor Wimpey. We have discussed the latter with the County Council and they have confirmed that they would not be willing to pay for these works. Accordingly, if the secondary point of access was something the Council wanted to explore they would need to fund the off-site works (i.e. anything beyond the new access point from Colebrooke Lane and the application site). These works would then need to be carried out by County Highways (or an appointed contractor) under s278 works. Taylor Wimpey would take no liability for failure to complete such works in terms of highway safety or under CDM guidelines.

b) Finally, the land referenced in your email dated 20 June 2019 has a restriction on its title in favour of third parties. Accordingly, their agreement will be needed in order to facilitate improvements to the Colebrook Lane / Swallow Way junction. That is not a matter for Taylor Wimpey. It is for the Council and County Highways to resolve. However, it should not and must not further delay the determination of the application; not least because of the satisfactory means of access already proposed via Siskin Chase. On the basis of the foregoing, providing a secondary means of access from Colebrooke Lane is not required by Council policy and nor is it required for highway safety reasons. County Highways have not raised an objection to the proposed access arrangement from Siskin Chase, the provision of which accords with the Council's policy for development of the site.

As such, it is not practicable to expect Taylor Wimpey to fund a secondary means of access on this basis'

3.3 Officers have also discussed the proposal with DCC Highways. The Highway Authority have advised that they would welcome a secondary access onto Colebrooke Lane, in addition to one from Siskin Chase, not instead of it. They advise that in order to achieve access from Colebrooke Lane it would need to be widened to a width of 5.5m to allow two vehicles to pass.

They have clarified that Colebrook Lane (leading to the site from Swallow Way) needs to be wider than Siskin Chase due to the conflict between residential traffic and the HGVs which regularly visit the grain store to the west. 'Manual for Streets' requires a minimum width of 5.5m to allow an HGV to pass another HGV at slow speed and to comfortably pass a private car. Therefore given the increased likelihood of a private vehicle coming into conflict with an HGV on Colebrook Lane, the wider road is preferred.

The Highway Authority, in their response, also dealt with other queries that were raised at the Planning Committee meeting. They advise that the existing narrowing in Siskin Chase is a standard speed reducing feature utilised on residential estates and is a standard detail in the Devon design guide. The retention of this feature following the development of the application site is seen as a safety benefit rather than a safety concern.

They go on to advise that the issue of parked cars on the existing highway at Siskin Chase is an enforcement issue under the Highways Act. Under the Act, there are no rights for anyone to park on the public highway and to do so and cause an obstruction to the primary definition of a highway (to allow all road users to pass and repass) can be prosecuted by the police if no specific restrictions are in place, or through civil enforcement if a traffic regulation order (TRO) is in force. There are no TRO's in Siskin close at this time nor do the Highway Authority wish to see any, but through the section 38 agreement when the site is developed their introduction is an option. However it is written in the Highways Act that a land owner has the right to access the public highway provided it is safe to do so. Therefore the developer has demonstrated that a safe access can be achieved and the course of action open to the Highway Authority if the parking does present an issue is to introduce a TRO.

Therefore parking on the highway is for the Highways Act and not the Town and Country Planning Act.

3.4 The Environment Agency were asked by Officers to provide their views of a vehicular access being provided through land which is designated as flood zone 3.

The Environment Agency have advised that removal of the hedgebank that separates the development site from Colebrook Lane for the purpose of creating a highway link would have the potential to increase the risk of floodwater flowing onto Colebrooke Lane and nearby residential property. In addition the main highway link into the development would be at risk of flooding meaning that access/egress to vehicles/cyclists and pedestrians would be problematic and potentially dangerous in certain circumstances.

On this basis, members are advised that it would not be appropriate to require a permanent vehicular access into the site from Colebrook Lane on flood risk grounds.

3.5 Officers have looked into the land ownership arrangements in terms of the provision of an access at Colebrook Lane. The land required for the widening of Colebrooke Lane is not within the control of the applicant or the Highway Authority. However, evidence collated by officers suggests that land ownership would not be an insurmountable barrier to the widening of Colebrooke Lane.

In a recent appeal at Exeter Hill, Tiverton (ref: 17/00942/MOUT) the Authority drew the Inspectors attention to the fact that a 'triangle' of land which was required to mitigate the highway safety harm identified at a junction did not form part of the public highway nor was it in the control of the appellants. With regards to this point, the Inspector stated, *'I am mindful that the Planning Practice Guidance (PPG) advises that such conditions (negatively worded condition to secure those works prior to development commencing) should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the condition. That is a very high bar. Whilst I note the concerns of the Council, Local Highway Authority and local residents about the status of the land, I find no substantive evidence that the land could not become available for the required works. The very high bar set for not imposing a condition in the PPG is therefore not met and I find that one could be used to prevent any development commencing until the junction improvements had been provided. I therefore, find that a condition could mitigate the identified harm.'*

3.6 Three further letters of objection have been received since the previous planning committee, reiterating concerns about highway safety in relation to both Siskin Chase and Colebrooke Lane, the wider impact on traffic in the town centre and that a policy document is a live document which must be reviewed as circumstances arise. It is considered that the planning issues raised are covered in this and the previous report.

4.0. Conclusion on the issue of access from Colebrook Lane

4.1 The Environment Agency have identified concerns with regards to the impact on flood risk from a permanent vehicular access being provided onto Colebrook Lane

4.2 The developers have already taken on board the concerns of the residents about construction traffic and have proposed that all construction traffic is brought to site via Colebrooke Lane

4.3 The Highway Authority are satisfied that Siskin Chase can provide vehicular access to the application site to the required standard and do not have any highway safety concerns regarding its provision. They would not wish to see access being solely from Colebrook Lane rather than Siskin Chase.

4.4 The contingency site policy within the Allocations and Infrastructure Development Plan Document and the proposed allocation within the Local Plan Review require access from Siskin Chase, not Colebrooke Lane.

4.5 The tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. (officers underlining for emphasis)

The Officer recommendation remains one of approval, subject to the prior signing of a s106 (as set out at the top of this report) and the conditions and reasons set out below which have been reviewed since the previous committee to delete condition 18 which was found to be unnecessary.

However, at the meeting on 5th June, members clearly expressed a wish for a new point of access to be investigated. They had visited the site the previous day and viewed it both from Siskin Chase and Colebrooke Lane. They had heard the concerns of the occupiers of Siskin Chase and Cullompton Town Council regarding:

- a) Lessons should be learnt from the Kingfisher Reach development to the north of the site – this is a large residential development which was designed using ‘Manual for Streets’ and ‘Manual for Streets 2’ to create a through-route for traffic but had pinch points and sharp bends designed in to slow traffic down. Locally, concerns have been expressed by residents and users of the road that it is not suitable as a through route due to the amount of parked cars and the inability of 2 buses to pass each other.
- b) Siskin Chase was unsuitable for additional traffic due to cars being parked on both sides of the cul-de-sac and that there is a chicane in Siskin Chase which acts as a pinch point

If, despite what has been set out above, Members conclude that in their opinion access should be provided from Colebrooke Lane, consideration must be given by Members to the benefits of providing 105 dwellings on the site, as set out in the officer report appended to this. Members will need to carry out the ‘tilted balance’. Having done so, and if still of the view that without such an access the adverse impacts which would result would significantly and demonstrably outweigh the benefits such that they would therefore be minded to refuse the application, consideration should be given to the following reason for refusal:

The tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. In considering this application, the LPA are of the view that the proposed point of access from Siskin Chase is not considered suitable for the additional increase in traffic anticipated from the proposed development of 105 dwellings. Siskin Chase is a cul-de-sac which was designed to accommodate those vehicles attracted to the housing it currently serves and incorporates features to narrow the road such as a chicane. The increase in car ownership since the development was built has led to an increasing number of vehicles being parked on the public highway. The use of Siskin Chase as the sole access to the proposed development of 105 new dwellings is not considered acceptable and would lead to conflict between existing and proposed residents and would interrupt the free flow of vehicles, particularly emergency vehicles. In the opinion of the LPA this identified harm significantly and demonstrably outweighs the benefits of the proposal when assessed against the policies in the NPPF, taken as a whole and is considered to be contrary to policies COR1 and COR9 of the Local Plan Part 1 (Core Strategy) and policy DM2 of the Local Plan Part 3 (Development Management)

If the Planning Committee indicate that they would have been minded to refuse the application, they will need to appoint 3 members to provide a written case in support of the reason for refusal, in line with the deadlines set by the Planning Inspectorate

5.0 s106 matters

Members will note the requirement for a s106 in the event of members being minded to approve the application, and in any event a completed s106 will need to be provided as part of the appeals process. The applicants have requested that the authority give further consideration to the viability of the development in the event that all the s106 requirements listed at the head of this report are required. The authority are seeking to engage the services of an independent viability assessor. On this basis, your officers are seeking delegated authority to negotiate the content of the s106 with the developers, with priority being given to the collection of funding towards the Cullompton Town Centre Relief Road.

Policies AL/CU/14 and AL/CU/15 of the Allocation and Infrastructure Development Plan Document provide for the delivery of a relief road for Cullompton in order to mitigate for poor air quality of the town centre, which is reflected in the designation of the centre of Cullompton as an Air Quality Management Area in December 2006. An Air Quality Action Plan has been prepared which identifies the delivery of a town centre relief road as a key measure to address air quality issues arising from traffic and traffic congestion. Policy AL/CU/15 sets out the requirement for development in or adjoining Cullompton to mitigate its likely impact upon air quality in the Air quality Management Air by contributing towards the cost of implementing the Cullompton Air Quality Action Plan including the provision of the relief road. The Local Plan Review at policies CU19 and CU20 similarly deals with the relief road as a mitigation measure for poor air quality and that developer funding will be sought via S106 agreement.

Consultation responses from Devon County Council Highway Authority and MDDC Public Health do not raise an objection to the application, however this is based on it making financial contribution towards the delivery of the relief road. The traffic assessment provided with the application indicates the additional traffic generation that is expected to arise as a direct result of this development including additional traffic movements between the site and the M5 motorway junction 28 and the town centre. The development will therefore increase traffic through the town centre, the impact of which on air quality will be mitigated via financial contribution towards the relief road in accordance with the policies set out above.

A scheme for the relief road is in place, with a route selected and pre-application work under way. Design work to support the submission of a planning application has been undertaken and it is expected that such an application would be submitted by the County Council by the end of May 2020 and the scheme completed by the end of March 2023. The District Council has made a successful application to the Government for forward funding for the delivery of the road via the Housing Infrastructure Fund. This will provide £10,000,000 of the total expected £15,000,000 cost of the project with the remainder being forward funded by the District Council, on the basis of recovery from development via S106 agreements. In this way the infrastructure that the development relies upon in order to mitigate its impact and come forward is able to be forward funded, with the cost being recovered from development. A cost of £7,500 per plot is sought from this development via S106 agreement to recover the proportionate cost of the delivery of the road from this development. This is in accordance with adopted and emerging policy.

Priority will then be given to the provision of affordable housing on the site, seeking 35% provision where possible.

Some of the contributions listed at the head of this report may need to fall away on either viability grounds or if there is insufficient justification provided by consultees. In this event,

your officers are seeking delegated authority to enable them to negotiate a s106 with the applicant, to ensure compliance with the Regulation 122 and 123 CIL tests.

6.0 Other matters

6.1 Material considerations in the determination of this application which has now been appealed were set out in the previous Officer report to Planning Committee which is attached at Appendix 1. This report sets out relevant policy considerations, material considerations, consultation responses and representations received. Its contents should also be taken into account in the decision by Committee over this application.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings of layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. The detailed drawings required to be submitted by Condition 1 shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of public open space and green infrastructure, arboricultural method statement and tree protection plan, to include engineering details for any areas of no-dig construction and cabling for electric vehicle charging points at a rate of one per residential property
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. 173040; dated December 2018) and the additional information contained within the letter RE: West of Siskin Chase, Cullompton (dated 13th March 2019).
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system

must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

9. Details of an inspection regime in respect of the installation of the surface water drainage management system, including any attenuation ponds and outflows, shall be submitted to and approved in writing by the Local Planning Authority before its installation begins. The inspection regime shall include details of key stages of the installation to be signed off by a drainage engineer or other qualified professional and confirmation provided in writing to the Local Planning Authority that each stage of the installation has been provided in accordance with the details approved under Condition 6.

10. No development approved by this permission shall commence until details of finished floor levels of property, and landscaping between the existing ponds and properties, have been submitted to, and agreed in writing by the local planning authority

11. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

12. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the Local Planning Authority for approval in writing. No work shall proceed on site until either the Local Planning Authority grants written consent for the development to commence or the requirements of condition 13 below are met.

13. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition 12 above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the Local Planning Authority.

14. Following completion of any works required by condition 13 above, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted in writing by the Local Planning Authority.

15. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- A. the timetable of the works and a phasing plan;
- B. daily hours of construction;
- C. any road closure;
- D. hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays including 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- E. the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- F. The proposed route of all construction traffic to include the temporary use of an access from Colebrook Lane;

G. the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

H. areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

I. hours during which no construction traffic will be present at the site;

J. the means of enclosure of the site during construction works;

K. details of wheel washing facilities and obligations, and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways;

L. photographic evidence of the condition of adjacent public highway prior to commencement of any work;

M. the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. Once approved in writing by the Local Planning Authority, the works on site shall be carried out in accordance with the approved CEMP unless a subsequent variation is agreed in writing by the Local Planning Authority.

16. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

17. No development shall take place until details of the layout and construction of the construction access from Colebrook Lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.

2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 however the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.

3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.

4. For the avoidance of doubt and in the interests of proper planning

5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.

6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

7. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
8. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
9. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.
10. To safeguard property adjacent an existing ponds from the consequences of a scenario of water discharging from them. Several of the proposed properties would sit adjacent to several existing ponds. The ponds are higher in level than the proposed houses. As such measures should be put in place to safely manage any water that may discharge from the ponds.
11. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework that an appropriate record is made of archaeological evidence that may be affected by the development
12. In the interests of public health and the protection of the environment
13. In the interests of public health and the protection of the environment
14. In the interests of public health and the protection of the environment
15. To minimise the impact on the highway network and on nearby residential properties during the construction period.
16. To ensure that adequate information is available for the proper consideration of the detailed proposals.
17. To ensure the layout and construction of the access is safe in accordance with the National Planning Policy Framework.

Contact for more Information: Mrs A Fish, Area Team Leader, ext 4266
afish@middevon.gov.uk

Circulation of the Report: None

List of Background Papers: All documents submitted in relation to application 19/00118/MOUT and development plan documents

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Application No. 19/00118/MOUT

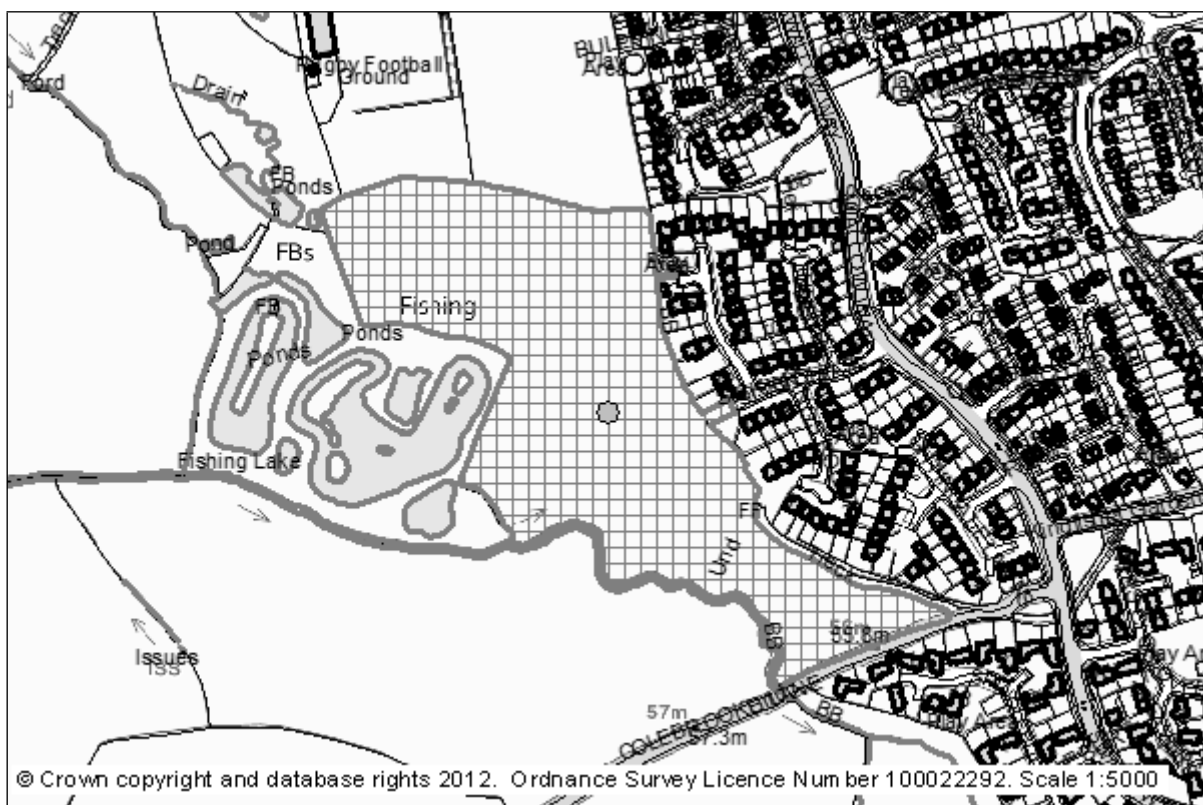
Grid Ref: 301216 : 106714

Applicant: Taylor Wimpey UK Ltd

Location: Land at NGR 301216 106714 (West of Siskin Chase)
Colebrooke Lane
Cullompton
Devon

Proposal: Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane

Date Valid: 23rd January 2019



APPLICATION NO: 19/00118/MOUT

RECOMMENDATION

Grant permission subject to conditions and the prior signing of a S106 agreement to secure the following:

- 1) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) Financial contribution of £7,500 per dwelling towards the provision of the Town Centre Relief Road
- 3) A financial contribution towards delivery of the new primary school of £4004.75 per dwelling, (equating to £420,498.00 for 105 dwellings).
- 4) A financial contribution towards secondary education facilities of £345,255.00 (based on 105 dwellings and the DfE extension rate of £21,921 per pupil).
- 5) A financial contribution towards Early Years provision for 2, 3 and 4 year olds of £26,250 (based on 105 dwellings at £250 per dwelling).
- 6) A financial contribution of £135,000.00 towards the maintenance/provision/improvement of the bus service
- 7) A financial contribution of £1457.32 per dwelling to the Royal Devon and Exeter NHS Foundation Trust towards maintaining service delivery during the first year of occupation of each unit of the accommodation in the development.
- 8) Implementation and monitoring of a Travel plan
- 9) Provision of public open space, allotments and play areas on site.
- 10) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

Should there be any changes to the s106 requirements listed above prior to the signing of the s106, these shall be referred back to planning committee for consideration

PROPOSED DEVELOPMENT

This is an outline application to establish the principle of development on the site, with all matters such as appearance, landscaping, layout and scale reserved for future consideration within any reserved matters application. The access is the one matter for which approval is sought as part of this application.

The site is located to the south west of Cullompton and is currently an irregularly shaped agricultural field accessed by way of a field gate off Colebrook Lane, which lies along the southern boundary of the site. The site slopes gently downwards in a broadly north to south direction. To the north of the site is the Cullompton Rugby club land, to the east is the existing residential development of Siskin Chase and to the west of the site are open fields.

The application is accompanied by an indicative layout plan and should be treated as such. It indicates how 105 dwellings, areas of open space and estate roads may be accommodated and laid out on site but should not be considered as an approved or final layout as this would be established at reserved matters stage.

The location of the access to the site, does form part of the consideration of this application. Vehicular access is proposed off the existing cul-de-sac known as Siskin Chase. Further pedestrian access is proposed to the south of the existing play area at the northern most end of Siskin Chase. A further pedestrian/cycle access is proposed at the southern end of the site out onto Colebrook Lane and at the northern end of the site which borders with the Rugby Club land.

The submitted indicative layout plan indicates areas of Public Open Space towards the southern end of the site, adjacent to Colebrook lane together with an area of allotments.

APPLICANT'S SUPPORTING INFORMATION

Arboricultural Impact Assessment Report
Design and Access Statement
Draft Heads of Terms
Ecological Impact Assessment
Energy and Sustainability Statement
Flood Risk Assessment and Drainage Strategy
Heritage Statement
Landscape and Visual Impact Assessment
Planning Statement
Statement of Community Involvement
Transport Assessment
Tree Constraints Plan
Tree Protection Plan
Waste Audit Statement
Transport Assessment
Various plans

RELEVANT PLANNING HISTORY

18/01826/SCR - CLOSED date 16th November 2018

Request for Screening Opinion in respect of proposed development of 105 dwellings together with associated amenity and open space provision landscape and access from Siskin Close

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 Sustainable Communities
COR2 Local Distinctiveness
COR3 Meeting Housing Needs
COR8 Infrastructure Provision
COR9 Access
COR11 Flooding
COR14 Cullompton

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/DE/3 Affordable Housing Site Target
AL/DE/4 Occupation of Affordable Housing
AL/IN/2 Development without Community Infrastructure Levy
AL/IN/3 Public Open Space
AL/IN/4 Green Infrastructure
AL/IN/5 Education Provision
AL/CU/15 Cullompton Air Quality
AL/CU/20 Colebrook

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development
DM2 High quality design
DM4 Waste management

DM6 Transport and air quality
DM8 Parking
DM28 Green infrastructure in major developments

CONSULTATIONS

FLOOD and COASTAL RISK MANAGEMENT TEAM – 7th March 2019

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has submitted greenfield runoff rates using the "developable area" of 2.9ha. However, Devon County Council require greenfield rates to be calculated using impermeable area only which as stated to be 1.74ha in section 6.23 in the FRA. Please submit revised calculations using the impermeable site area only.

Section 6.37 states that "The detention basin and swale could be maintained by the Local Authority, funded by a commuted sum". The local authority will not be able to take on maintenance responsibilities therefore SuDS features will need to be passed to a private maintenance company upon completion.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 17th April 2019

Observations:

Following my previous consultation response (FRM/MD/00118/2019; dated 7th March 2019), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Groundwater was encountered during the site investigation (dated May 2018). Groundwater will need to be accounted for within the design of the surface water drainage system. The excavation of a basin or tank will need to account for groundwater, these structures will also need to account for any effects (such as flotation) which can occur due to high groundwater levels. If groundwater is not monitored within the vicinity of the storage features then a conservative level should be used (at the moment a groundwater record of 0.2m below ground level is close to the proposed storage feature).

A SuDS Management Train should be implemented to ensure that surface water is well treated before being discharged to the watercourse. If an attenuation tank is proposed then a robust statement will need to be submitted at the next stage of planning to clarify why an above-ground feature cannot be implemented. If an attenuation tank is proposed then above-ground features will still be needed to ensure sufficient treatment of surface water. If a storage feature formed by bunds is proposed, then the Local Planning Authorities Landscape Officer may need to review this.

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. 173040; dated December 2018)

and the additional information contained within the letter RE: West of Siskin Chase, Cullompton (dated 13th March 2019).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

HISTORIC ENVIRONMENT TEAM - 30.01.19

I refer to the above application and your recent consultation. The proposed development site lies in an area of archaeological potential with regard to known prehistoric and Romano-British activity within Cullompton and in the surrounding landscape. The geophysical survey undertaken in support of this application does not indicate the presence of any significant heritage assets with archaeological interest within the proposed development site. However, several anomalies have been identified that indicate the presence of archaeological deposits that will be affected by the proposed development. As such, the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine nature and significance of anomaly 8, as identified in the geophysical survey report, any further mitigation here would depend upon these results. In addition, the south-eastern part of the site should be subject to strip, map and recording where the survey has identified discrete anomalies that may be pits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

HISTORIC ENVIRONMENT TEAM - 26.03.19

I refer to your recent re-consultation. The Historic Environment Team have no additional comments to make to those already made,

PUBLIC HEALTH - 05.02.19

Contaminated Land:

The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site.

Recommended conditions:

1) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site

until either the LPA grants written consent for the development to commence or the requirements of condition (2) below are met.

2) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (1) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.

3) Following completion of any works required by condition (2) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

Reason: In the interests of public health and the protection of the environment

Informative note: It is recommended that applicants, agents and developers take specialist consultant advice before complying with these conditions.

Air Quality:

Given that Cullompton is in an Air Quality Management Area (AQMA), the recorded concentrations of relevant traffic related Nitrogen Dioxide (NO₂) pollution is high and concerns are that developments within the area might contribute to the deterioration of poor air quality in certain locations.

These concentrations apply to areas where there is residential exposure in the town-centre and consequently, all major development in Cullompton area giving rise to new traffic trips within the town has to be managed carefully.

Recent monitoring data in the vicinity of the area indicates that the development may contribute to a deterioration in air quality and in certain locations, exceedances of the national air quality objectives (Air Quality Regulations - Part IV of Environment Act 1995) for nitrogen dioxide and particulates. This is due to the mass of emissions arising from transport movements generated by the proposal during both construction and operational phases and by increased trips through the town centre.

As such, an adequate and comprehensive proactive assessment and mitigation of air quality concerns is required. A Low emission assessment, which accounts for the cumulative impact of development within the AQMA as a whole, should be provided.

To assess the air quality impact we will require further information in order to consider air quality constraints adequately'

- An integrated Transport Assessment, traffic pollution mass emission assessment and low emission strategy (LES) which takes account of the cumulative effect on local air quality of the proposed development alongside other proposed new developments within the AQMA. Furthermore, within the LES, sets out defined changes arising from a range mitigation measures/options.

- Consideration to be given to a planning obligation/s106 agreement contribution to the delivery of the Cullompton Air Quality Action Plan to ensure the proposed development is acceptable in planning terms.

A report of the above assessments and its recommendations shall be submitted for consideration to the Local Planning Authority for consultation with Public Health and Regulatory Services prior to any decision on the proposal.

Environmental Permitting:

No objection to this proposal

Drainage:

No objection to this proposal

Noise & other nuisances:

Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

PUBLIC HEALTH 1st May 2019

Air Quality update:

The Air Quality and low emissions assessment provided for the proposed residential development at Siskin Chase, Cullompton, is now considered acceptable. Taking into account the cumulative traffic, the results show that the development will not cause exceedances of the air quality objectives, and the impact of the development is considered to be satisfactory.

Necessary migration can therefore be secured by appropriate conditions and/or through the s106.

RSPB - 13th February 2019 - Thank you for inviting the RSPB to comment on the above application, we are pleased to see that provision will be made for building dependant bird species.

We are concerned that the numbers recommended are less than is currently accepted best practice as described in RIBA Publishing's Building for Biodiversity 2nd Edition 2016:

The latest guidance from the Town and Country Planning Association and The Wildlife Trusts, Planning for a Healthy Environment: Good Practice for Green Infrastructure and Biodiversity (2012), uses guidelines from Exeter City Council's Supplementary Planning Document Residential Design (available at: www.exeter.gov.uk/index.aspx?articleid=127302010). It recommends that nesting and roosting boxes be included as part of the fabric of the building for building-reliant birds (e.g. swift, swallow and house martin) and bats and birds associated with urban areas (e.g. house sparrow and starling). As a guideline, the number of built-in provisions of nest or roost sites per development should be approximately the same as the number of residential units. However, this provision would be located in the parts of the site suitable for the species in question and can be in residential or non-residential buildings.

We have come to the conclusion that as nest cups for swallows and house martins are retro-fitted, need ongoing maintenance and are easily removed they should not be conditioned but left to the discretion of the new occupiers

We are also concerned that equal numbers of bat tubes to bird nest boxes makes limited ecological sense as the types of bat that use the former tend to roost in groups and a bird box will only be used by one pair at a time !!

In Exeter recently Taylor Wimpey have concurred with this advice and are fitting a much higher ratio of bird boxes to bat tubes.

We strongly recommend that the number of bird boxes are increased and made a condition if planning consent is granted.

RSPB - 25 March 2019

Thank you for asking us to comment on the above, these are unchanged from our previous comments, the attached from Action for Swifts which we fully endorse may be helpful.

DEVON COUNTY EDUCATION - 13.02.19

Regarding the above application, Devon County Council has identified that the proposed increase of 105 family type dwellings will generate an additional 26.25 primary pupils and 15.75 secondary pupils which will have a direct impact on primary schools in Cullompton and Cullompton Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Primary School Provision:

Devon County Council has already forward funded schemes at Willowbank Primary School and St Andrew's Primary School to provide capacity for future development and increasing demographics within the town. The cost of these expansion projects will be recouped from development in the town as it comes forward. Additionally, a new primary school is proposed as part of the NW Urban extension which is necessary to ensure sufficient pupil places for children living within the town. The new primary school will also be funded by development.

The County Council has indicated in our responses to other planning applications across the town (17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT) that pupils from 200 dwellings can be accommodated at the expanded schools. As such, the first 200 dwellings approved in the town will be required to pay the DfE extension rate of £13,652 per pupil (£3,413 per dwelling, equating to £358,365.00 for this development). Development beyond the first 200 dwellings approved will be required to contribute towards the delivery of the new primary school, and will therefore be required to pay the DfE new build rate of £16,019 per pupil (£4004.75 per dwelling, equating to £420,498.00 for this development). Therefore the amount requested from this development will be dependent upon the time of determination. This request relates directly to providing education facilities for those living in the development.

Secondary School Provision:

Although Cullompton Community College has some forecast 'spare' capacity available, this is expected to be filled by sites allocated in the submission Local Plan. As this site is a contingency site in the Local Plan, it is not considered to be allocated and therefore a proportion of this spare capacity has not been assigned to this application site. As such, a contribution towards secondary expansion is expected to be required from the development. The contribution sought would be £345,255.00 (based on the DfE extension rate of £21,921 per pupil). This will relate directly to providing education facilities for those living in the development.

Early Years Provision:

In addition, a contribution towards Early Years provision would be needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £26,250 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2015 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

NATURAL ENGLAND - 1 February 2019

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

NATURAL ENGLAND – 25th March 2019.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 01 February 2019.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult.

DEVON, CORNWALL & DORSET POLICE

Police have no objections in principle to this proposal. It is appreciated that at this time it is an outline application, as such I am unable to comment in depth as the only available proposed layout drawing does not reveal many, if any details that would be of concern to the police. However, the reference to Crime Prevention within the Design and Access Statement is noted and welcomed. The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community, in addition to the layout the physical security is now a consideration.

Planning applications should demonstrate, generally in the Design and Access Statement, how the principles of Crime Prevention through Environmental Design (CPTED) combined with the principles and practices of Secured by Design (SBD) have been considered and incorporated into the design and layout of all new developments. This helps provide reassurance and will ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised.

CPTED principles:-

'Access and movement - Places with well-defined and well used routes with spaces and entrances that provide for convenient movement without compromising security.

'Structure - Places that are structured so that different uses do not cause conflict.

'Surveillance - Places where all publicly accessible spaces are overlooked.

'Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

'Physical protection - Places that include necessary, well-designed security features.

'Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

'Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime.

Having reviewed the available outline masterplan, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

The one main access into the development creates strong active frontages with good neighbourly surveillance opportunities to deter criminal activity and anti-social behaviour (ASB).

I would advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass.

Where dwellings are adjacent to public open space, (POS), considerations should be given to the inclusion of defensive planting as part of clear boundary definition for private and public space. Any proposed pedestrian routes must not run to the rear of and provide access to gardens, rear yards / parking courts or dwellings as this has been proven to generate crime and anti-social behaviour (ASB).

If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has

matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

With regard to the proposed allotments, which can be the target of crime and ASB, consideration must be given to appropriate security measures with for example the inclusion of a robust perimeter fence and gates.

DEVON, CORNWALL & DORSET POLICE –

Thank you for this application.

Police have no additional comments to those of 4th February 2019.

Kind regards

ENVIRONMENT AGENCY - 08.05.19

Thank you for consulting us on this application.

Environment Agency position

The development will be acceptable provided that a condition regarding flood resilience is included within any permission granted.

The suggested wording for our recommended condition is set out below, together with associated advice on flood risk.

Condition

No development approved by this permission shall commence until details of finished floor levels of property, and landscaping between the existing ponds and properties, have been submitted to, and agreed in writing by the local planning authority.

Reason - To safeguard property adjacent an existing ponds from the consequences of a scenario of water discharging from them.

Advice - Flood Risk

We hold no objections but do raise some issues as material considerations.

Flooding of Colebrook Lane and third party land

There is a history of flooding from the Cole Brook, most notably in August 1997, which resulted in water flowing east along Colebrook Lane into Spindlebury and Swallow Way. Numerous residential properties in Knightswood were flooded. Indications are that the road culvert under Colebrook Lane is of limited flow capacity which can lead to instances of water flooding Colebrook Lane and in larger floods water flowing east and effecting third party land. Development provides an opportunity to upgrade this culvert, perhaps in conjunction with Devon County Council in their role as the Highway Authority.

The proposed pedestrian/cycle link onto Colebrook Lane would increase the risk of flooding of Colebrook Lane because it would act as a flow path for flood waters, through an existing bank/wall. We advise that the proposal be revised to reduce the likelihood of water passing onto Colebrook Lane.

It may be feasible to construct an embankment, or bolster the existing earth and stone wall, along the southern and eastern boundary of the proposed area of public open space, in conjunction with other minor earthworks, to encourage the storage of flood water reducing risk downstream. We are happy, and indeed would suggest either hosting, or attending, a meeting to discuss the above.

Proximity of some of the proposed properties to existing ponds.

Several of the proposed properties would sit adjacent to several existing ponds. The ponds are higher in level than the proposed houses. As such measures should be put in place to safely manage any water that may discharge from the ponds.

Advice - Flood Resilience

Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

HISTORIC ENGLAND - 09.04.2019

Thank you for your letter of 21 March 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

HIGHWAY AUTHORITY – 25th March 2019

Observations:

The Highway Authority has considered the application and the transport assessment, and are accepting of its contents as a reasonable expectation of the traffic generations likely within the development. The application is in out line and details beyond the point of access are to be determined through the reserve matter application.

Current emerging policy requires the delivery of the distributor road through the NW Cullompton allocation before the site comes forward, however the Secretary of states Inspectors decision on the traffic in Cullompton would result in such requirement falling foul of CIL regulations, The Highway Authority through the enquiry in public(LPR) have requested that this is now removed from policy based on the Inspectors decision.

The Highway Authority are content to accept a single point of vehicle access, but would require that an emergency/Footway/ cycle way access is formed to the west of the site and again the use of Colebrook lane cycle lane access can also be for emergency vehicles too.

Similarly the use of this point of access to the land should be used for construction vehicles to avoid conflict with residential traffic in Siskin Chase and should form part of the construction management plan. The internal layout will need to demonstrate suitable speed reducing features e.g. Speed reduction bends or other Horizontal alignment features.

The Highway Authority would support the Local planning Authority in seeking contributions to the Town centre relief road, and may require contributions towards public transport to be included in a legal agreement through the Town and country planning act.

Therefore the following conditions should be imposed

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Flood management Act

3. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

4. No development shall take place until details of the layout and construction of the Colebrook lane access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

REASON: To ensure the layout and construction of the access is safe in accordance with NPPF

5. No part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

6. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

REPRESENTATIONS

41 letters of objection have been received summarised as follows:

- Ability of DCC to change their minds about the need for NW link road to be in place
- Concern over use of Siskin chase for more housing and construction traffic – safety issues, existing parking, narrowness of road
- Greater number of parking spaces required than shown
- Impact on all roads leading to motorway at rush hours
- Why go to great expense of producing a development plan and then not stick to it
- Dangerous levels of air quality in town at present
- J28 is at capacity
- Road surface in Siskin chase is already cracking and who will repair this
- Developers have said that they can't put access in from Colebrook lane as it's too marshy but why are they building houses there?
- Increased waiting times for doctors and dentists – increased pressure on services
- Colebrook lane wouldn't be suitable for access as it's a narrow rural lane
- Colebrook lane would be the most suitable access point
- Disturbance to bats and geese
- Concern over the accuracy of the documents submitted by the applicant and that they are biased. MDDC should commission their own reports and studies
- Overwhelming number of journeys made from the site will be by car
- Increased risk of flooding to existing properties
- Mud from builders traffic will be dragged onto the road
- Will inevitably lead to the development of the rugby club land

2 letters of either support or neutral have been submitted summarised as follows:

- Glad to see some further development
- Good quality proposed with large areas of POS
- More housing is good for the economy
- No objection subject to their being sufficient highway capacity for both this site and the NW Cullompton allocation

A further letter of representation has been received from the RD&E NHS Foundation Trust requesting a financial contribution from the development towards their services. This is dealt with in section 8 below.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development and 5 year housing land supply**
- 2. Highway safety**
- 3. Air quality**
- 4. Drainage and flood risk**
- 5. Public open space and green infrastructure**
- 6. Landscape and ecology**
- 7. Heritage**
- 8. Section 106 obligations**
- 9. Comments received**
- 10. Planning balance**

1. Principle of development and 5 year housing land supply

The Mid Devon Core Strategy (Local Plan 1) was adopted in 2007 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy COR12 focuses development in and around the main settlements of Tiverton, Cullompton and Criddon.

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car. Policy COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types.

Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so. Policy COR14 sees Cullompton developing as a small market town with the provision of market and affordable dwellings and employment floorspace. The policy sets out a number of objectives to improve transport, flood risk and the town centre environment.

The emerging Mid Devon Local Plan Review (submitted for examination) focuses development mainly on Cullompton and Tiverton with Cullompton being identified as an area for strategic growth. The application site is allocated under policy CU21 in the Local Plan Review (LPR) submission as a contingency site and states:

A site of 4.8 hectares at Colebrook is identified as a contingency site for residential development to be released in accordance with Policy S4, subject to the following:

- a) 100 dwellings with 28% affordable housing;
- b) The development shall not commence until completion of the North West Cullompton through route linking Tiverton Road to Willand Road;
- c) Provision of two points of access from Siskin Chase;
- d) Provision of 1.1 hectares of green infrastructure, to include the retention of land in the floodplain as informal amenity open space and for Sustainable Urban Drainage provision;
- e) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;
- f) Archaeological investigation and appropriate mitigation; and
- g) Transport assessment and implementation of travel plans and other measures to minimise carbon footprint and air quality impacts.

Policy S4 of the LPR states that sites identified as contingency sites will be permitted to boost housing supplies if cumulative housing completion levels fall below expected rates or a five year deliverable supply of sites cannot be demonstrated.

The site was previously allocated as a contingency site in AL/CU/20 of the Allocations and Infrastructure DPD.

The Local Plan Review has been through examination but the Inspector's report has not yet been received and the Plan has not yet been adopted. At the time of writing this report, The Local Plan Review carries only some weight in consideration of this planning application.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. However since an appeal at Uffcume in 2016, its policies relating to housing delivery in the Core Strategy are considered to be out of date and therefore the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states: *Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF.

Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 10 of this report.

The principle of developing the site for up to 105 dwellings and the proposed means of access to the site are the only issues for consideration through this application. The quantum of development proposed reflects the policy aspirations in the LPR, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed.

Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

Mitigation is proposed to off-set the impacts of the proposed development and a package of Section 106 obligations will be delivered (see section 8 of this report)

2. Highway safety

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services.

The NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

As set out above, policy CU21 sets out the requirement for the completion of the North West Cullompton through route linking Tiverton Road to Willand Road prior to the commencement of development on this site. As Members will be aware, the road in question has not commenced construction and therefore to grant planning permission for 105 dwellings on this application site would be contrary to that policy. That does not mean that planning permission must be refused as section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 advised that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (underlining for emphasis only)

In November 2017, a planning application for 259 dwellings on an unallocated site in Willand was refused and appealed. One of the reasons for refusal was concerned with the impact additional traffic from the development would have on Junction 28 of the M5 and congestion on the surrounding road network. The inspector took considerable time to look at the operation of the junction and observed queuing for much of the way along Station Road. The Inspector also observed there was a steady stream of traffic between the roundabout and the traffic light controlled junction at the Junction 28 slip roads and no clear signs of an unacceptable delay. Although slow, the Inspector considered there was a steady flow of traffic along Station Road and Millennium Way towards Junction 28. The Inspector's view was that there were no clear signs of unacceptable delay.

It is this appeal decision that the Highway Authority are referring to in their consultation response and as such, do not consider that it would be reasonable to require the North West through route linking Willand Road to Tiverton Road to be in place prior to the occupation of the proposed 105 dwellings. The views of the Inspector in that appeal are a material consideration which in your officers view, outweighs the policy requirement. The Highway Authority would not be able to substantiate a refusal on this matter, despite there being clear wording within the policy, due to a change of circumstances since the policy wording was drafted.

Many of the letters submitted make reference to the perceived inadequacies of Siskin Chase to provide access to 105 dwellings. Many of the letters suggest a potential access from Colebrook Lane. Some residents are in favour of development access coming solely from Colebrooke Lane, some are against any access from Colebrook Lane. However, the Highway Authority, as statutory consultee has advised that in their view Siskin Chase is an acceptable means of access for the development, requiring a pedestrian/cycle/emergency access only onto Colebrooke Lane. The applicants have also agreed to use Colebrooke Lane for construction traffic to minimise disruption to residents on Siskin Chase. This would be subject to a Construction Management Plan. Access via Siskin Chase accords with the policy requirement of CU21.

Concerns have been received about the levels of parking provision proposed for the site. The current policy (DM8) requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not fall to be considered under this

application. Concerns have also been expressed about the quality of the road surface in and around Siskin Chase but this is a maintenance matter for the Highway Authority and does not fall to be considered here.

The applicants are also making financial contributions to mitigate the impact of the development and subject to these, your officers consider that the development can be accommodated without an unacceptable impact on the highway network. The development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy.

3. Air quality

Policy AL/CU/15 of the AIDPD requires development in or adjoining Cullompton will to mitigate its likely impact on air quality in the Cullompton Air Quality Management Area by contributing towards the cost of implementing the Cullompton Air Quality Action Plan including the provision of the Town Centre Relief Road. Developers will be required to prepare and implement a Low Emissions Strategy to ensure the impact of the site on air quality is acceptable.

Policy DM6 of the LP3 DMP requires that development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment, including mitigation measures to reduce negative impacts on local air quality.

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

The application is supported by the required documentation which includes mitigation to reduce the impact of the development on air quality. Environmental Health officers are satisfied with the measures to reduce reliance on car travel through the implementation of a Travel Plan (which promotes car sharing, promote walking/cycling and the provision of electric vehicle infrastructure) and a financial contribution towards the Town Centre Relief Road, although they have recommended more detail on the provision of electric car charging points be provided. This will be conditioned for provision at reserved matters stage when the layout of the site is known.

Subject to securing the mitigation measures, your officers consider that the proposal complies with policies AL/CU/15 of the AIDPD and DM6 of the LP3 DMP in respect of air quality.

4. Drainage and flood risk

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy COR11 of the Mid Devon Core Strategy guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere.

The site is in Flood Zone 2 (which means there is between a 1:1000 and 1:100 year risk that the site will flood. The lower (southern most part bordering Colebrook Lane) is in Flood Zone 3 (high risk) Cullompton is in a Critical Drainage Area where surface water drainage from development needs to be very carefully considered and managed to ensure that an overall reduction in flood risk is achieved.

Policy AL/CU/3 of the AIDPD requires the provision of a Sustainable Urban Drainage Scheme (SUDS) to deal with all surface water from the development and arrangements for future maintenance.

Policy DM2 of the LP3 DMP requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available.

Policy DM29 of the LP3 DMP relating to green infrastructure requires major development proposals to demonstrate flood and water resource management.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have also advised that they have no objections subject to the imposition of a conditions relating to site levels. They have however set out a series of recommendations which can be accommodated (with the exception of the culverting work) within the layout of the reserved matters application. The suggested work to the culvert seeks to deal with an existing situation rather than mitigate the impact of the development and therefore it would not be appropriate to require the developer to carry out this work.

On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3 and criteria d) of policy CU21 of the LPR

5. Public open space and green infrastructure (GI)

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development.

Policy CU21 of the LPR requires the provision of 1.1h of green infrastructure, to include the land within the flood plain as informal amenity space.

Policy DM29 of the LP3 DMP requires major development proposals to demonstrate that GI will be incorporated within the site to provide biodiversity mitigation, flood management, green corridors and public rights of way linking the site to the wider GI network, and new GI such as the creation of woodland.

The NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

The submitted layout plan does indicate a swathe of open space along the southern end of the site, where the flood plain is. It also includes an area for allotments and a local area of play. Given that this is an illustrative plan only, final details will be required as part of the reserved matters submission and the details of its provision will be a requirement of the s106. Given that its provision can be secured by way of a s106 agreement, it is considered that the policy requirement has been satisfied.

6. Landscape and ecology

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places.

Policy CU21 requires measures to protect and strengthen trees, hedgerows and other environmental features which contribute to character, biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;

The site is in an edge of settlement location so to the west of the Site, the wider landscape begins to rise and forms rolling hills with varied undulations. This area is characterised by mixed agricultural use with irregularly shaped fields following the landform and separated by dense hedgerows and mature hedgerow trees. The roads become narrow, winding and usually sunken as they run westwards out of Cullompton. The application is accompanied by a Landscape and Visual impact assessment which looks at the impact of the development in terms of visual impact and landscape impact. In order to carry out the assessment, reference is made to the Mid Devon landscape character assessment which was prepared in 2011. The site is located on the boundary between two different Landscape Character Types (LCT). The northern (highest) part of the site is located within LCT 3B: Lower Rolling Farmed and Settled Valley Slopes, and the southern part in LCT 3G: River Valley Slopes and Combes.

The study identifies that LCT 3B: Lower Rolling Farmed and Settled Valley Slopes is a gently rolling and strongly undulating landscape characterised by intensively farmed light soils. The sources of rivers create a lush damp character in the valleys. Woodlands are mixed with dense undergrowth giving a well-wooded character, which gives a strong sense of enclosure. It is primarily pastoral, fertile farmland with some arable with tightly clipped hedgerows unifying the landscape when viewed from distant vantage points. Road are mostly winding with bends and frequently sunken.

With regards to LCT 3G: River Valley Slopes and Combes (the southern part of the site), it is described as a landscape that has a very strong sense of enclosure with lush valleys with attractive, fast flowing streams. Some of the main areas of trees are ancient seminatural woodland. It is a strongly undulating landscape with a variety of sloping land. Woodlands are predominantly characterised by oaks and extensive deciduous tree species. Copses are widespread and have dense scrubby undergrowth.

The submitted LVIA, concludes that visually, the site is relatively well contained within the wider landscape with few long distance views due to the well vegetated and undulating landform. The trees and vegetation to the west of the site, combined with the site's low-lying position contribute to screening and filtering of views of the site from the wider area. The northern part of the site, being slightly more elevated, is slightly more visible. However, due to the sunken nature of many of the surrounding public rights of way and roads, publically accessible views of the site are limited to the local area.

With regards to impact on the landscape, the LVIA concludes that overall, the site is of medium quality and sensitivity to residential development because it forms part of a landscape with reasonable ability to accommodate change and is well related to the adjacent settlement edge of Cullompton. Change would be accommodated on this Site with limited loss of some features or elements, and residential development would not be especially discordant in this location and could be sensitively designed to mitigate harm to landscape character.

In addition, Members are advised that the landscape impacts of a development on the site would have been considered prior to allocating the site. Mitigation proposals would need to form part of the reserved matters application.

With regards to protected species and habitats, an Ecological Impact Assessment has been submitted which shows the survey results for the site. No protected species were found on site but the survey indicates the use of the site for foraging by bats. Mitigation through provision of bat boxes and consideration within the scheme design to items such as lighting will need to form part of the reserved matters application.

Subject these further assessments to inform reserved matters, it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1), CU21 of the LPR and the provisions of the NPPF.

7. Heritage

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

Paragraph 189 of the NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm, and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

A geophysical survey has been carried out on the site, the results of which have been submitted. Whilst this does not indicate the presence of any significant heritage assets with archaeological interest within the site, several anomalies have been identified and as a result the DCC Archaeologist has recommended that a condition be applied to any consent granted requiring a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches and the south-eastern part of the site being subject to strip, map and recording where the survey has identified discrete anomalies that may be pits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

With the imposition of their recommended condition, and considering that there are no listed buildings or conservation areas close to the site the development is considered to comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

8. Section 106 obligations

The s106 requirements are set out in full at the start of this report.

The applicants are proposing 35% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The Highway Authority have requested financial contributions of £7,500 per dwelling towards the provision of the Town Centre Relief Road and a single payment of £135,000 to support the bus service. As part of the s106, they will also require the implementation of a Travel plan. In addition, your officers are recommending that an area of land to the north of the site be transferred to the ownership of DCC so as to ensure access can be provided into the land to the north, should it be required for development in the future.

The Education Authority have requested financial contributions towards primary, secondary and early years provision.

The NHS have requested a financial contribution towards maintaining service delivery during the first year of occupation of each unit of the accommodation on/in the development. They advise that due to the payment mechanisms, constitutional and regulatory requirements the Trust is subject to, it will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and they go on to advise that there is no mechanism for the Trust to recover these costs retrospectively in subsequent years. Without securing such contributions, the Trust advise that it would have a direct and adverse impact on the delivery of health care in the Trust's area.

The application includes the provision of public open space, allotments and a play area and it is necessary to secure their adequate provision by way of a s106 agreement.

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

It is considered that each of these obligations satisfies the relevant tests above

9. Comments received

Comments received from members of the public have been addressed in the relevant sections above. In addition, comments have been received regarding the impact of the development on increased waiting times for doctors and dentists and the increased pressure on health services in general. Members will note in the section above, that contributions towards this provision have been requested.

Concern has also been expressed about the accuracy of some of the documents submitted by the applicant and that MDDC should commission their own reports and studies instead. Members will be aware that the Local Planning Authority is required to consult with statutory consultees on

planning applications it receives. It is the role of these consultees to assess the relevant information submitted with the application and its appropriateness or otherwise. Members will have seen in the 'consultations' section above that questions or concerns have been raised initially by consultees, who are experts in their fields, and the applicant has been given time to address these. The reports and studies submitted with the planning application have been carried out by qualified professionals and the reports should therefore be read and considered in this context.

Concern has been expressed that approval of this development will inevitably lead to the development of the rugby club land. The plans clearly indicate the desire for pedestrian access into the land and your officers included a requirement in the s106 to ensure that vehicular access up to and including the northern boundary of the site is provided so that this cannot prevent development in the future. It does not however give an indication that development of that land would inevitably be acceptable and nor should the possibility of further land coming forward in future be a barr to development on the application site.

10. Planning balance

As set out in section 1 of this report, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. (officers underlining for emphasis)

The application is in outline and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity, landscape and heritage assets can be adequately mitigated, and the increase in traffic on the local road network and the motorway junction is acceptable to the Highway Authority, subject to the mitigation outlined above.

Community facilities are to be provided in the form of allotment, a play area and landscaped open space.

The delivery of 105 new homes, including 35% affordable housing weighs in favour of approval of the application. Also weighing in favour of the approval is the financial contribution towards delivery of the Town Centre Relief Road which will provide substantial benefits for delivery of future housing developments and the improvement of the quality of the environment in the town centre.

Weighing against approval of the application is the fact that the application is not policy compliant in terms of the North West Cullompton road being in-situ but the reason for this has been addressed above.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, your officers consider that the balance weighs in favour of approval of the application.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings of layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. The detailed drawings required to be submitted by Condition 1 shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of public open space and green infrastructure, arboricultural method statement and tree protection plan, to include engineering details for any areas of no-dig construction and cabling for electric vehicle charging points at a rate of one per residential property
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. 173040; dated December 2018) and the additional information contained within the letter RE: West of Siskin Chase, Cullompton (dated 13th March 2019).
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
9. Details of an inspection regime in respect of the installation of the surface water drainage management system, including any attenuation ponds and outflows, shall be submitted to and approved in writing by the Local Planning Authority before its installation begins. The inspection regime shall include details of key stages of the installation to be signed off by a

drainage engineer or other qualified professional and confirmation provided in writing to the Local Planning Authority that each stage of the installation has been provided in accordance with the details approved under Condition 6.

10. No development approved by this permission shall commence until details of finished floor levels of property, and landscaping between the existing ponds and properties, have been submitted to, and agreed in writing by the local planning authority
11. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
12. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the Local Planning Authority for approval in writing. No work shall proceed on site until either the Local Planning Authority grants written consent for the development to commence or the requirements of condition 13 below are met.
13. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition 12 above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the Local Planning Authority.
14. Following completion of any works required by condition 13 above, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted in writing by the Local Planning Authority.
15. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - A. the timetable of the works and a phasing plan;
 - B. daily hours of construction;
 - C. any road closure;
 - D. hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays including 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
 - E. the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - F. The proposed route of all construction traffic to include the temporary use of an access from Colebrook Lane;
 - G. the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - H. areas on site where delivery vehicles and construction traffic will load or

unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

I. hours during which no construction traffic will be present at the site;

J. the means of enclosure of the site during construction works;

K. details of wheel washing facilities and obligations, and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways;

L. photographic evidence of the condition of adjacent public highway prior to commencement of any work;

M. the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. Once approved in writing by the Local Planning Authority, the works on site shall be carried out in accordance with the approved CEMP unless a subsequent variation is agreed in writing by the Local Planning Authority.

16. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
17. No development shall take place until details of the layout and construction of the construction access from Colebrook Lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.
18. Prior to construction of any residential dwellings above slab level (excluding enabling works and excavation), the first 10 metres of the access roads back from its junction with the public highway, and details of the construction compound must be submitted to and agreed with the Local Planning Authority. The access road must be laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway and a site compound and car park have must be constructed in accordance with those details approved.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 however the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning

Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 however the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.

4. For the avoidance of doubt and in the interests of proper planning.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
7. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
8. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
9. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.
10. To safeguard property adjacent an existing ponds from the consequences of a scenario of water discharging from them. Several of the proposed properties would sit adjacent to several existing ponds. The ponds are higher in level than the proposed houses. As such measures should be put in place to safely manage any water that may discharge from the ponds.
11. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development
12. In the interests of public health and the protection of the environment
13. In the interests of public health and the protection of the environment
14. In the interests of public health and the protection of the environment
15. To minimise the impact on the highway network and on nearby residential properties during the construction period.
16. To ensure that adequate information is available for the proper consideration of the detailed proposals.
17. To ensure the layout and construction of the access is safe in accordance with the National Planning Policy Framework.
18. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

INFORMATIVES

- 1) It is recommended that applicants, agents and developers take specialist consultant advice before complying with conditions 12, 13 and 14.

REASON FOR APPROVAL OF PERMISSION

The principle of developing the site for 105 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The access into the site is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply.

Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to appropriate mitigation as proposed. Impacts on biodiversity and landscape can be adequately mitigated, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to appropriate mitigation as proposed.

The delivery of 105 new homes, including 35% affordable housing weighs in favour of approval of the application as do provision of green infrastructure.

Also weighing in favour of the approval are the financial contributions towards delivery of the Town Centre Relief Road which will provide substantial benefits for delivery of future housing developments and the improvement of the quality of the environment in the town centre.

Weighing against approval of the application is the fact that the application is not policy compliant in terms of this being a contingency site and in relation to the requirement for the North West Cullompton linking road not yet having been constructed.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the application is considered to be acceptable.

The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR10, COR11 and COR14 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM6, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

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