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MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held at Cullompton Town Hall on Wednesday, 18 September 2019 at 10.00 am

STEPHEN WALFORD

Chief Executive

10 September 2019

This meeting will be audio recorded

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 - 10*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 28 August 2019
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.

- 6 **S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT** *(Pages 11 - 26)*
To consider the overarching S106 package between the three planning applications detailed above, which together constitute the first phase of development at the NW Cullompton urban extension.
- 7 **APPLICATION - 17/01170/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 200 DWELLINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OTHER WORKS, INCLUDING VEHICULAR ACCESS, ON LAND COMPRISING NORTHERN PORTION OF PHASE 1 OF THE NORTH WEST CULLOMPTON URBAN EXTENSION - LAND AT NGR 302186 108607 NORTH OF RULL LANE AND TO THE WEST OF WILLAND ROAD CULLOMPTON DEVON** *(Pages 27 - 60)*
To receive a report of the Head of Planning, Economy and Regeneration with regard to this application.
- 8 **APPLICATION - 17/01346/MOUT - OUTLINE HYBRID PLANNING APPLICATION FOR THE ERECTION OF 200 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE AND FULL PERMISSION FOR PORTION OF LINK ROAD (LAND COMPRISING SOUTHERN PORTION OF PHASE 1 OF NORTH WEST CULLOMPTON URBAN EXTENSION) - LAND AT NGR 301536 107900 NORTH OF TIVERTON ROAD, CULLOMPTON DEVON** *(Pages 61 - 98)*
To receive a report of the Head of Planning, Economy and Regeneration with regard to this application
- 9 **APPLICATION - 17/01178/MFUL - ERECTION OF 200 DWELLINGS, FORMATION OF NEW ACCESS, PROVISION OF PHASE OF LINK ROAD, PRIMARY SCHOOL SITE, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS - LAND AT NGR 302103 108277 (WEST OF WILLAND ROAD) CULLOMPTON DEVON** *(Pages 99 - 154)*
To receive a report of the Head of Planning, Economy and Regeneration with regard to this application.

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.

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:

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Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 28 August 2019 at 2.15 pm

Present Councillors

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

**Apologies
Councillor(s)** E J Berry and R F Radford

**Also Present
Councillor(s)** R M Deed and R L Stanley

**Present
Officers:** Tina Maryan (Area Planning Officer),
Christie McCombe (Area Planning Officer),
Maria De Leburne (Solicitor) and Sally
Gabriel (Member Services Manager)

35 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs E J Berry and R F Radford who were substituted by Cllrs C J Eginton and B A Moore respectively.

36 **PUBLIC QUESTION TIME**

Cllr Simon Fouracres from Bampton Town Council referring to item 8 (Major Applications) questioned the process if an application was already at appeal and that another application for the same site had been submitted. If the appeal was determined how would that affect the more recent application on the same site?

The Area Planning officer stated that the application North of Frog Street, Bampton to which Cllr Fouracres referred was at appeal and the same application had been resubmitted, both would need to be dealt with separately. If the current application had not been decided before the appeal decision was issued, and the appeal was allowed, that would affect the Planning Officer's consideration of the current application as planning permission would have already been granted. At the present time the application was delegated for an officer decision, but the application would come before Planning Committee if the officer recommendation was to grant planning permission.

37 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-05-48)**

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

38 **MINUTES OF THE PREVIOUS MEETING (00-06-00)**

Subject to an amendment to Minute 31 (top of page 16) to remove the word 'She reiterated her objection....' and replacing it with 'Cllr Mrs Culpin reiterated the Parish Council's objection.....'. The minutes of the meeting held on 31 July 2019 were approved as a correct record and signed by the Chairman.

39 **CHAIRMAN'S ANNOUNCEMENTS (00-07-49)**

The Chairman had no announcements to make.

40 **DEFERRALS FROM THE PLANS LIST (00-07-52)**

The Chairman indicated that item 1 on the Plans List – application 19/01160/FULL had been deferred to allow for further information to be submitted by the applicant.

41 **THE PLANS LIST (00-08-00)**

(i) No 1 on the Plans List (***19/01160/FULL – Siting of an open fronted storage building – Unit 3, Carlu Close, Hitchcocks Business Park, Willand***)

This item had been deferred as indicated in the previous minute.

42 **MAJOR APPLICATIONS WITH NO DECISION (00-08-22)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that:

Application 19/01344/MARM – land north of Belle Vue, Ashley Road, Uffculme remain delegated to the officer.

Application 19/01132/MFUL – 4 Barn Park, Crediton be brought before Committee only if the officer's recommendation was one of approval and if that were the case then a site visit take place.

Application 19/01167/MOUT – Land North of Frog Street, Bampton be brought before Committee only if the officer's recommendation was one of approval.

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

43 **APPEAL DECISIONS (00-12-34)**

The Committee **NOTED** that no appeals had been received since the last meeting.

44 **APPLICATION 19/00573/FULL - VARIATION OF CONDITIONS 2, 3, 5, 6, 7, AND 8 OF PLANNING PERMISSION 17/00910/FULL, TO ALLOW SUBSTITUTION PLANS, 10 MAYFAIR, TIVERTON (00-15-04)**

The Committee had before it a * report of the Head of Planning, Economy and Regeneration regarding the above application which had been deferred from the

previous meeting to allow for further discussions to take place with the applicant with regard to the footway, the bin store and its location and how refuse collection would be best managed.

The Area Planning officer outlined the contents of the report referring to the issues raised at the previous meeting; informing those present that the scheme did not include a footpath but a tarmaced shared surface and that the drive would not be adopted by the Highway Authority but was being built to an adoptable standard up to the turning head to allow for access to the 5 dwellings. Discussions had taken place with the Waste Service with regard to waste collection. Waste Services had confirmed that if the access drive was built to an adoptable standard and was suitably insured with indemnity insurance, refuse vehicles would access the site. There would therefore be no need for bin storage within the site at the junction between the access drive and Mayfair. She highlighted by way of presentation a revised drawing supplied by the applicant which depicted the detail of the proposed access, the site layout plans and photographs from various aspects of the site.

Consideration was given to:

- The access road would only benefit the 5 dwellings on the site and there would be no thoroughfare onto the land beyond.
- The shared surface and whether there would be any road markings
- The documents available on 'Public Access'
- The response of the Lead Local Flood Authority
- Who would be responsible for the maintenance of the roadway
- The views of the applicant's agent with regard to reducing the capital works required and the carbon footprint of the site, the quality of the build and the work that had taken place with the local Highway Authority.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr D J Knowles and seconded by Cllr L J Cruwys)

Notes:

- i) Cllr D J Knowles declared a personal interest as some of the objectors were known to him;
- ii) Cllrs S J Clist, Mrs C A Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, E G Luxton, BN A Moore and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillor in dealing with Planning matters as they had received correspondence regarding the application.
- iii) Mr Eastland (Agent) spoke;
- iv) Cllr D J Knowles spoke as Ward Member;
- v) The following late information was reported:

27 Aug 2019. Revised drawing. A(01)08B Access Drive.

Updating drawing No. A(01)08A to annotate the granite cobble 1.2m wide rumble strip and soft verge on eastern side of the private drive.

21 Aug 2019. DCC Highway Authority.

The Highway Authority accept shared surface roads constructed in tarmac. The key feature is the block paving/setts at the entrance where the footway ceases, demarking a change in situation. This can be ramped or flush. Steeperton Close Okehampton, St Giles in the Wood Torridge, Newland View Bideford and Hollands Park Phase 1 Exeter are examples of shared surface roads with tarmac roads. (Photos available).

The safety of shared use areas came under scrutiny last year when the Government suspended their use. They have since confirmed that shared use cul-de-sacs are still a viable design and that it is only town centre flush shared surfaces which present a problem for disabled users, particularly sight impaired users.

I trust that this demonstrates the use of such roads county wide are an acceptable form of development.

14 August 2019. MDDC Operations (Refuse).

As long as (*the road*) is at an adoptable standard and there is a waiver in place then we would have no issues, however a risk assessment would have to be undertaken prior to first collection to ensure we can get access / egress safely.

13 August 2019. Objection

It is apparent that there are certain design elements that define a shared surface. We are yet to see a detailed plan for the design of the access road which incorporates any design elements. To date, the drawings do not suggest that it is a shared space and that pedestrians have any kind of priority over cars.

Evidence suggests the jury is out on shared spaces. If it is not obvious to all that it is shared space, then it is not shared space. It is irresponsible of Devon Highways not to apply scrutiny to the design elements of this road.

Surely the road would be safer and more straightforward if the addition of a pavement for pedestrian use was included.

This change to the conditions should not go to committee until the plan for the access road has been clearly posted on the portal, including a detailed description of the surfaces and materials to be used in its construction. Also it is still very unclear as to whether there is to be any kind of road marking at the junction with the main part of Mayfair to show who has priority. At the moment, construction traffic often proceeds onto the main highway as though it has priority over vehicles bearing right around the crescent.

- (vi) *Report previous circulated, copy attached to signed minutes.

(The meeting ended at 3.15 pm)

CHAIRMAN

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REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT

(APPENDIX A TO INDIVIDUAL APPLICATION REPORTS WHICH FOLLOW)

Applicants:

- (1) Mr A Fieldman, Codex Land PCC Land Promotion Cell
- (2) Mr B Smith, Persimmon Homes (South West) Ltd
- (3) Mr J Turner, PM Asset Management

Location:

- (1) Land at NGR 302186 108607, North of Rull Lane and to the West of Willand Road, Cullompton
- (2) Land at NGR 302103 108277, West Of Willand Road, Cullompton
- (3) Land at NGR 301536 107900, North of Tiverton Road, Cullompton

Proposal:

- (1) 17/01170/MOUT Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension
- (2) 17/01178/MFUL Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works
- (3) 17/01346/MOUT Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)

REASON FOR REPORT:

To consider the overarching S106 package between the three planning applications detailed above, which together constitute the first phase of development at the NW Cullompton urban extension.

MATTERS FOR CONSIDERATION:

This report is supplemental to a report on Section 106 matters considered by Planning Committee at the meeting on 17th April 2019 (see attached report).

Late information provided to the meeting set out the following amendments to the recommendations:

1. 3) Off-site highway works: improvements to J28 of the M5, pedestrian footway and crossing in Willand Road, traffic calming in Saxon Way, Plantagenet Drive and Norman Drive and footpath extension in Millennium Way to link to bus stops.

4. That delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chair of Planning Committee and Ward Members to negotiate and enter into a fall-back position in the S106 agreements that seeks to prioritise and apportion S106 requirements in the event that one or more of the planning applications in question do not come forward for development.

Additional recommendation:

5. That the S106 in respect of application 17/01178/MFUL also secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.

At the meeting, it was resolved that:

RESOLVED that the item be deferred for further negotiation over the overall S106 package for applications 17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT to take place in terms of viability, costings, inclusions and in particular the percentage of affordable housing and the inclusion of a footpath/cycleway along Millennium Way. Delegated authority be given to the Head of Planning, Economy and Regeneration to undertake the negotiations in consultation with the Chair and Vice Chair of Planning Committee, Ward Members and the Cabinet Member for Housing.

A members briefing was held on 3rd September 2019 at which the applicants for the three applications presented the background to the applications and gave a detailed confidential explanation of the viability considerations that had informed the proposed Section 106 package.

The information presented included:

1. Background to the Section 106 negotiations including at the masterplanning stage.
2. The high level of infrastructure required for Phase 1, including the link road, primary school, off-site highway works, and contribution to the town centre relief road. Phase 2 would carry much less of an infrastructure burden and therefore a higher affordable housing percentage could be achieved.
3. The level of Section 106 obligations in comparison to the residual land values.
4. The reasons for the 10% affordable housing percentage, and the expectation that a much higher percentage would be included in Phase 2.
5. Agreement that if partial footway works in Millennium Way (i.e. linking existing footways to the bus stops) were included in Phase 1, additional works to provide a footway the entire length of Millennium Way could be included in Phase 2 (see below).
6. Apportionment of the Section 106 items between the three Section 106 Agreements.
7. The mechanism for ensuring essential infrastructure would be prioritised should one or more of the developments not come forward (i.e. the fall-back position and the inclusion of cascade clauses in the Section 106 Agreements).
8. Details of the expected delivery method for the link road from Tiverton Road to Willand Road.

With regard to the Millennium Way footway provision, on 17th April 2019, Members resolved that the deferral should include as part of the negotiations on the Section 106 package, the inclusion of a footpath/cycleway along Millennium Way.

Two separate costings have been provided by the Highway Authority:

- 1) Works to link existing residential footways in nearby developments to bus stops in Millennium Way: **£150,000**.

- 2) Works to provide a footway the entire length of Millennium Way, including necessary additional drainage works: **£782,480**.

As discussed at the Member briefing on 3rd September, the revised recommendation below includes footway links to bus stops in Millennium Way within the Section 106 package the subject of this report, with the remainder of the works being completed when Phase 2 of the NW Cullompton Urban Extension comes forward.

If Members require the full length of the footway to be included within Phase 1, this would have an effect on viability that would mean there would need to be an equivalent reduction in one or more of the other Section 106 items (£632,480). If the full extent of the footway is required in Phase 1, your officers recommend that delegated authority be granted to the Head of Planning, Economy and Regeneration to negotiate the final terms of the Section 106 in this respect.

REVISED RECOMMENDATION

1. **That the Section 106 package of obligations to be applied in total across applications 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT, is agreed as follows:**
 - 1) **10% affordable housing across the whole of Phase 1**
 - 2) **Timing, funding and delivery of a linking road between Willand Road and Tiverton Road including financial contribution towards its provision (latter, application 17/01170/MOUT)**
 - 3) **Off-site highway works: improvements to J28 of the M5, pedestrian footway and crossing in Willand Road, traffic calming in Saxon Way, Plantagenet Drive and Norman Drive, and footpath extension in Millennium Way to link to bus stops**
 - 4) **Financial contribution of £3.0 million towards the Town Centre Relief Road**
 - 5) **Transfer of 1.2 hectares of land for primary school (with access and servicing) and school sports pitch to Devon County Council**
 - 6) **Financial contribution of £672,361 towards St Andrews primary school expansion**
 - 7) **Financial contribution of £1,577,972 toward delivery of the new primary school**
 - 8) **Financial contribution of £150,000 towards early years provision**
 - 9) **Financial contribution of £795,072 towards secondary provision**
 - 10) **Financial contribution of £87,339 towards special educational needs provision**
 - 11) **Financial contribution of £231,224 towards expansion of doctors surgery**
 - 12) **Provision and maintenance of Rull Hill green infrastructure to include landscaped areas, multi-use games area and play area**
 - 13) **Upgrade to existing public rights of way (Goblin Lane and bridleway between Willand Road and Rull Lane)**
 - 14) **Transfer of land to Culm Valley Integrated Health Centre (College Surgery) for a health garden**
2. **That it be agreed that the following Phase 1 items be delivered in Phase 2 to aid viability:**
 - 1) **Financial contribution of £1.2 million towards bus improvements**
 - 2) **Financial contribution of £96,000 towards recycling facilities**
 - 3) **Provision of land for community building at the beginning of phase 2 (community building itself in Phase 2)**
 - 4) **Provision of additional sports pitch**
 - 5) **Allotments and second community orchard**
 - 6) **Additional footpath extension works in Millennium Way**

- 3. That delegated authority be granted to the Head of Planning, Economy and Regeneration to negotiate the apportionment of the various obligations between the three individual Section 106 Agreements and the exact composition of the Rull Hill green infrastructure and enter into S106 agreements accordingly.**
- 4. That delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chair of Planning Committee and Ward Members to negotiate and enter into a fall-back position in the S106 agreements that seeks to prioritise and apportion S106 requirements in the event that one or more of the planning applications in question do not come forward for development.**
- 5. That the S106 in respect of application 17/01178/MFUL also secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.**

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.

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

S106 MATTERS, APPLICATIONS COMPRISING PHASE 1 OF DEVELOPMENT AT NW CULLOMPTON URBAN EXTENSION, RELATING TO APPLICATIONS 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT

(APPENDIX A TO INDIVIDUAL APPLICATION REPORTS WHICH FOLLOW).

Applicants:

- (1) Mr A Fieldman, Codex Land PCC Land Promotion Cell**
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- (3) Mr J Turner, PM Asset Management**

Location:

- (1) Land at NGR 302186 108607, North of Rull Lane and to the West of Willand Road, Cullompton**
- (2) Land at NGR 302103 108277, West Of Willand Road, Cullompton**
- (3) Land at NGR 301536 107900, North of Tiverton Road, Cullompton**

Proposal:

- (1) 17/01170/MOUT Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension**
- (2) 17/01178/MFUL Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works**
- (3) 17/01346/MOUT Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)**

REASON FOR REPORT:

To consider the overarching S106 package between the three planning applications currently under consideration, which together constitute the first phase of development at the NW Cullompton urban extension.

MATTERS FOR CONSIDERATION:

The heads of terms to be covered by the proposed S106 agreements that will be associated with these applications. Members should note that the S106 package set out in this report has not at this stage been apportioned between the applications in order to seek to equalise the S106 requirements. A further exercise to achieve this is required as some applications will contribute land for infrastructure (such as the land for the primary school and community facilities) whilst others will make financial contributions. In addition the route of the proposed road linking Tiverton Road and Willand Road runs through two of the three applications.

This apportionment of the overall S106 package between the three applications is also required due to the lack of an equalisation agreement between the applicants/ developers.

The negotiation of the S106 and its apportionment between the applications will also need to consider a fall-back position in the event that one or more of the planning permissions do not come forward for development. This fall-back position will need to prioritise the S106 package that could be secured should only one or two of the three applications be developed.

Delegated authority is sought to negotiate the apportionment of the S106 between the applications and how the S106 requirements are to be prioritised and apportioned as a fall-back position in the event that not all the applications come forward for development.

RECOMMENDATION:

- 1. That the Section 106 package of obligations to be applied in total across applications 17/01170/MOUT, 17/01178/MFUL AND 17/01346/MOUT, is agreed as follows:**
 - 1) 10% affordable housing across the whole of Phase 1**
 - 2) Timing, funding and delivery of a linking road between Willand Road and Tiverton Road including financial contribution towards its provision (latter, application 17/01170/MOUT)**
 - 3) Off-site highway works: improvements to J28 of the M5, pedestrian footway and crossing in Willand Road, traffic calming in Saxon Way, Plantagenet Way, Tudor Grove**
 - 4) Financial contribution of £3.0 million towards the Town Centre Relief Road**
 - 5) Transfer of 1.2 hectares of land for primary school (with access and servicing) and school sports pitch to Devon County Council**
 - 6) Financial contribution of £672,361 towards St Andrews primary school expansion**
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 - 11) Financial contribution of £231,224 towards expansion of doctors surgery**
 - 12) Provision and maintenance of Rull Hill green infrastructure to include landscaped areas, multi-use games area and play area**
 - 13) Upgrade to existing public rights of way (Goblin Lane and bridleway between Willand Road and Rull Lane)**
 - 14) Transfer of land to Culm Valley Integrated Health Centre (College Surgery) for a health garden**
- 2. That it be agreed that the following Phase 1 items be delivered in Phase 2 to aid viability:**
 - 1) Financial contribution of £1.2 million towards bus improvements**
 - 2) Financial contribution of £96,000 towards recycling facilities**
 - 3) Provision of land for community building at the beginning of phase 2 (community building itself in Phase 2)**
 - 4) Provision of additional sports pitch**
 - 5) Allotments and second community orchard**
- 3. That delegated authority be granted to the Head of Planning, Economy and Regeneration to negotiate the apportionment of the various obligations between**

the three individual Section 106 Agreements and the exact composition of the Rull Hill green infrastructure and enter into S106 agreements accordingly.

- 4. That delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Chair and Vice Chair of Planning Committee to negotiate and enter into a fall-back position in the S106 agreements that seeks to prioritise and apportion S106 requirements in the event that one or more of the planning applications in question do not come forward for development.**

RELATIONSHIP TO CORPORATE PLAN:

The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan. The planning applications at NW Cullompton are part of a wider strategic development site, the delivery of which will contribute towards Corporate Plan priorities.

FINANCIAL IMPLICATIONS: The planning applications in question will make significant financial contributions towards on and off site infrastructure as part of the NW Cullompton urban extension. Negotiations over viability in connection with the applications have been taking place for some time.

LEGAL IMPLICATIONS: To secure on and off site infrastructure and ensure that these applications address the policy, S106 agreements will need to be entered into. The terms of these S106 agreements will need to meet the requirements of the legal tests within the Community Infrastructure Levy Regulations.

RISK ASSESSMENT: Planning policy sets out the basis upon which development at NW Cullompton is to come forward including the infrastructure required to make the development acceptable in planning terms. The three current planning applications that together constitute phase 1 of the wider urban extension are required to deliver a range of on and off site infrastructure which all the development will rely upon. The determination of these applications will therefore need to consider the infrastructure requirements across the whole suite of three applications as well as how they are to be delivered on an application by application basis for the benefit of all three. In the absence of a landowner/ developer equalisation agreement, this will need to be achieved via S106 agreement necessitating complexity to the agreement. In addition the applicants have indicated an unwillingness to submit either a single planning application for phase 1 or a single S106 agreement to cover all three applications. The S106 agreements for each of the applications must therefore ensure all the required infrastructure can be delivered whilst also being capable of standing alone in the event that one or more of the applications is not delivered. This will require a degree of complexity and coordination between them through a further negotiation process. The report seeks to establish the overall package of S106 measures to be delivered by the group of three applications and establish the approach to further negotiations over individual S106 agreements via delegated authority. A comprehensive approach to S106 agreements arising from these applications will reduce risk that the applications will not mitigate their impact as required by planning policies.

EQUALITY IMPACT ASSESSMENT: No equality issues identified for this report, with the exception that 10% affordable housing is proposed within these applications which comprise the first 600 dwellings out of an overall development allocation which proposes 1350 dwellings. This is significantly less than the policy requirement of 35% (28% in the Local Plan Review) and arises as a result of the frontloading of other essential infrastructure required by the development including significant highway works/ contributions. It is considered justified in this instance due to the need to secure the provision at an early stage in the overall urban extension of this essential infrastructure, which will benefit not only the

occupiers of the new development, but also the wider community. Viability assessment work undertaken anticipates greater affordable housing provision within the remainder of the urban extension which is proposed to come forward as a second phase.

1. INTRODUCTION

This report sets out the overarching Section 106 package of obligations in respect of the 3 applications. The infrastructure requirements to deliver the NW Cullompton urban extension are complex and are not confined to within the boundaries of the individual applications.

The approach being taken therefore is to define a total Section 106 “package” in respect of the whole of the Phase 1 development (the 3 applications). Members are requested to consider the package as a whole, rather than considering which elements of infrastructure are being delivered by each applicant.

Once the total package has been agreed, the obligations will be apportioned between the 3 applications and the agreed apportionments included within the 3 individual Section 106 Agreements.

2. PROPOSED DEVELOPMENT

Three applications have been submitted for 200 dwellings each with on and off-site infrastructure. Together these form Phase 1 of the NW Cullompton urban extension. Two of these applications are in outline and one is a full application. The Planning Committee Agenda includes separate reports on each of the three applications.

1. 17/01170/MOUT Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension
2. 17/01178/MFUL: Full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building; and
3. 17/01346/MOUT: Outline application for 200 dwellings on land to the north of Tiverton Road. This application is a “hybrid” application being in outline except for the portion of the main spine road that meets the adjacent land parcel under reference 17/01178/MFUL.

All three applications are subject to the signing of Section 106 Agreements for the provision of infrastructure in respect of Phase 1. Whilst each applicant will enter into separate S106 Agreements in respect of their own applications, the S106 obligations have been considered as a whole across the 3 parcels of land and will then be apportioned between the parties in the absence of an applicant/ developer equalisation agreement. Once the overall S106 package between these 3 applications has been agreed, delegated authority is sought in relation to the apportionment between the S106 individual application S106 agreements and for their prioritisation and negotiation as a fall-back position in the event that one or more of the 3 application do not come forward for development.

3. BACKGROUND AND POLICY CONTEXT

The Mid Devon Allocations and Infrastructure DPD (Local Plan 2) was adopted in 2010 and allocates sites for development in order to meet the Core Strategy growth requirements.

North West Cullompton is the focus of the one of the two large strategic allocations in the

AIDPD. Policies AL/CU/1 to AL/CU/7 set out the criteria for development of this allocation. Policy AL/CU/1 allocates a site of 74.8 hectares for mixed use development to include 1,100 dwellings with 35% affordable housing and 5 pitches for gypsies and travellers, plus 4,000 square metres of B1 employment space. The policy includes provisions in respect of transport, environmental protection, community facilities, carbon reduction and air quality, phasing and masterplanning.

Policies AL/CU/2 to AL/CU/7 sets out specific requirements for the delivery of the urban extension in respect of transport (AL/CU/2), environmental protection and green infrastructure (AL/CU/3), community facilities (AL/CU/4), carbon reduction and low emissions (AL/CU/5), phasing (AL/CU/6) and masterplanning (AL/CU/7).

Following allocation of the site under the AIDPD, the North West Cullompton Masterplan was adopted as a Supplementary Planning Document in 2016. The SPD is a material consideration in determining planning applications on the site.

The adopted masterplan sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site and provide consistency of approach in relation to design. The masterplan is intended to be flexible and to allow alterations to the policy provisions to reflect further analysis and studies.

Since adoption of the AIDPD, further analysis and public consultations have taken place. The adopted masterplan supports the AIDPD policies and sets out the following:

1. Boundary between the developable area and green infrastructure changed to allow the development of 1,200 houses and 32 hectares of green infrastructure.
2. Total floorspace of the employment area reduced to 10,000 square metres, in line with the recommendations in the Council's Employment Land Review 2013.
3. Route of the link road revised to follow the topography of the site and additional requirement for traffic calming measures in Willand Road included.
4. Sports pitch provision located close to the primary school with the third pitch being provided off-site.
5. Phasing of the development and timings of infrastructure provision set out.

The masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. These guiding principles are grouped around a number of key concepts: urban design; movement and transport; landscape; open space and recreation; socially equitable; economy and employment; energy and resource efficiency; and character.

The masterplan SPD also sets out the infrastructure requirements and phasing/timing of delivery of infrastructure is set out below. The infrastructure delivery requirements are allocated to Phases 1 (first 500 dwellings) and 2 (remaining 620 dwellings). For the purposes of this report, where Phase 1 development is referred to, this is in respect of the first 600 dwellings the subject of the three applications, Phase 2 is the remainder of the development of 750 dwellings (increased total following the revised policies in the Mid Devon Local Plan Review).

The emerging Mid Devon Local Plan Review identifies Cullompton as an area for strategic growth. Policies CU1-CU6 allocates an extended area for the NW Cullompton allocation (100 hectares) to provide 1,350 dwellings with a reduced target for affordable housing of 28%. The revised policies also make changes to the phasing and timing for the provision of infrastructure and services. The Local Plan Review has been through examination but the Inspector's report has not yet been received at the time of writing this report and the Plan

has not yet been adopted. At the time of writing this report, the Local Plan Review carries only limited weight in consideration of planning applications.

The Phase 1 applications as submitted consist of 600 dwellings divided equally between 3 land parcels (200 dwellings each). Between them, the 3 applications will deliver a suite of Section 106 obligations in order to provide the necessary infrastructure to make the development acceptable in planning terms.

The applicants have also submitted a viability report to demonstrate the level of Section 106 obligations that the development can provide whilst remaining viable. Analysis of the report is set out in the viability section below.

A pre-submission version of the Neighbourhood Plan has been prepared for Cullompton and was the subject of public consultation in late 2017. The Plan has yet to be finalised and submitted for Examination and as such is currently considered to have little weight in the determination of these applications. The plan seeks to emphasise mitigation of development traffic impact through early highway infrastructure provision, pedestrian and cycle connectivity and flood attenuation. Timely and coordinated provision of infrastructure is sought to reduce impact upon existing infrastructure. The draft plan also seeks the required quota of affordable housing and for it to be visually indistinguishable from other housing types, will set parking standards and seeks to maximise public open space with provision for allotments, community orchards and composting in larger developments.

4. SECTION 106 HEADS OF TERMS

The masterplan SPD sets out infrastructure requirements for the urban extension as a whole and breaks these down into phases. The statutory consultees to the 3 applications have also requested/provided more detail on specific infrastructure requirements. The items are listed at the start of this report.

Members are requested to consider the package of Section 106 obligations across the three applications as a whole. Delivery of the infrastructure package is not equal on a site by site basis, for example the spine road between Tiverton road and Willand Road is in 2 of the 3 land parcels, and the school site is entirely within one land parcel. Therefore, the Section 106 obligations will need to be equalised between the 3 applicants.

Each applicant requires a stand-alone Section 106 Agreement, rather than one agreement for the whole of Phase 1. This means that the obligations will need to be apportioned between the 3 Section 106 Agreements. How the obligations will be apportioned between the 3 applicants is complex and will need to be subject to further, more detailed Section 106 negotiations. Members are requested to consider delegating these more detailed negotiations to the Head of Planning, Economy and Regeneration.

The Masterplan SPD sets out a number of Section 106 items and phasing of delivery.

Item	Amount/delivery	Trigger
Affordable housing	On site delivery 35% subject to viability*	Phased with development
Provision of section of road from Willand Road to the primary school site	On site delivery	Before occupation of 50 dwellings or within 18 months of commencement

Provision of section of road from primary school site to Persimmon/PMAM land boundary	On site delivery	Before occupation of 100 dwellings or within 30 months of commencement
Opening of full length of road linking Willand Road and Tiverton Road	On site delivery	Before occupation of 500 dwellings (sale of land intended to allow early delivery of link road - money to be paid into escrow account); non-ransom covenants to be included in Persimmon and PMAM S106s
Traffic calming Willand Road, footway and pedestrian crossing	Off-site delivery	Phase 1
Traffic calming Saxon Way, Plantagenet Way, Tudor Grove	Off-site delivery	Phase 1
Mitigation works to existing J28	Off-site delivery	Phase 1
Town Centre Relief Road	Financial contribution	Phased with delivery
Upgrade of existing PROWs	On/off-site delivery - design work being undertaken	Phased with delivery from occupation of 1st dwelling
<i>Bus service enhancements</i>	<i>Financial contribution - £1.2m / 5 years</i>	<i>Phased with development</i>
Bus stops/shelters on site	On site delivery	Phased with development
Transfer land for school site (2.1 ha) with legal right of access	Transfer to DCC	Before commencement of Phase 1
Provision of construction access to school site	On site delivery	Within 6 months of commencement of Phase 1
Provision of services to school site	On site delivery	Before occupation of 50 dwellings or within 18 months of commencement
Provision of primary school building (2nd 400 dwellings)	Financial contributions 2 x £788,986 towards delivery of new school	Prior to occupation of 50 dwellings
Provision of expansion of St Andrews primary school (1st 200 dwellings)	Financial contribution £672,361 towards expansion of St Andrews	Prior to occupation of 50 dwellings in Phase 1
Provision of school playing pitch	Transfer of land to DCC	Before commencement of Phase 1
Provision of Early Years facilities	Financial contribution £50,000 x 3	Phased with development
Provision of expansion of secondary school	Financial contribution £265,024 x 3	Phased with development
<i>Transfer of serviced and accessible land for community building</i>	<i>Land transfer</i>	<i>Before occupation of 50 dwellings or within 18 months of commencement</i>

Rull Hill GI (<i>allotments, community orchard, MUGA, one equipped play area</i>) with maintenance	On site delivery	Phase 1 before occupation of 500 dwellings
<i>Rull Hill GI playing pitch with access and maintenance</i>	<i>On site delivery</i>	<i>Phase 1 before occupation of 500 dwellings</i>
On site GI and POS with maintenance	On site delivery	Phased with development
Surgery health garden	On site delivery	Phase 1
Improvements to waste recycling facilities	Financial contribution £32,000 x 3	Phased with development
NHS surgery expansion	Financial contributions Persimmon £86,024 Codex/PMAM £363 per dwelling (averaged as outline)	Phased with development
SUDS and drainage	On/off-site delivery	Before occupation in each phase

* See Viability section below

Items in italics to be delivered in Phase 2 – See Viability section below

5. INFRASTRUCTURE REQUIREMENTS

a) Affordable housing

Policy AL/CU/1 of the Allocations & Infrastructure DPD sets a level of 35% affordable housing across the NW Cullompton urban extension allocation, subject to viability. This level of affordable housing requirement would be reduced to 28% once the Local Plan Review has been adopted.

Phase 1 of the development has a requirement to frontload the delivery of substantial items of infrastructure such as the primary school site and the entire linking road between Willand Road and Tiverton Road (see table above). The level of affordable housing to be provided on the development is subject to viability. Based on their own viability calculations, the applicants have offered to deliver 10% affordable housing across the 3 application sites, with an expectation that a higher percentage of affordable housing will be able to be delivered on Phase 2. The affordable housing would be delivered as 50% affordable rent and 50% discounted open market.

Your officers have appointed consultants to scrutinise the submitted viability report. Their conclusions are set out within the Viability section below. They have confirmed that a policy compliant level of affordable housing on Phase 1 is not viable.

Mid Devon's Housing Enabling officers have confirmed the need for affordable housing to be provided in Cullompton and have requested a split of 60% affordable rent and 40% affordable home ownership.

b) Linking road between Willand Road and Tiverton Road

The masterplan SPD sets a requirement to deliver the entire length of the linking road between Willand Road and Tiverton Road. The road would be delivered on site by the

developers of the southern and central parcels of land (PM Asset Management and Persimmon) but the cost apportioned between all 3 applicants.

Triggers in the Section 106 Agreement as set out in the masterplan SPD require the road to be delivered in phases:

- 1) from Willand Road to the primary school site prior to occupation of no more than 50 dwellings on Persimmon's land parcel, or within 18 months of commencement of development on this land, whichever is the sooner;
- 2) from the primary school site to the boundary of Persimmon's site with the land parcel controlled by PM Asset Management prior to occupation of no more than 100 dwellings on Persimmon's land parcel, or within 30 months of commencement of development on this land, whichever is the sooner;
- 3) the opening of a through route linking Willand Road to Tiverton prior to the occupation of no more than 500 dwellings.

It is anticipated that the road will be delivered in advance of the trigger of 500 dwellings, as the Section 106 Agreement will include provision for money from the sale of land to be paid into an escrow account and used to fund delivery of the road. The funding, timing of and arrangements for the delivery of the road would be secured through the S106 agreements.

The individual planning applications (Persimmon 17/01178/MFUL and PM Asset Management 17/01346/MOUT) contain full details of the road for its entire length through the Persimmon parcel and the first 105 metres into the PM Asset Management parcel, including details of the connection between the two parcels. The Section 106 Agreement will also include non-ransom provisions to ensure that the road can be delivered in its entirety across different land ownerships.

c) Off-site highway works

The masterplan SPD contains requirements for off-site highway works to be carried out to ensure the existing road network is not adversely affected by the development. These works comprise:

- 1) The provision of a pedestrian footway across the site frontage along Willand Road from the new link road access down to St George's View, with a crossing point at the bus stop near St George's View;
- 2) Traffic calming works in Saxon Way, Plantagenet Drive, and Tudor Grove, to prevent "rat-running";
- 3) Minor realignment works to the road leading to Junction 28 of the M5 motorway.

These off-site highway works will be delivered directly by the developers.

In addition, the applicants will be making a financial contribution of £3 million towards delivery of the Town Centre Relief Road, which would also be secured through S106 agreement. Policies set out the requirement for developer contributions towards the delivery of this road which will not only provide increased capacity at J28 of the M5, but also air quality and other environmental enhancement within the town centre, in accordance with the agreed Air Quality Action Plan for the Cullompton Air Quality Management Area..

d) Education

Policy AL/CU/4 of the Allocations & Infrastructure DPD requires 2.1 hectares of land to be transferred to Devon County Council for a new primary school and playing pitch, with legal

right of access at no cost to the Council. The trigger set out in the masterplan SPD for the transfer of the land is before commencement of any development.

The masterplan SPD provides for the primary school land to be provided with a construction access within 6 months of commencement of the development, and the site to be serviced before the occupation of no more than 50 dwellings on the Persimmon land or within 18 months of commencement of development on that land parcel, whichever is the sooner. The masterplan SPD provides for construction of the primary school to commence prior to the occupation of the final dwelling in Phase 1 (500 houses).

In addition to the transfer of the land, Devon County Council as Education Authority are seeking financial contributions totalling £1,577,972 towards the cost of provision of the school, being a proportion sought from the delivery of 400 dwellings, the remainder of the money for provision of the school being sought from other sources, including Phase 2 of the NW Cullompton urban extension. As the new school will not be delivered in time to provide pupil places for the first 200 dwellings, In order to ensure that school places are available for the initial 200 dwellings to be delivered on the site, a financial contribution of £672,361 is being sought for the expansion of St Andrews primary school.

The development will also increase the demand for Early Years facilities and for secondary school education and financial contributions are being sought for the expansion of Early Years places (£150,000) and expansion of Cullompton Community College (£795,072).

e) Green infrastructure and community facilities

Policy AL/CU/3 of the Allocations and Infrastructure DPD requires an area of 28 hectares for strategic green infrastructure (GI) to be provided, to include a mix of parkland and open space, as well as 0.7 hectares of children's play, 2.8 hectares of sports pitches and 0.7 hectares of allotments, as well as enhancement of existing public rights of way.

The masterplan SPD expands on the GI and community facilities to be provided within Phase 1 of the development (prior to the occupation of no more than 500 dwellings). The masterplan SPD specifies GI of 7.4 hectares at Rull Hill to include one sports pitch, 0.7 hectares of allotments, and an equipped play area (0.45 hectares), as well as other facilities such as mixed use games area (MUGA).

As a substantial financial contribution is required towards delivery of the Town Centre Relief Road, delivery of a policy compliant scheme is not viable (see viability section below). It is recommended that delivery of some of the recreational aspect of the Rull Hill GI is pushed back to Phase 2. It is anticipated that the Phase 1 applications will deliver a multi use games area (MUGA) and a play area and the Rull Hill GI will be landscaped. However, the exact mix and size of each of the components of the Rull Hill GI will need be agreed (in consultation with Cullompton Town Council) following submission of a GI Strategy.

The masterplan SPD provides for 1 hectare of serviced and accessible land for a community building adjacent to the school site to be transferred by completion of Phase 1 (500 dwellings), with construction commencing in Phase 2. As this building cannot be delivered until Phase 2 anyway, it is recommended that transfer of the land is delayed until the beginning of Phase 2.

In addition, an area of land adjacent to the Health Centre on the Persimmon land will be transferred to the Health Centre to be used as a community health garden. This is to be secured through S106 agreement.

Each individual application will provide areas of public open space and green infrastructure on site and ongoing maintenance of these areas will also need to be secured by Section 106 Agreement.

f) Other financial contributions

During the application process, requests were made by NHS England and Devon County Council for further financial contributions to be made towards the provision of infrastructure to serve the development.

NHS England requested a financial contribution of £231,224 towards expansion of doctors' surgeries in Cullompton to meet the demands of the development.

Devon County Council requested £96,000 towards the provision of improved waste recycling facilities to meet the additional demands on their services from occupation of the development. To aid the viability position, this contribution has also been delayed until Phase 2.

g) CIL Regulations

Under Regulation 122 of the CIL Regulations 2010, and as set out in Planning Practice Guidance, planning obligations should only be sought where they meet all of 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.

The planning obligations set out in this report are considered to meet the Regulation 122 tests.

6. VIABILITY

The applicants have submitted viability reports that conclude the development is not viable with a policy compliant level of affordable housing (35%, or 28% in the Local Plan Review) if the Council's requirements for on and off-site infrastructure are delivered, including the spine road, provision of the primary school land and a contribution towards the Town Centre Relief Road (see table above). The viability reports conclude that the development can only support a level of 10% affordable housing across Phase 1. A viability exercise undertaken across the whole of the NW Cullompton allocation indicates an anticipated uneven spread to affordable housing provision between phases 1 and 2. It is anticipated that Phase 2 will be able to deliver more affordable housing as the infrastructure burden on the second phase is much less. It is anticipated that the NW Cullompton urban extension as a whole can deliver approximately 20% affordable housing across the whole site.

Your officers have commissioned consultants to check and evaluate the submitted viability reports. The Council's consultants have scrutinised the assumptions within the report and detailed negotiations have taken place between the parties. The consultants are in agreement over the majority of the inputs into the viability assessment work. There are two areas where agreement has not been reached: the value of revenues from the sale of the properties and benchmark land values. However, the offer from the applicants is reflective of the land values that the Council's consultants have specified as acceptable, and the two consultants are close on the revenues figure.

In accordance with the provision of the NPPF 2019, and in order to ensure delivery of the developments, viability must be considered. Whilst it is recognised that an affordable housing percentage of 10% is not policy compliant, the applications will support a significant amount of infrastructure considered to be critical including the new road linking Tiverton Road and Willand Road, other off site highway improvements including a financial contribution towards the delivery of the Town Centre Relief Road. This is important for delivery of the remainder of the NW Cullompton urban extension and other residential developments in Cullompton. Taken together, the package of infrastructure measures proposed as part of the phase 1 applications including significant contribution towards the town centre relief road is considered to weigh in favour of the applications even with a reduced affordable housing percentage at this first phase of development.

The delay of the specified community facilities and financial contributions, as well as delivery of a higher affordable housing percentage, to Phase 2 improves the overall viability of Phase 1 and maintains the affordable housing percentage at 10% for this Phase.

The viability assessments are available for Members to view before the committee date.

7. CONCLUSION

Whilst not policy compliant in terms of affordable housing, the Section 106 package as set out in this report is considered to be reasonable to support delivery of the developments and deliver essential infrastructure for the developments and the town. The planning balance section of each of the three separate reports on the agenda sets out the weight to be given to the Section 106 package for each of the applications.

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. 17/01170/MOUT

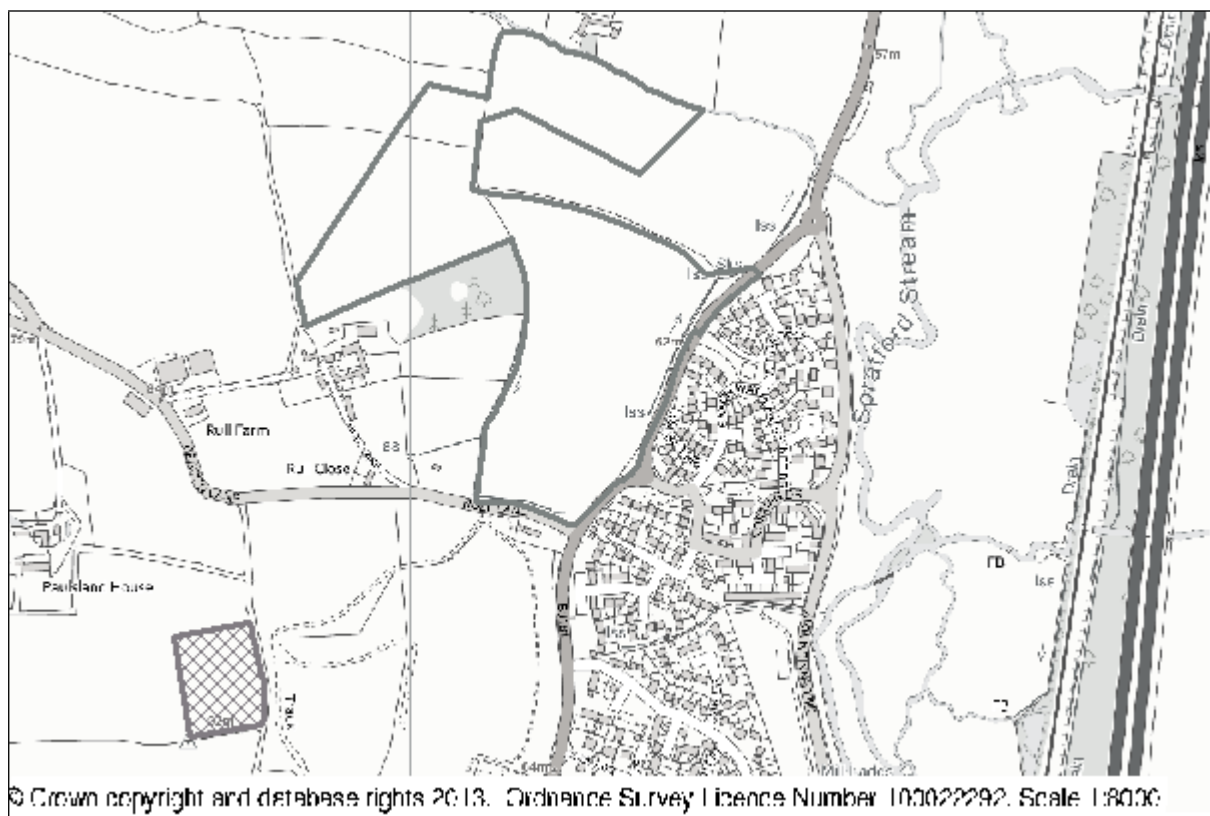
Grid Ref: 302186 : 108607

Applicant: Mr A Fieldman, Codex Land PCC Land Promotion Cell

Location: Land at NGR 302186 108607
North of Rull Lane and to The West of Willand Road
Cullompton
Devon

Proposal: Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension

Date Valid: 14th July 2017



APPLICATION NO: 17/01170/MOUT

RECOMMENDATION

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

The overall S106 package between the three applications is set out in the separate overarching Section 106 report at Appendix A to this report.

PROPOSED DEVELOPMENT

Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension

APPLICANT'S SUPPORTING INFORMATION

See attached Planning Committee report dated 17th April 2019.

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD
Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

The two other applications relevant to this report are:

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building; and
17/01346/MOUT: outline application for 200 dwellings on land to the north of Tiverton Road

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
COR10 Strategic Transport Networks
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/1 North West Cullompton
AL/CU/2 North West Cullompton Transport Provision
AL/CU/3 North West Cullompton Environmental Protection & Green Infrastructure
AL/CU/4 North West Cullompton Community Facilities

AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

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
DM27 Development affecting heritage assets
DM28 Green infrastructure in major development

North West Cullompton Urban Extension Masterplan SPD
National Planning Policy Framework 2019
Devon Waste Plan 2014

CONSULTATIONS

See attached Planning Committee report dated 17th April 2019.

REPRESENTATIONS

See attached Planning Committee report dated 17th April 2019.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application was considered by Planning Committee at the meeting on 17th April 2019.
The officer's report to that meeting is attached.

At the meeting, it was resolved that:

RESOLVED that outline planning permission be granted subject to the prior signing of a Section 106 agreement and conditions as recommended by the Head of Planning, Economy and Regeneration.

The application was deferred in order for further negotiations over the overall S106 package for applications 17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT to take place in terms of viability, costings, inclusions and in particular the percentage of affordable housing and the inclusion of a footpath/cycleway along Millennium Way.

A members briefing was held on 3rd September 2019 at which the applicants for the three applications presented the background to the applications and gave a detailed explanation of the viability considerations that had informed the proposed Section 106 package. Non-confidential details of these discussions are set out in a separate overarching Section 106 matters report included as Appendix A to this report.

As Planning Committee has already resolved to grant this application subject to agreement on the overarching Section 106 package, the only matter for consideration in relation to this application is the Section 106 package, common to all three applications, as set out in Appendix A.

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.

Original Report

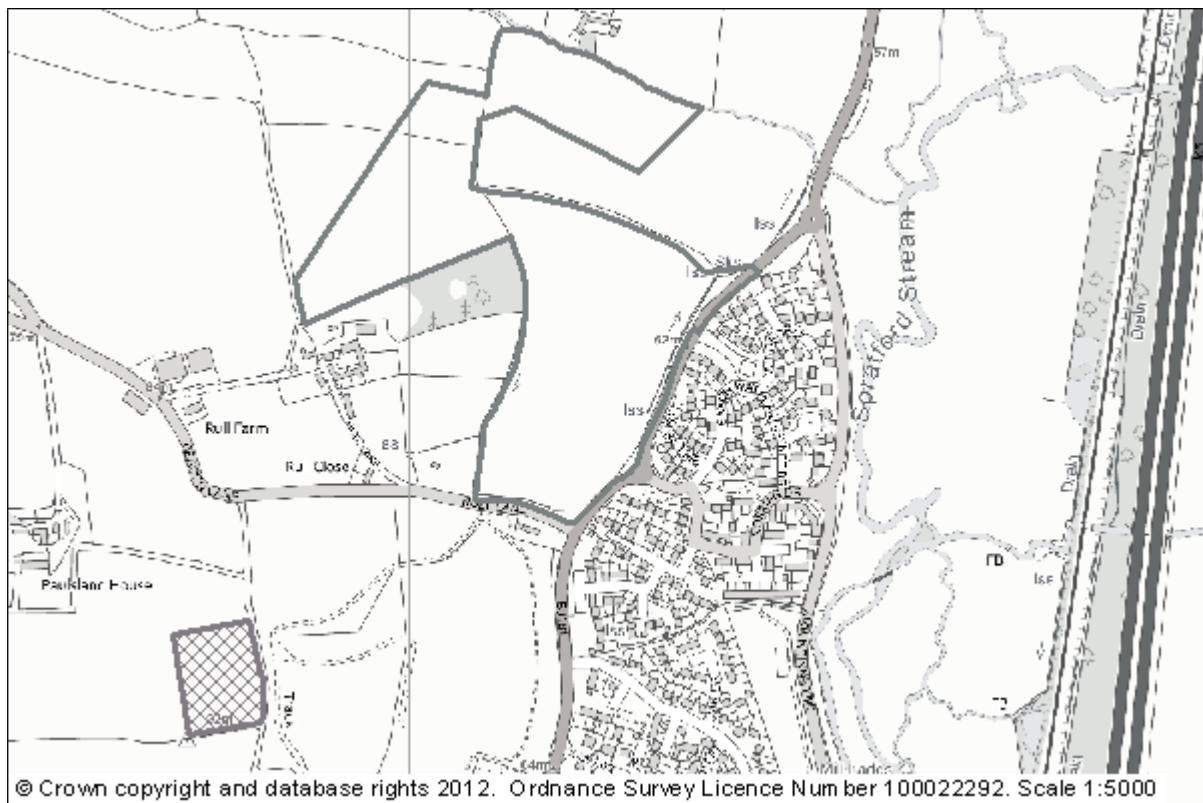
Grid Ref: 108607 : 302186

Applicant: Mr A Fieldman, Codex Land
PCC Land Promotion Cell

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Proposal: Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension

Date Valid: 14th July 2017



REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/01170/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 200 DWELLINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OTHER WORKS, INCLUDING VEHICULAR ACCESS, ON LAND COMPRISING NORTHERN PORTION OF PHASE 1 OF THE NORTH WEST CULLOMPTON URBAN EXTENSION - LAND AT NGR 302186 108607 NORTH OF RULL LANE AND TO THE WEST OF WILLAND ROAD CULLOMPTON DEVON

RECOMMENDATION

Grant permission subject to conditions and the prior signing of a S106 agreement the overall S106 package between the three applications is set out in the separate overarching Section 106 report at Appendix A to this report.

PROPOSED DEVELOPMENT

Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension.

The application is in outline for the erection of 200 dwellings on approximately 11 hectares of agricultural land to the north of Rull Lane and to the west of Willand Road and comprises part of Phase 1 of the North West Cullompton Urban Extension allocated under policies AL/CU/1 to AL/CU7 of the Allocations and Infrastructure DPD. The allocation is also subject to the North West Cullompton Urban Extension Masterplan SPD.

The site comprises one large field and the eastern parts of two smaller fields. The fields have hedgerow boundaries and are a mix of arable and grassland. Willand Road borders the site to the east and Rull Lane borders the site to the south. The fields slope up to a high point on the western side to the north of Rull Farm and group of dwellings including the Grade 2 listed Little Rull.

In addition to 200 dwellings, the application proposes access onto Willand Road, on-site green infrastructure, walking and cycling routes, and a new sports pitch located within a proposed area of community open space at Rull Hill, adjacent to the proposed new primary school site.

All matters are reserved (layout, scale, appearance, landscaping), except for access which is to be determined under this application.

The application proposes a new estate road with appropriate visibility splays, to be accessed from Willand Road to the south of the Millennium Way roundabout. The access arrangements include a new right turn lane in Willand Road.

Surface water drainage is to be managed by the installation of a surface water management system which will discharge into an attenuation pond to the north of the site. Foul drainage will discharge into the mains sewer.

Phase 1 also includes two other applications for planning permission:

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building; and

17/01346/MOUT: outline application for 200 dwellings on land to the north of Tiverton Road

These two applications include the provision of a new spine road from Willand Road to Tiverton Road and are the subject of separate reports.

All three applications are subject to the signing of Section 106 Agreements for the provision of infrastructure in respect of Phase 1. The Section 106 provisions are set out in a separate overarching report for the three applications (**Appendix A** to this report).

In accordance with the requirements of the Environmental Impact Assessment Regulations 2011, the application has been accompanied by an Environmental Statement, which is common to all three applications.

APPLICANT'S SUPPORTING INFORMATION

Environment Statement including the following chapters:

- Socio-economic
- Landscape and visual
- Ecology and nature conservation
- Cultural heritage
- Transport and accessibility
- Water resources, flood risk and drainage
- Ground conditions
- Dust and air quality
- Cumulative effects

Design and access statement

Affordable housing statement

Arboricultural report

Draft S106 heads of terms

Energy statement

Existing surrounding character analysis

Planning statement

Statement of community involvement

Utility report

Waste audit statement

Archaeological written scheme of investigation

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD

Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

The two other applications relevant to this report are:

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building; and

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COR1 Sustainable Communities

COR2 Local Distinctiveness
COR3 Meeting Housing Needs
COR8 Infrastructure Provision
COR9 Access
COR10 Strategic Transport Networks
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AL/CU/4 North West Cullompton Community Facilities
AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

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
DM27 Development affecting heritage assets
DM28 Green infrastructure in major development

North West Cullompton Urban Extension Masterplan SPD

National Planning Policy Framework 2019

Devon Waste Plan 2014

CONSULTATIONS

HIGHWAY AUTHORITY - 4th January 2018 - The Highway Authority are accepting of the planning Inspectors decision with regard to the 259 residential dwellings at Silver Street, Willand. The Highway Authority withdraws its objection to the current applications on this basis but reserves the right to review the traffic situation with regard to junction 28 for any subsequent application, and shall continue to monitor queue lengths and capacities, and particularly following the delivery of the distributor road conditional of these developments. Therefore refusal reason 1 is withdrawn, but all other site related conditions are still applicable. The applicants have provided additional information and while this is seen as reasonable justification for the additional minor works, full detail design drawings and safety audits will be required prior to commencement on site. The minor works to Junction 28 are therefore acceptable to the Highway Authority as they do not appear to provide a dis-benefit.

Therefore the conditions recommended under our response dated 15th September should be imposed (see below).

DEVON COUNTY EDUCATION – 20th December 2017

In terms of the contributions, there is little change. We would welcome the transfer of the school site at nil cost, prior to the commencement of development, with appropriate trigger points for construction access and servicing.

The contributions towards the delivery of education will still be required, as set out in the original response.

Contribution	Amount (per 200 dwellings)
Primary school land	Nil cost. Rights of access for surveys, delivery of construction access and servicing triggers to be agreed
Primary school provision	£672,361 towards expansion of St Andrews. Will support 200 dwellings
	£788,986 towards delivery of new school
Early years provision	£50,000
Secondary provision	£265,024
SEN provision	£29,113

In terms of primary, this is a contribution of £672,361 towards the expansion of St Andrews, or £788,986 towards the delivery of the new school, depending on which application comes forward first. We would normally expect that contributions are split into two equal payments, with 50% paid on occupation of 10% of the dwellings and 50% is paid on occupation of 50% of the dwellings.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM – 22nd May 2018 – Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the recommended pre-commencement planning conditions are imposed on any approved permission (see below).

The greenfield runoff rates should be revised, if necessary, at the detailed design stage to accord with the area being positively drained. Source control components should be assessed at the detailed design stage.

ENVIRONMENT AGENCY – 23rd April 2018 - Having reviewed the revised surface water drainage arrangement as shown on Drawing 432-010 rev B 'Drainage Strategy' we can confirm that we withdraw our previous objection given that Ponds 8 and 9 would be outside FZ's 3 and 2.

We strongly recommend that the drainage ditch parallel to Willand Road is retained within a public open space corridor, and/or it being diverted such that it was, and any existing stretches that are piped being reinstated as open ditch.

MDDC uses this development opportunity to seek the installation of additional culvert(s) beneath the B3181 with a view to reducing the risk of the B3181 to flooding, instances of which occur to the immediate north of the Willand Road/Millennium Way roundabout.

HISTORIC ENGLAND - 11th August 2017 – Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

The application, which covers the northernmost area of the Cullompton NW expansion area, has the potential to impact upon the significance of the Scheduled Monument, two Roman forts and two Roman camps on St Andrews Hill (1019543), through changes to the monuments setting. The introduction of new development into the setting of the monument has the potential to impact upon both the rural nature and the outlook, and the strategic importance of the site. In this instance we believe that any impact will be of a 'less than substantial' nature and as such advise that it will be for your authority to determine the application having duly considered the planning balance.

We are pleased to note a thorough Heritage section has been included in the supporting information and are generally content with the findings of that document in relation to this application. It appears that this statement may be intended to cover the whole of the expansion area and if that is the case further work will be required, however, for this application it does suffice.

HISTORIC ENVIRONMENT SERVICE – 2nd May 2018

I have now received the report setting out the results of the archaeological investigations at the above site. While most of the site has been shown not to be archaeologically sensitive, the detached area to the south-west of the main development site has been shown to contain a possible prehistoric ring ditch with evidence of later Roman or post-Roman activity. This later activity has been dated to between AD332 and AD533. In the light of the results of these archaeological investigations I would like to withdraw the Historic Environment Team's previous objection.

The site of the investigated ring ditch is shown as being occupied by sports and recreation areas and any ground works associated with the creation of this recreation area will impact upon this heritage asset. For this reason, I would advise the condition as worded (see below).

I would envisage a suitable programme of work as taking the form of the archaeological excavation of the area around and occupied by the ring ditch to ensure an appropriate record is made of this heritage assets prior to its destruction by the proposed development. The results of the fieldwork and any post excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and provision made for public interpretation of these results within the proposed development.

ENVIRONMENTAL HEALTH - 26th January 2018

Air Quality: The low emissions assessment and quantified mitigation from the travel plan now provides much of the information and assessment required. It does however appear that the EV infrastructure is not certain or at least agreed at this stage. The assessment shows that in isolation the impact of the travel plan on emissions and damage cost is not high. Therefore, we strongly recommend that EV charging is included at each property with a parking space as part of an overall package to include a contribution to the Air Quality Action Plan/relief road.

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 the recommended mitigation measures identified during Chapter 12 of the Environmental Statement covering Dust and Air Quality. 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.

Housing Standards - No comment

Licensing - No comments

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

PRIMARY CARE COMMISSIONING (RESPONSE PROVIDED ON BEHALF OF NHS ENGLAND) – 12th October 2017 -

The population growth as a result of this development will place additional pressure on existing GP practices in the area which are already at capacity. Whilst it is considered that the size of this development would not merit a new GP practice, the NHS would need to create additional physical capacity in one of its existing practices in the area. The funding for such expansion would be sought through developer contributions and would support the provision of appropriate local primary healthcare facilities and services.

NHS England applies an evidence based methodology for calculating development impact in terms of GP practices and has been benchmarked against other authorities. They are based on a health provision standard of 500 square metres per 6,000 people. Average household size and the capital cost of £2,000 per square metre have been used to generate a cost per dwelling. Applying this methodology, the total contribution, across each housing type proposed by this development would equate to £84,698.40. This sum is requested on behalf of NHS England.

PUBLIC RIGHTS OF WAY – 12th October 2017

The proposal as submitted would have a direct effect on public rights of way. Three existing public bridleways cross or adjoin the site: Bridleways No. 8, 9 and 10, Cullompton as shown on the attached extract from the working copy of the Definitive Map of public rights of way. These are identified in the application documents; on the plan at 3.2 (Opportunities and Constraints) of the Design and Access Statement and in the Environmental Statement Travel which states that they will be retained and incorporated within the development masterplan. The Masterplan refers to improvements to existing paths. It is not clear whether this relates to the public bridleways referred to above therefore we would request further clarification and, if it does relate to public rights of way, details of any proposed improvements. The applicant should note that any surface improvements will need to be suitable for bridleway use and British Horse Society approved. Details will need to be submitted and agreed in consultation with DCC PROW and Highway Development Management Teams.

We note that proposed estate roads will cross bridleways 8 and 9. These crossing points will need to be appropriate for bridleway status, e.g. Pegasus crossings. We would also request that drainage issues on the bridleways be addressed and that details be submitted and agreed. The Public Rights of Way Team therefore has no objection to the proposal subject to conditions covering submission of details (see below).

PUBLIC HEALTH COMMENTS – 12th October 2017

The Public Health Team support the proposal for a walkway/ cycleway alongside the development of the link road and would encourage the development to include additional cycle and walking infrastructure. To minimise air quality impacts from car driving and to encourage active travel we recommend that each dwelling has sufficient storage provision for bikes and equipment for other modes of active travel.

In terms of offering a wider choice of affordable homes to improve health and wellbeing we support the volume of affordable housing delivered by the development. Devon has an ageing population; 22.2% of the Mid Devon population is aged 65+ (JSNA Mid Devon profile

2017). As such we would encourage the provision of lifetime homes for this development. We would support development which promotes the use of low carbon/carbon neutral technologies and the inclusion of measures to avoid fuel poverty.

SPORT ENGLAND - 15th September 2017 - This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. By providing new playing pitches, the proposal would meet our objective to provide new pitch sports facilities however, there are a number of concerns in this letter that would lead us to not supporting the proposed detail and registering an objection to the applications.

Sport England and NGBs are committed to providing expert advice on the provision of sport and recreation into the current master planning of the North West Cullompton expansion to ensure the inclusion of a number of new sports facilities or land of high quality. It is recommended that the sporting community is engaged with the application process to ensure that this opportunity delivers the needs of the Town. Additionally the applicant will need to ensure that the journey to the sports hub from the site and wider town centre be visible being walking, jogging and cycling friendly. Other physical activity opportunities should be considered.

Sport England has no objection in principle to housing growth but recommends that further discussions and amendments are made to the proposals to take on board our comments before the application is determined. If the Council is minded to approve the application, planning conditions should be imposed.

NATURAL ENGLAND - 8th August

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

DCC WASTE AND TRANSPORT MANAGER - 20th July 2017

The planning application includes a Waste Audit Statement, but it is considered that this does not fully meet the requirements of Policy W4 of the Devon Waste Plan. While it is recognised that the application is in outline form, it is considered that a greater level of detail could be provided in the Waste Audit Statement to reflect the nature of the site and proposals and to give a stronger commitment to developing more detailed arrangements as site design progresses to the reserved matters stage. The applicant's attention is drawn to Devon County Council's Waste Management and Infrastructure SPD which provides guidance on preparation of a Waste Audit Statement, and it is recommended that a revised Statement be obtained from the applicant.

23rd August 2017 - As residential property numbers and the population increase, so too does the demand on recycling centres. Over forthcoming years this increased demand will result in the need for additional recycling centre capacity. Failure to provide adequate recycling facilities for the county may result in the Council being unable to fulfil its statutory role as Waste Disposal Authority. Devon County Council therefore seeks financial contributions from this development to ensure a replacement site serving Cullompton/ Tiverton/ Willand is provided locally to help cater for the planned housing growth in the area.

The cost of a facility is based on recent, local evidence of costs to deliver a similar recycling centre elsewhere within the county and equates to a contribution of £160 per dwelling. Based on this calculation the total contribution would be £32000.

DEVON, CORNWALL & DORSET POLICE - 20th July 2017

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available Illustrative Masterplan does not reveal any specific details that would be of concern to the police. However, all relevant planning applications should demonstrate, generally within the Design and Access Statement, the principles of Crime Prevention through Environmental Design and how they have been considered and incorporated into the design and layout of all new developments. Early consultation with the police frequently prevents delays further down the planning process when crime and disorder issues present a problem with the layout of a submitted design.

SOUTH WEST WATER - 8th August 2017

I refer to the above application and would advise that South West Water has no objection to this initial phase of development. Any subsequent phases put forward for planning permission will require off site foul drainage improvements to be secured prior to any further development commences.

WALES & WEST UTILITIES GAS NETWORK - 26th July 2017 - . Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

CULLOMPTON TOWN COUNCIL – 23rd March 2018

The Council approves the application with the following provisos:

- (i) Spine Road: An assurance that the Town Council will be kept fully informed of the plans for the road layout/design and that the Town Council is consulted before the final design is approved as the Council doesn't want another Kingfisher Reach scenario where plans get changed at a later stage.
- (ii) Attenuation ponds: Need to be designed to be effective and ensure that water doesn't enter the existing water courses.
- (iii) Junction with Willand Road: Concern about the build-out at the entrance to the site, who has priority, will impact on large vehicles requiring access to other locations in Willand Road e.g. Integrated Centre for Health. The bulges may be convenient for construction traffic but not appropriate in the long term. Suggest that a mini-roundabout is constructed instead.
- (iv) Entrance into school site: Concern about safety, mini-roundabout preferred. All vehicle movements for the Primary School must happen within the curtilage of the school site. Segregate vehicles going in/out of the school site. Assurance that a large 52 seater coach will be able to drive into the Primary School grounds and turn safely within it. The Council does not believe that the current road/entrance design is of sufficient width to accommodate this. No parking to be permitted along the spine road. This will become more of a problem when school numbers start to increase and the link to the second phase of development is open.
- (v) Width of residential roads: Ensure sufficient width to enable a large vehicle such as a refuse lorry to pass a parked car safely. Also sufficient turning space for such a vehicle taking into account any parked cars.
- (vi) Millennium Way/Willand Road junction: Concern about safety and whether there is sufficient room to enable a large construction vehicle to carry out a left hand manoeuvre from Millennium Way into Willand Road to access the development site without going onto the pavement.
- (vii) Head Weir Road: Introduce traffic restrictions to ensure that Head Weir Road is not used as a vehicular short cut to the M5 (does not become a rat run).

- (viii) Refuse bin storage: Is this effective?
- (ix) Affordable housing: Assurance that the Town Council will be consulted with regard to housing numbers. More specific information required with regard to the percentage of affordable housing and the Town Council's involvement in the s.106 discussions about this issue. Would like to see a percentage that reflects the wishes of the Local Plan and NW Extension Management Plan and the draft Neighbourhood Plan.
- (x) Community Orchard: Assurance that the Town Council will be consulted with regard to access to the proposed community orchard and who will maintain.
- (xi) Pedestrian links to Rull Lane: Designed to stop motorbikes etc. passing through e.g. zig-zag gates.
- (xii) Local Centre, shop: To be provided in Phase 2.
- (xiii) Bungalows: Due to an ageing population give consideration to the building of bungalows as part of the development.
- (xiv) Public Rights of Way: An assurance that the Public Footpath (FP9) at St Georges View will be considered as it is on the edge of the development and may get neglected.

WILLAND PARISH COUNCIL - Willand Parish Council having supported the inclusion of this whole site in the plan is concerned to find this element at the Willand end of the site coming forward without the other elements coming forward at the same time. It is considered that this apparent 'fragmentation' will affect the coordinated and full implementation of infrastructure provision, particularly roads and education facilities.

Whilst attention is paid to possible transport implications towards and including the Cullompton town centre and Junction 28 little or no attention appears to be given to an increase traffic potential affecting Willand and to the North.

Knowing of the problems at Junction 28 at certain times of the day it is reasonable to assume that some domestic traffic will seek to join the motorway at Junction 27. Traffic from this proposed site, together with the potential and actual addition of houses at Willand and Uffculme will create additional traffic through Willand. The addition of more lorry transport journeys from the Willand and Uffculme business parks together with identified 'minerals traffic' from the North will aggravate traffic flows at Waterloo Cross roundabout. The potential major development at Junction 27 will further add to the potential problems.

It is urged that before any permissions are considered or granted that transport assessments should be carried out to assess the full cumulative potential impact on the road through Willand and to the North. People are already experiencing increased traffic flows though Willand with increased time being taken to get out of side roads at times.

HALBERTON PARISH COUNCIL - 9th August 2017

The Council is concerned that that there is insufficient infrastructure in place to deal with the additional traffic and this will impact on existing roads in neighbouring villages.

REPRESENTATIONS

22 objections summarised as follows

1. Cullompton has few amenities, no employment, limited public transport and limited school places
2. Out-commuting will increase
3. The infrastructure cannot cope, e.g. schools, doctors, dentists, roads
4. No additional facilities such as shops or banking are proposed
5. More noise and pollution, additional impact on air quality in town centre, destroying conservation area and potential for regeneration; negative effect on economic development as business goes elsewhere
6. Increased traffic with potential for more accidents and delays
7. J28 is already at capacity
8. Cumulative effect on the road infrastructure of this and other developments in Cullompton, Willand and at J27 needs to be taken into account

9. No start date for the town centre relief road; remodelling of J28; traffic problems must be solved before more housing is built
10. The road is not the expected bypass
11. Insufficient parking proposed – all houses should have 2 parking spaces
12. Willand Road cannot take increased traffic
13. Roads like Saxon Way and Headweir Road will become rat-runs
14. Rull Lane not suitable for additional traffic either (construction/from new development)
15. No more development without the long promised infrastructure, e.g. relief road and swimming pool
16. Need to masterplan the whole town to ensure infrastructure and facilities keep pace with development
17. The area is also prone to flooding from surface water (in particular Rull Lane)
18. Capacity of existing watercourses must not be compromised
19. Scale of the development is inappropriate/will negatively impact the character of the town
20. Unacceptable visual impact
21. No account is taken of wildlife or landscape character
22. No need for this type of housing in Cullompton
23. Loss of beautiful countryside
24. Brownfield sites should be developed first
25. Developers should not be permitted to water down the scheme following planning permission
26. Without a good proportion of affordable housing, development out of reach for local people
27. Very little information is proposed on the gypsy and traveller sites
28. No self-build opportunities
29. Make proper provision for gardens, amenity space, bin storage
30. Anything over 2 storeys should be sited away from existing residential areas; consideration of heights of dwellings close to skyline
31. The track running past Springtime is not a public right of way

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development, including masterplanning and 5 year housing land supply
 2. Transport and air quality
 3. Access arrangements to be determined
 4. Drainage and flood risk
 5. Public open space, green infrastructure and community facilities
 6. Landscape and ecology
 7. Heritage
 8. Viability and Section 106 obligations
 9. Comments received
 10. Planning balance
- 1. Principle of development, including masterplanning 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 Crediton.

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 Mid Devon Allocations and Infrastructure DPD (Local Plan 2) was adopted in 2010 and allocates sites for development in order to meet the Core Strategy growth requirements.

North West Cullompton is the focus of the one of the two large strategic allocations in the AIDPD. Policies AL/CU/1 to AL/CU/7 set out the criteria for development of this allocation. Policy AL/CU/1 allocates a site of 74.8 hectares for mixed use development to include 1,100 dwellings with 35% affordable housing and 5 pitches for gypsies and travellers, plus 4,000 square metres of B1 employment space. The policy includes provisions in respect of transport, environmental protection, community facilities, carbon reduction and air quality, phasing and masterplanning.

Policies AL/CU/2 to AL/CU/7 sets out specific requirements for the delivery of the urban extension in respect of transport (AL/CU/2), environmental protection and green infrastructure (AL/CU/3), community facilities (AL/CU/4), carbon reduction and low emissions (AL/CU/5), phasing (AL/CU/6) and masterplanning (AL/CU/7).

Following allocation of the site under the AIDPD, the North West Cullompton Masterplan was adopted as a Supplementary Planning Document in 2016. The SPD is a material consideration in determining planning applications on the site.

The adopted masterplan sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site and provide consistency of approach in relation to design. The masterplan is intended to be flexible and to allow alterations to the policy provisions to reflect further analysis and studies.

Since adoption of the AIDPD, further analysis and public consultations have taken place. Since adoption of the AIDPD, further analysis and public consultations have taken place. The adopted masterplan supports the AIDPD policies and sets out the following:

1. Boundary between the developable area and green infrastructure changed to allow the development of 1,200 houses and 32 hectares of green infrastructure.
2. Total floorspace of the employment area reduced to 10,000 square metres, in line with the recommendations in the Council's Employment Land Review 2013.
3. Route of the link road revised to follow the topography of the site and additional requirement for traffic calming measures in Willand Road included.
4. Sports pitch provision located close to the primary school with the third pitch being provided off-site.
5. Phasing of the development and timings of infrastructure provision set out.

The masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. These guiding principles are grouped

around a number of key concepts: urban design; movement and transport; landscape; open space and recreation; socially equitable; economy and employment; energy and resource efficiency; and character.

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. Policies CU1-CU6 allocates an extended area for the NW Cullompton allocation (100 hectares) to provide 1,350 dwellings with a reduced target for affordable housing of 28%. The revised policies also make changes to the phasing and timing for the provision of infrastructure and services. 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.

The application site forms part of Phase 1 of the larger NW Cullompton urban extension meaning the principle of development on the site has been established. The application must therefore be assessed against the detailed policies in the Development Plan and the principles set out in the masterplan SPD.

The Phase 1 applications as submitted consist of 600 dwellings divided equally between 3 land parcels (200 dwellings each). Between them, the 3 applications will deliver a suite of Section 106 obligations in order to provide the necessary infrastructure to make the development acceptable in planning terms. The Section 106 obligations are set out in a separate report (**Appendix A**) on the same Agenda.

Members will be aware that although the Council can demonstrate a 5 year housing land supply, policies relating to housing delivery in the Core Strategy are still considered to be out of date and the tilted balance in the NPPF still applies. 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 9 of this report.

The principle of developing the site for 200 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 established in the relevant development plan policies and the adopted Masterplan, 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 separate report at **Appendix A** on the same Agenda).

Details of the proposals as they relate to this application are set out below in this report.

2. Transport and air quality

2.1 Capacity of road network

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.

Policy COR10 seeks to protect the function of the strategic transport network, including the M5 motorway.

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.

Policy AL/CU/16 of the AIDPD requires development to make a financial contribution towards the cost of carrying out improvements to increase the capacity of M5 Junction 28.

In addition, the masterplan SPD requires enhancement and traffic calming along Willand Road to discourage through traffic from using a route through the town centre, and a financial contribution towards the provision of a town centre relief road.

The Highway Authority initially expressed concern that, although the land was allocated, the development proposed by the three Phase 1 applications would exacerbate the already significant queuing along Station Road in the AM peak from traffic heading towards the M5 motorway junction. Based on the Highway Authority's assessment of already "severe" congestion in the AM peak, it recommended refusal of the 3 Phase 1 applications without mitigation works being undertaken to improve capacity at Junction 28 of the M5.

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.

The Inspector recognised that allocations at NW Cullompton were included in the future traffic assessments carried out by the County Council which indicated that Junction 28 is close to capacity when the traffic volumes predicted to arise from a number of allocated residential and commercial sites are included.

Following the appeal decision, the Highway Authority withdrew its original objections to the current Phase 1 applications. The Phase 1 applicants have offered to carry out minor works to alignments at Junction 28 which the Highway Authority considers will have some benefit to queue lengths.

The applicants are also making a financial contribution totalling £3 million (£5,000 per dwelling) towards the provision of a town centre relief road, to part fund the relief road.

The Highway Authority also requires other off-site highway works to be completed to mitigate the development's effect on the surrounding road network. These consist of traffic calming and the provision of a footway and pedestrian crossing in Willand Road, and traffic calming in Saxon Way, Plantagenet Way and Tudor Grove to prevent rat-running. These measures will be secured by Section 106 Agreement.

Other mitigation in the form the upgrade of public rights of way will be secured by way of a Section 106 Agreement. A Travel Plan to reduce reliance on private vehicle use will also be secured by Section 106 Agreement.

Subject to the proposed mitigation measures, 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 and the requirements of the masterplan SPD in this respect.

2.3 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 which include the implementation of a Travel Plan and a financial contribution of £3 million 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.

3. Access arrangements to be determined

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility and enhance road safety through management of car parking and traffic. Policy DM2 of the LP3 DMP requires development to create safe and accessible places.

Policy AL/CU/1 of the AIDPD allocates the urban extension subject to provision of transport to ensure appropriate accessibility for all modes.

Policy AL/CU/2 sets out the transport infrastructure to be provided at the expense of all new development within the site and includes provision of a network of streets linking to the public highway (including the provision of a new linking road), bus, pedestrian and cycle routes through the development and to the town centre, bus service improvements and the implementation of travel plans to reduce reliance on private vehicles.

Access is to be determined under this outline application. It is proposed to access the site from Willand Road via a new vehicle and pedestrian access. Details of the proposed new access are shown on the submitted access plan. Visibility splays of 43 metres in each direction are proposed, together with a right turn lane from Willand Road.

The proposed access is to serve only the parcel of land north of Rull Lane. The current application is for 200 dwellings but the access has been designed also to cater for further residential and employment development to come forward under Phase 2.

The layout of the site is indicative only at this stage (outline) but the indicative layout plan demonstrates that the 200 dwellings proposed can be accommodated on the site. The indicative layout shows the proposed main access road running between the residential and employment development with secondary roads branching off to serve the residential development proposed under this application.

The masterplan SPD requires a new link road to provide access through the urban extension, linking Tiverton Road to Willand Road. The application the subject of this report will not be accessed via this link road as it will have a separate access from Willand Road, however, the development will make a financial contribution towards its provision.

The Highway Authority considers the proposed access to be acceptable, subject to approval of final details to be required by conditions. Subject to final details, your officers consider the access arrangements comply with policies COR9 of the Mid Devon Core Strategy and DM2 of the LP3 DMP, policies AL/CU/1 and AL/CU/2 of the AIDPD and the masterplan SPD.

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 1 which has the lowest risk of flooding. 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.

Within the masterplan, Guiding Principle F requires a water management strategy to be put in place that ensures that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site.

The submitted drainage strategy indicates that much of the Codex site is not suitable for infiltration methods of surface water drainage and it is proposed to provide attenuation ponds to the north of the site to hold surface water before it discharges into Fulford Water at no more than the existing greenfield run off rates. It is expected that the scheme will reduce flows in Fulford Water downstream for the more extreme events, reducing flood risk. It is not possible for the drainage scheme to commit to installing further culverts under Willand Road as requested by the Environment Agency due to land ownership issues.

Following detailed discussions with the Environment Agency and Devon County as Lead Local Flood Authority, and amendments to the scheme as originally submitted, both Authorities now consider the scheme to be acceptable, subject to conditions relating to the detailed design of the drainage scheme and its management and maintenance. It is also recommended that the surface water drainage scheme is inspected at key stages of its installation, signed off by an appropriately qualified person, and confirmation provided to the Local Planning Authority that the system has been installed in accordance with the approved

details.

The drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, AL/CU/3 of the AIDPD, DM2 and DM29 of the LP3 DMP and guidance in the masterplan SPD.

5. Public open space, green infrastructure (GI) and community facilities

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. The requirements for open space and green infrastructure are set out more fully in the masterplan SPD.

Policy AL/CU/3 of the AIDPD relates to environmental protection and green infrastructure on the NW Cullompton urban extension and requires an area of 28 hectares for strategic GI to include a mix of parkland and open space, as well as 0.7 hectares of children's play, 2.8 hectares of sports pitches and 0.7 hectares of allotments. The policy provides for measure to protect and enhance existing trees and hedges and the maintenance of a wildlife network through the site. Existing public rights of way are to be protected and enhanced.

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 masterplan SPD amends the requirements in policy AL/CU/3 to provide 32 hectares of GI across the urban extension and, specifically within the Rull Hill area, at least 7.4 hectares of GI, including allotments (0.7 hectares) and a play area (0.45 hectares), as well as one playing pitch (1.4 hectares).

The main focus of green infrastructure and open space provision within the NW Cullompton Urban Extension is within the Rull Hill area mostly outside of the application area for this application, although the three applications will share the delivery of strategic green infrastructure on Phase 1.

The masterplan SPD requires the Rull Hill green infrastructure to be provided within Phase 1 of the development of the urban extension. Due to viability issues, only part of the Rull Hill GI is anticipated to be included within Phase 1 (see separate report on Section 106 and Viability on the same Agenda). This will include a multi-use games area and play area as well as landscaping to the GI area. Allotments and a community orchard will come forward in Phase 2. A community orchard is being provided on the Persimmon site in Phase 1 (17/01178/MFUL). Exact details of the GI to be provided in each Phase will need to be agreed in consultation with Cullompton Town Council. Details of the ongoing financial support, maintenance and management of the open space areas will also need to be conditioned.

The application proposes a hilltop park area on the highest part of the site within the residential parcel. However, the application is in outline only and details of the green

infrastructure and open space to be provided on the land parcel subject to this application will form part of the reserved matters application.

The application includes the provision of one sports pitch (0.88 hectares) as part of the Rull Hill GI and, if approved this application will grant outline planning permission for provision of the sports pitch. However, due to viability issues on the site, it is proposed that provision of the sports pitch is delayed until Phase 2. In finalising the exact details of the facilities to be included in each phase, should it be decided that the sports pitch should come forward in Phase 1, additional conditions will be required in relation to the construction and provision of the pitch as recommended by Sport England. Land for a sports pitch for the primary school is included within the land to be transferred to Devon County Council as part of the Phase 1 applications.

The Masterplan SPD also requires transfer of land for a community building in Phase 1. However, it does not require the community building itself to be delivered until Phase 2. Therefore, it is proposed to delay transfer of the land until early in Phase 2.

Whilst delivery of the Rull Hill GI and community facilities proposed under the three applications is not considered to be fully policy compliant, sufficient facilities are proposed to ensure future residents will have access to recreational land, with further facilities coming forward with Phase 2. Details of the green infrastructure and open space to be provided on the land parcel subject to this application will form part of the reserved matters application.

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 AL/CU/3 of the AIDPD relates to environmental protection and green infrastructure. The policy provides for measures to protect and enhance existing trees and hedges and the maintenance of a wildlife network through the site.

The masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. Guiding Principle C relates to Landscape, Open Space and Recreation. It requires that the structure of the development should be shaped around the existing character and features of the landscape, reinforcing those qualities and protecting and enhancing important wildlife.

The site is the northern-most parcel of residential land within the urban extension. The parcel runs parallel to a tributary of the River Culm with its associated flood zone and continues south, wrapping around the farmstead at Rull Farm up to Rull Lane in the south. The land is currently laid to pasture and features a number of isolated mature oak trees and

established hedgerows.

The parcel lies within Mid Devon Landscape Character Type (LCT) 3B Lower rolling farmed and settled valley slopes. LCT 3B is characterised by gently rolling and strongly undulating landscape with a medium to small scale landform. Hedgerows are dense bounding regular and irregular shaped medium to large scale enclosures of pasture with some arable. Views are variable with some open vistas but strong enclosure within the valleys, hedgebanks confining views to glimpses through field gates. There are mature trees within the hedgerows. Field patterns are strong and harmonious and there are distant views with little or no development on the tops of hills.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which covers the entire phase 1 development, and a site specific supplementary report covering the application site. The conclusion of the assessment is that:

In summary it would be reasonable to conclude that the development site has limited visual prominence in the wider landscape setting. However in closer views, in the context of Cullompton itself, the hilltops of the site appear visually prominent and should remain undeveloped. In addition the western and northern edges of the site are vulnerable to visual impacts and should be carefully mitigated against. Overall the significance of these visual impacts are reduced by the existing development along the urban edge that has crept up the contours and into the surrounding landscape along the valleys and can be seen as part of the continuing evolution of change of an urban fringe location.

The application has been assessed by an independent landscape consultant who has concluded:

There are no landscape or visual reasons why outline planning permission should not be granted for the proposed development in principle, provided that conditions are imposed that would ensure a satisfactory detailed design that responds to and reflects the masterplan guiding principles and mitigates adverse landscape and visual effects whilst maximising opportunities for enhancing the distinctive character and appearance of the area and the functions and connectivity of the green infrastructure network.

The consultant has also recommended a Landscape and Ecology Mitigation Framework be produced and agreed in order to inform the layout before reserved matters stage, and this will be conditioned.

The application has also been assessed by an independent ecologist who had concerns with the information being too generic and requested further information. The applicant has responded to the ecologist's concerns by providing further information on how the illustrative layouts have been informed by the ecology surveys and outlining the mitigation that will be considered in more detail in a Landscape and Ecology Mitigation Framework and Plan to be submitted for approval. This mitigation will include protection of dark wildlife corridors and retention and enhancement of hedges and other habitats.

Subject this further assessment 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), AL/CU/3 of the AIDPD, the Masterplan SPD 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.

An archaeological investigation has been carried out on the site, the results of which have been submitted. Whilst the site for development of the housing has not revealed any significant archaeological finds, the site of the sports pitch on Rull Hill has been shown to contain a possible prehistoric ring ditch with evidence of later Roman or post-Roman activity. Devon County's Historic Environment Service has recommended a condition that further investigation takes place before any groundworks associated with the sports pitch or other community facilities takes place.

St Andrews Hill Scheduled Ancient Monument lies approximately 800 metres to the south of the site and there is a Grade II listed building at Little Rull which lies to the south and west of the site.

Mid Devon's conservation officer has considered the impact of the proposals on heritage assets in the vicinity. Her comments are:

No objections in principle.

There are some issues in connection with the wider landscape setting of the St Andrews Hill Ancient Monument (a designated heritage asset of high significance) as raised by Historic England. On the illustrative layout Rull Hill is to be kept free of new buildings and structures due to the intervisibility with St Andrews Hill and potential visual impact of built development on its wider landscape setting. The impact on below ground (undesignated) archaeology as set out by DCC Historic Environment archaeologists will also need to be subject of recording and / or mitigation.

With regard to impact on the setting of the Grade II listed Little Rull this is considered to be quite low as its garden, the intervening fields and other buildings remain as a backdrop and provide a visual buffer. Its intrinsic significance is not affected by the proposed development which lies around 100m away.

Whilst the layout provided is illustrative I have some concerns about the potential scale and massing of the L shaped apartment block in the NE corner of the site and also the large amount of associated hard surfacing required for access and car parking. It is hard to see how this fits with the D and A statement's key aspiration of "low density housing wrapping around the edges of the site that relates well to surrounding countryside".

There also appear to be several terraces of small dwellings with no obvious road frontage or means of access for parking and /or servicing. These issues will need to be addressed within the subsequent reserved matters application.

As set out in this outline submission the proposed development appears to take account of and respect the settings of designated heritage assets most likely to be affected by this part of the North West Cullompton Urban Extension. The intention to retain as many of the historic field boundary hedges and keep the hill top free of buildings and structures are both welcome.

The layout and design of the development in the reserved matters application will need to take account of the setting of nearby listed buildings. Subject to this and the recommended conditions, 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. Viability and Section 106 obligations

The application has been accompanied by a detailed viability assessment that concludes the development (when considered with the other two applications forming Phase 1) is not viable with a policy compliant level of affordable housing and other Section 106 obligations, including £5,000 per dwelling financial contribution to the Town Centre Relief Road. Full details of the viability assessment and Section 106 obligations are set out in the separate over-arching Section 106 report on the same Agenda.

9. Comments received

A number of comments were received in respect of the three linked applications. Concern was raised about the proposed new junction with Willand Road and the ability of large vehicles to access the new development, as well as the increase in traffic on the surrounding road network. The Highway Authority is satisfied with the proposals and a number of conditions are recommended to mitigate the effects of the additional traffic on the road network. Comments relating to delivery of road infrastructure are dealt with elsewhere in this report.

A number of comments were received relating to the layout and design of the proposed scheme. However, this application is in outline only and the layout and design is not for determination under this application. Wildlife and landscape has been considered elsewhere in this report.

Many of the comments related to the principle of development and the need for housing. The site is already allocated for development so the principle of development on the NW Cullompton urban extension has already been established.

Gypsy and traveller pitches, local centre shops and facilities and employment provision are scheduled for Phase 2 of the development of the urban extension. Financial contributions are proposed to expand education and medical facilities in the town and a new primary school proposed within Phase 1. Until the adoption of the Local Plan Review, there is no policy requirement for self-build plots on the NW Cullompton urban extension.

Cullompton Town Council has raised a number of concerns with regard to affordable housing, public rights of way, road infrastructure and traffic, and drainage, which are dealt with elsewhere in this report. Detailed design and layout are reserved matters and no details are provided within this application.

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.

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 Rull Hill green infrastructure, including a multi-use games area, play area and landscaped open space.

The delivery of 200 new homes, including 10% 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 level of affordable housing and the reduced Section 106 package for Phase 1 (to be delivered in Phase 2). This is set out in the separate over-arching Section 106 and Viability report for the three linked applications forming Phase 1 of the delivery of the NW Cullompton urban extension.

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 the access, 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. Prior to the submission of a reserved matters application, illustrated urban design and architectural principles shall be submitted to and approved in writing by the Local Planning Authority. This information shall include phasing, block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines. Reserved matters applications for the site shall incorporate the approved urban design and architectural principles.
3. Prior to the submission of a reserved matters application, a Landscape and Ecology Mitigation Framework shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
 - A. an annotated landscape, visual and ecological constraints and opportunities plan highlighting visually sensitive areas, distinctive trees, hedges, buildings, skylines, landmarks and view corridors between hilltops and out to the surrounding countryside, and relating this to heritage assessments;
 - B. an annotated landscape and ecological impacts plan that gives details physical impacts of the proposals on the landscape and ecological features detailed in A. above; and
 - C. an annotated landscape and ecological mitigation plan that gives the location, structure, composition and purpose of specific existing and proposed landscape and ecological features required as part of avoidance/mitigation/compensation/ enhancement

measures. The plan should demonstrate how existing landscape and ecological value is being conserved as far as possible, how impacts have been minimised, and what opportunities for enhancement have been taken; and include an ecological habitat balance sheet that sets out losses and gains as well as the likely time lag between loss and effective habitat gain.

Reserved matters applications for the site shall incorporate the approved Landscape and Ecology Mitigation Framework.

4. 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.
5. 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.
6. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
7. 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.
8. The first Reserved Matters application to be submitted shall include a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of public open space). The strategy document shall set out the funding, management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant green infrastructure and public open space areas. Reserved matters applications for the site shall incorporate the approved details.
9. As part of the Reserved Matters submission/s referred to in Condition 1, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall be carried out in accordance with the agreed scheme.
10. 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.
11. No part of the development hereby permitted shall begin until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
12. No part of the development hereby permitted shall begin 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. The design of this permanent surface water drainage management system will be informed by the

programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the submitted Drainage Strategy (Rev. A; dated 21st June 2017), Drainage Strategy Addendum (Rev. -; dated 20th March 2018) and Drainage Strategy (drawing No. 432-010; Rev. B; dated 15th March 2018). The surface water drainage management system shall be installed in accordance with the approval details and retained and maintained in accordance with the details to be approved under Condition 13.

13. 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 12.
14. 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. 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. The approved temporary surface water drainage management system shall be installed and maintained for the entire construction period.
15. No part of the development hereby permitted shall begin until 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. The approved arrangements shall be provided in accordance with a timescale to be approved under this condition and thereafter permanently retained and maintained in accordance with the approved details.
16. 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;
 - 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 exceeding 7.5 tonnes;
 - 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, to include the recommended mitigation measures identified during Chapter 12 of the submitted Environmental Statement covering Dust and Air Quality.

Construction shall be carried out only in accordance with the approved CEMP.

- 17. 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.
- 18. 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; and
 - D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 16.
- 19. No development shall take place until an access scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the design of existing public rights of way routes where these are to be upgraded and new public rights of way, their surfacing, widths, gradients, landscaping, road crossing points, drainage and technical details of their connections to the public highway, as well as trigger dates for the implementation of the provision and/or upgrade of the public rights of way and details of ongoing maintenance and

management or adoption arrangements. The development shall be carried out in accordance with the approved scheme.

20. No development shall commence until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.
21. No development shall take place on the Rull Hill sports and recreation area until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the Local Planning Authority. The archaeological work shall comprise of the investigation, recording and analysis of the ring ditch - located at NGR 301795,108292 and its immediate environs. 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.
22. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
 - A. The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B. The spine road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
 - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
 - D. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined; and
 - G. The street nameplates for the spine road and cul-de-sacs have been provided and erected.
23. No dwelling hereby permitted shall be occupied until works to improve the existing public foul sewerage network so that it is able to cope with the flows from the proposed development have been completed.

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. To ensure the site is developed in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension.
3. To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity, accordance with paragraph 174 of the NPPF 2019.
4. 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.
5. 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.
6. For the avoidance of doubt and in the interests of proper planning.
7. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
8. To ensure that green infrastructure and public open space is delivered for the amenity of the future residents in a timely manner in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension and policies AL/CU/1 and AL/CU/3 of the Allocations and Infrastructure DPD.
9. To ensure that the construction and operation of the development will accord with sustainable waste management principles in accordance with policy DM4 of the Mid Devon Local Plan 3 Development Management Policies and policy W4 of the Devon Waste Plan 2014.
10. To ensure the proper development of the site.
11. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.
12. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. 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.
13. 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.
14. 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. This 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.

15. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. 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.
16. To minimise the impact on the highway network and on nearby residential properties during the construction period.
17. To ensure that adequate information is available for the proper consideration of the detailed proposals.
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.
19. To ensure that new and upgraded public rights of way are delivered in a timely manner and function for their purpose at all times, providing sustainable walking and cycling links, in accordance with the provisions of the adopted NW Urban Extension Masterplan SPD. This information is required before construction begins in order to ensure that the benefits are delivered with the development.
20. To provide opportunities for the reduction of carbon emissions to help combat climate change in accordance with policy DM8 of the Local Plan 3 Development Management Policies. This information is required to ensure the development is constructed with these features as integral to the housing.
21. 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.
22. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
23. To ensure that adequate foul drainage facilities are in place before any dwelling is occupied.

REASON FOR APPROVAL OF PERMISSION

The principle of developing the site for 200 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 adopted Masterplan, 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, 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 appropriate mitigation as proposed.

The delivery of 200 new homes, including 10% affordable housing weighs in favour of approval of the application as do provision of green infrastructure and community facilities. Also weighing in favour of the approval are the financial contributions towards delivery of the new road to link Tiverton Road to Willand Road and 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 level of affordable housing and the reduced Section 106 package for Phase 1 (to be delivered in Phase 2), due to the upfront infrastructure burden on Phase 1, including financial contributions towards the delivery of the Cullompton Town Centre Relief Road.

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/CU/1 (with the exception of the affordable housing percentage), AL/CU/1-5, AL/CU/15-16, and 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 application does not fully accord with Policy AL/CU/1 or the adopted Masterplan SPD in respect of the affordable housing percentage and phasing and of green infrastructure and community facilities.

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. 17/01346/MOUT

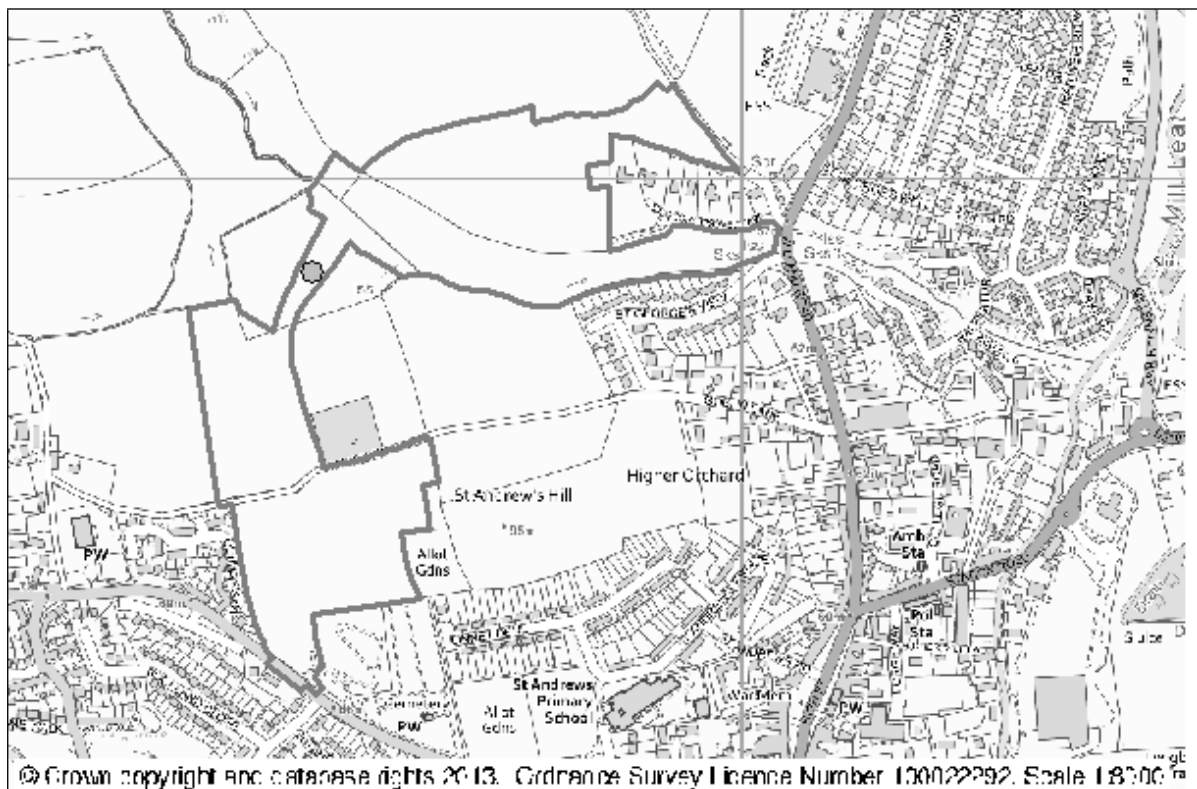
Grid Ref: 301560 : 107570

Applicant: Mr J Turner, PM Asset Management

Location: Land at NGR 301536 107900
North of Tiverton Road
Cullompton
Devon

Proposal: Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)

Date Valid: 15th August 2017



APPLICATION NO: 17/01346/MOUT

RECOMMENDATION

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

The overall S106 package between the three applications is set out in the separate overarching Section 106 report at Appendix A to this report.

PROPOSED DEVELOPMENT

Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)

APPLICANT'S SUPPORTING INFORMATION

See attached Planning Committee report dated 17th April 2019.

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD
Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

The two other applications relevant to this report are:

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building; and
17/01170/MOUT: outline application for 200 dwellings on the northern portion of Phase 1 of the North West Cullompton Urban Extension

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
COR10 Strategic Transport Networks
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/1 North West Cullompton
AL/CU/2 North West Cullompton Transport Provision

AL/CU/3 North West Cullompton Environmental Protection & Green Infrastructure
AL/CU/4 North West Cullompton Community Facilities
AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

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
DM27 Development affecting heritage assets
DM28 Green infrastructure in major development

North West Cullompton Urban Extension Masterplan SPD
National Planning Policy Framework 2019
Devon Waste Plan 2014

CONSULTATIONS

See attached Planning Committee report dated 17th April 2019.

REPRESENTATIONS

See attached Planning Committee report dated 17th April 2019.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application was considered by Planning Committee at the meeting on 17th April 2019.
The officers report to that meeting is attached.

At the meeting, it was resolved that:

RESOLVED that outline planning permission be granted subject to the prior signing of a Section 106 agreement and conditions as recommended by the Head of Planning, Economy and Regeneration.

The application was deferred in order for further negotiations over the overall S106 package for applications 17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT to take place in terms of viability, costings, inclusions and in particular the percentage of affordable housing and the inclusion of a footpath/cycleway along Millennium Way.

A members briefing was held on 3rd September 2019 at which the applicants for the three applications presented the background to the applications and gave a detailed explanation of the viability considerations that had informed the proposed Section 106 package. Non-confidential details of these discussions are set out in a separate overarching Section 106 matters report included as Appendix A to this report.

As Planning Committee has already resolved to grant this application subject to agreement on the overarching Section 106 package, the only matter for consideration in relation to this

application is the Section 106 package, common to all three applications, as set out in Appendix A.

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.

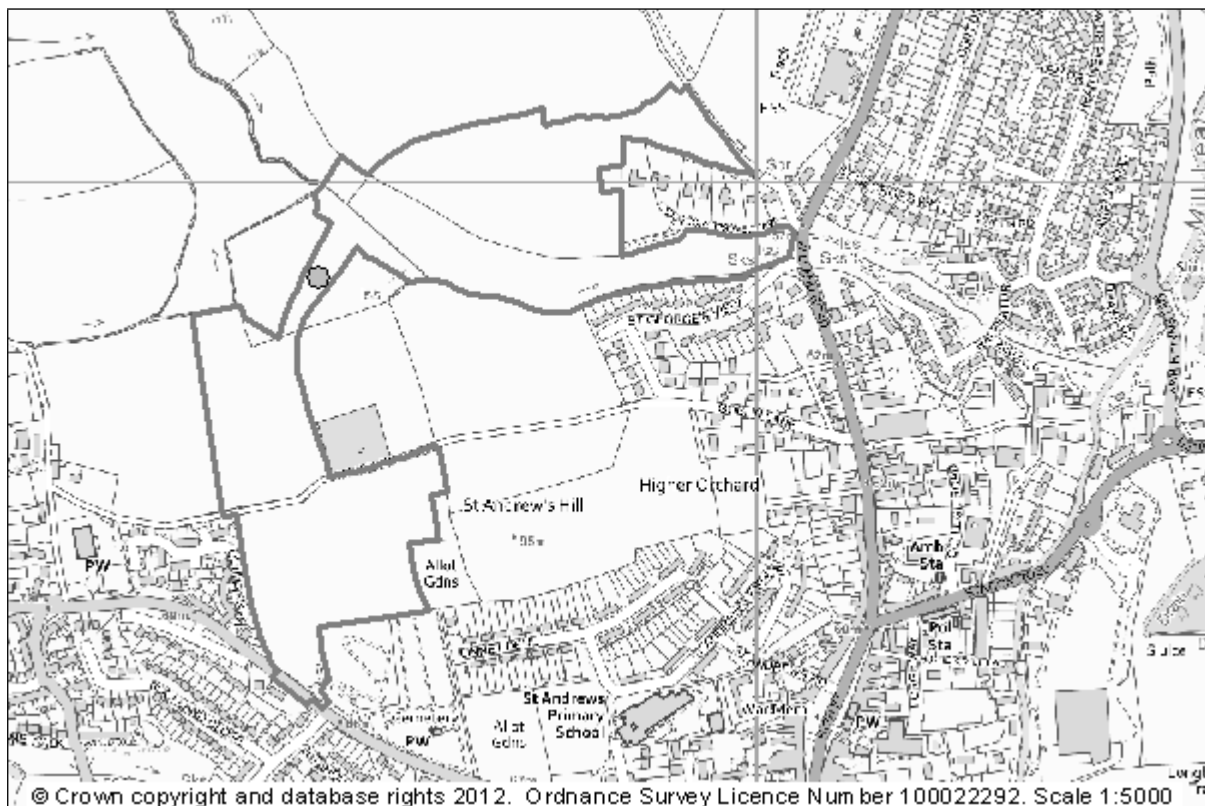
Grid Ref: 107570 : 301560

Applicant: Mr J Turner, PM Asset Management

Location: Land at NGR 301536 107900
North of Tiverton Road
Cullompton Devon

Proposal: Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)

Date Valid: 15th August 2017



17/01346/MOUT - OUTLINE HYBRID PLANNING APPLICATION FOR THE ERECTION OF 200 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE AND FULL PERMISSION FOR PORTION OF LINK ROAD (LAND COMPRISING SOUTHERN PORTION OF PHASE 1 OF NORTH WEST CULLOMPTON URBAN EXTENSION) - LAND AT NGR 301536 107900 NORTH OF TIVERTON ROAD CULLOMPTON DEVON

RECOMMENDATION

Grant permission subject to conditions and the prior signing of a S106 agreement the overall S106 package between the three applications is set out in the separate overarching Section 106 report at Appendix A to this report.

PROPOSED DEVELOPMENT

Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and full permission for a portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)

The application is a hybrid planning application (part outline, part full) for the erection of 200 dwellings on approximately 13 hectares of agricultural land to the north of Tiverton Road and comprises part of Phase 1 of the North West Cullompton Urban Extension allocated under policies AL/CU/1 to AL/CU/7 of the Allocations and Infrastructure DPD. The allocation is also subject to the North West Cullompton Urban Extension Masterplan SPD. In addition to 200 dwellings, the application proposes delivery of a section of the proposed new link road with new access onto Tiverton Road, on-site green infrastructure, SUDS, and walking and cycling routes.

The application is in 2 parts: outline application with all matters reserved (access, layout, scale, appearance, landscaping) for the majority of the site, and a full application for part of the site containing the road link into the neighbouring land parcel over the existing bridleway, and the Pegasus bridleway crossing over the new link road. The latter is provided in detail to ensure alignment with the adjacent section of road where it crosses into the separate application site of 17/01178/MFUL (the full application by Persimmon).

The site comprises two main areas of housing: to the north of St George's Well; and to the north of Tiverton Road and west of St Andrews Scheduled Ancient Monument; the two parts linked by the proposed new link road which extends to the boundary of the Persimmon Homes parcel to the north (17/01178/MFUL). The land slopes up from Tiverton Road, before dropping into the valley of St George's Well and back up towards Rull Hill.

Whilst most of the length of the link road within the site is not detailed and the access onto Tiverton Road will be determined later under a reserved matters application, the part of the link road where it connects to the land parcel to the north-east (Persimmon Homes) and the Pegasus bridleway crossing is fully detailed. The existing bridleway (green lane) will be diverted to enable a full Pegasus (horse) crossing to be provided across the new link road.

Phase 1 also includes two other applications for planning permission:

17/01170/MOUT: outline application for 200 dwellings on land to the north of Rull Lane; and

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building. This application would deliver the northern part of the new spine road connecting into Willand Road.

These applications are the subject of separate reports.

All three applications are subject to the signing of Section 106 Agreements for the provision of infrastructure in respect of Phase 1. The Section 106 provisions are set out in a separate over-arching report for the three applications (**Appendix A**).

In accordance with the requirements of the Environmental Impact Assessment Regulations 2011, the application has been accompanied by an Environmental Statement, which is common to all three applications.

APPLICANT'S SUPPORTING INFORMATION

Environment Statement including the following chapters:

- Socio-economic
- Landscape and visual
- Ecology and nature conservation
- Cultural heritage
- Transport and accessibility
- Water resources, flood risk and drainage
- Ground conditions
- Dust and air quality
- Cumulative effects

Design and access statement

Affordable housing statement

Arboricultural report

Draft S106 heads of terms

Energy statement

Existing surrounding character analysis

Planning statement

Statement of community involvement

Utility report

Waste audit statement

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD

Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

The 2 other planning applications are relevant to this report are also addressed within the agenda of this meeting of Planning Committee:

17/01170/MOUT: outline application for 200 dwellings on land to the north of Rull Lane; and

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building. This application would deliver the northern part of the new spine road connecting into Willand Road.

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
COR10 Strategic Transport Networks
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/1 North West Cullompton
AL/CU/2 North West Cullompton Transport Provision
AL/CU/3 North West Cullompton Environmental Protection & Green Infrastructure
AL/CU/4 North West Cullompton Community Facilities
AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

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
DM27 Development affecting heritage assets
DM28 Green infrastructure in major development

North West Cullompton Urban Extension Masterplan SPD

National Planning Policy Framework 2019

Devon Waste Plan 2014

CONSULTATIONS

HIGHWAY AUTHORITY – 30th July 2018 – The Highway Authority has viewed the detailed drawing and safety audits of the connection from this site with the neighbouring Persimmon site and provision of the Equine crossing and is happy to accept them as in full. The conditions set out in the letter dated 26/9/17 are still applicable and the Highway Authority has no further observations to make.

4th January 2018 - The Highway Authority are accepting of the planning Inspectors decision with regard to the 259 residential dwellings at Silver Street, Willand. The Highway Authority withdraws its objection to the current applications on this basis but reserves the right to review the traffic situation with regard to junction 28 for any subsequent application, and shall continue to monitor queue lengths and capacities, and particularly following the delivery of the distributor road conditional of these developments. Therefore refusal reason 1 is

withdrawn. The applicants have provided additional information and while this is seen as reasonable justification for the additional minor works, full detail design drawings and safety audits will be required prior to commencement on site. The minor works to Junction 28 are therefore acceptable to the Highway Authority as they do not appear to provide a dis-benefit.

15th September 2017 - The application is a hybrid with all matters reserved for the residential development but a portion of distributor road in Phase 1 is submitted in full. The applicant has included a section of Heads of Terms for the section 106 agreement and the Highway Authority would be generally in agreement with this.

The Highway Authority accepts the principles expressed in the Design and Access Statement for the link road with regard to widths, parking, pedestrian and cycle facilities and general alignment. The link road should be designed to a 30mph design speed and should incorporate crossing facilities for the bridleways and footways, and drainage. Without the design detail it can only be considered as outline and conditioned for the details to be discharged at a later date.

The applicant has indicated a traffic signal junction on Tiverton road this will provide pedestrian crossing facilities and allow a flexible junction to Tiverton road. The Highway Authority would seek swept path analysis to show the passage of large articulated vehicles passing each other at the junction and their passage into and from the distributor road in all directions as well as the justification for the signals.

Should the Local Planning Authority be minded to allow the development the recommended conditions should be imposed (see Conditions section below).

DEVON COUNTY EDUCATION – 20th December 2017

In terms of the contributions, there is little change. We would welcome the transfer of the school site at nil cost, prior to the commencement of development, with appropriate trigger points for construction access and servicing.

The contributions towards the delivery of education will still be required, as set out in the original response.

Contribution	Amount (per 200 dwellings)
Primary school land	Nil cost. Rights of access for surveys, delivery of construction access and servicing triggers to be agreed
Primary school provision	£672,361 towards expansion of St Andrews. Will support 200 dwellings
	£788,986 towards delivery of new school
Early years provision	£50,000
Secondary provision	£265,024
SEN provision	£29,113

In terms of primary, this is a contribution of £672,361 towards the expansion of St Andrews, or £788,986 towards the delivery of the new school, depending on which application comes forward first.

In terms of primary, this is a contribution of £672,361 towards the expansion of St Andrews, or £788,986 towards the delivery of the new school, depending on which application comes forward first. We would normally expect that contributions are split into two equal payments, with 50% paid on occupation of 10% of the dwellings and 50% is paid on occupation of 50% of the dwellings.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM – 24th December 2019

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the recommended pre-commencement planning conditions are imposed on any approved permission (see Conditions section below).

Any planning applications for this site, whether in phases or for the whole site, will need to base the surface water management strategy on the areas being positively drained. The surface water management strategy will also need to account for any areas of Public Open Space that will likely drain into the surface water drainage system. The Drainage Strategy (drawing No. 432-010; Rev. D; dated 16th June 2018) depicts areas of Public Open Space uphill from the developed areas, these areas of Public Open Space will likely drain into the surface water drainage system.

Any planning applications for this site will need to implement a SuDS management train to effectively treat surface water. Source control components will also need to be assessed to reduce the volume of surface water being discharged off-site.

Ponds have been depicted on the Drainage Strategy (drawing No. 432-010; Rev. D; dated 16th June 2018) outside of flood zones, this should remain. Exceedance routes will need to be managed safely. If this site is to be developed in phases then each phase may need to account for exceedance flows from surrounding phases.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing.

ENVIRONMENT AGENCY – 20th July 2018

We have reviewed the report Flood Risk Technical Note June 2018 by Phoenix Design Partnership Ltd dated 16 June 2018, and have no objection to the proposed development as submitted.

To clarify our findings:

1. We are pleased to see that the SUDS ponds have been removed from the floodplain of the watercourse between the proposed new link road, and Willand Road. This represents a positive change.
2. The watercourses through the development site must be sized to encourage flooding of the floodplain, rather than containing the design flow. The floodplain must flood storing fluvial flows rather than passing flows downstream as a faster rate than currently. We are pleased this message has been implemented and agree that the final design of the realigned watercourse will be developed to encourage the inundation of the low area adjacent to the watercourse to provide storage between the link road and Willand Road.
3. The proposed SUDS ponds upstream of the proposed new link road i.e. Ponds 5 and 10, whilst in areas designated as Flood Zone 1 would be within areas at risk of flooding, and therefore function could be compromised for the reasons previously given. The risk of these consequences could be reduced by edging them into higher ground. There appears to be a small area of land north of Pond 10 which could be used to revise the SUDS layout.
4. A part of the proposed car park, upstream of the proposed link road, associated is within an area at risk of flooding despite the area being designated as Flood Zone 1. Therefore, we advise the spaces shown hatched on the attached plan be removed.

DEVON, CORNWALL & DORSET POLICE - 20th July 2017

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available Illustrative Masterplan does not reveal any specific details that would be of concern to the police. However, all relevant planning applications should demonstrate,

generally within the Design and Access Statement, the principles of Crime Prevention through Environmental Design and how they have been considered and incorporated into the design and layout of all new developments. Early consultation with the police frequently prevents delays further down the planning process when crime and disorder issues present a problem with the layout of a submitted design.

ENVIRONMENTAL HEALTH - 26th January 2018 - Air Quality

The low emissions assessment and quantified mitigation from the travel plan now provides much of the information and assessment required. It does however appear that the EV infrastructure is not certain or at least agreed at this stage. The assessment shows that in isolation the impact of the travel plan on emissions and damage cost is not high. Therefore, we strongly recommend that EV charging is included at each property with a parking space if this is not already factored into the s106 discussions as part of an overall package to include a contribution to the Air Quality Action Plan/relief road. We would need to see confirmation of these components of the s106 to be able to provide a more positive response to the air quality issue ahead of determination of the application.

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 the recommended mitigation measures identified during Chapter 12 of the Environmental Statement covering Dust and Air Quality. 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.

Housing Standards - No comment

Licensing - No Comments

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

SOUTH WEST WATER - 20th September 2017

The public foul drainage network does not have capacity to support the development in addition to application number 17/01170 currently under determination to which no objection has been raised without causing downstream sewer flooding.

South West Water have undertaken a detailed sewer evaluation part funded by the applicant to establish the extent and cost of improvements required to allow our support of the application which will be delivered by means of the applicant entering in to a sewer requisition. As such should your Council be mindful to approve any subsequent formal planning application the recommended condition would need to be imposed (see below).

PRIMARY CARE COMMISSIONING (RESPONSE PROVIDED ON BEHALF OF NHS ENGLAND) – 12th October 2017 -

The population growth as a result of this development will place additional pressure on existing GP practices in the area which are already at capacity. Whilst it is considered that the size of this development would not merit a new GP practice, the NHS would need to create additional physical capacity in one of its existing practices in the area. The funding for such expansion would be sought through developer contributions and would support the provision of appropriate local primary healthcare facilities and services.

NHS England applies an evidence based methodology for calculating development impact in terms of GP practices and has been benchmarked against other authorities. They are based

on a health provision standard of 500 square metres per 6,000 people. Average household size and the capital cost of £2,000 per square metre have been used to generate a cost per dwelling. Applying this methodology, the total contribution, across each housing type proposed by this development would equate to £84,698.40. This sum is requested on behalf of NHS England.

PUBLIC RIGHTS OF WAY – 12th October 2017

The proposal as submitted would have a direct effect on public rights of way. Three existing public bridleways cross or adjoin the site: Bridleways No. 8, 9 and 10, Cullompton as shown on the attached extract from the working copy of the Definitive Map of public rights of way. These are identified in the application documents; on the plan at 3.2 (Opportunities and Constraints) of the Design and Access Statement and in the Environmental Statement Travel which states that they will be retained and incorporated within the development masterplan. The Masterplan refers to improvements to existing paths. It is not clear whether this relates to the public bridleways referred to above therefore we would request further clarification and, if it does relate to public rights of way, details of any proposed improvements. The applicant should note that any surface improvements will need to be suitable for bridleway use and British Horse Society approved. Details will need to be submitted and agreed in consultation with DCC PROW and Highway Development Management Teams.

We note that proposed estate roads will cross bridleways 8 and 9. These crossing points will need to be appropriate for bridleway status, e.g. Pegasus crossings. We would also request that drainage issues on the bridleways be addressed and that details be submitted and agreed. The Public Rights of Way Team therefore has no objection to the proposal subject to conditions covering submission of details (see Conditions section below).

PUBLIC HEALTH COMMENTS – 12th October 2017

The Public Health Team support the proposal for a walkway/ cycleway alongside the development of the link road and would encourage the development to include additional cycle and walking infrastructure. To minimise air quality impacts from car driving and to encourage active travel we recommend that each dwelling has sufficient storage provision for bikes and equipment for other modes of active travel.

In terms of offering a wider choice of affordable homes to improve health and wellbeing we support the volume of affordable housing delivered by the development. Devon has an ageing population; 22.2% of the Mid Devon population is aged 65+ (JSNA Mid Devon profile 2017). As such we would encourage the provision of lifetime homes for this development. We would support development which promotes the use of low carbon/carbon neutral technologies and the inclusion of measures to avoid fuel poverty.

SPORT ENGLAND - 15th September 2017

This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. By providing new playing pitches, the proposal would meet our objective to provide new pitch sports facilities however, there are a number of concerns in this letter that would lead us to not supporting the proposed detail and registering an objection to the applications.

Sport England and NGBs are committed to providing expert advice on the provision of sport and recreation into the current master planning of the North West Cullompton expansion to ensure the inclusion of a number of new sports facilities or land of high quality. It is recommended that the sporting community is engaged with the application process to

ensure that this opportunity delivers the needs of the Town. Additionally the applicant will need to ensure that the journey to the sports hub from the site and wider town centre be visible being walking, jogging and cycling friendly. Other physical activity opportunities should be considered.

Sport England has no objection in principle to housing growth but recommends that further discussions and amendments are made to the proposals to take on board our comments before the application is determined. If the Council is minded to approve the application, planning conditions should be imposed.

NATURAL ENGLAND - 11th September 2017

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

DCC WASTE AND TRANSPORT MANAGER - 20th July 2017

The planning application includes a Waste Audit Statement, but it is considered that this does not fully meet the requirements of Policy W4 of the Devon Waste Plan. While it is recognised that the application is in outline form, it is considered that a greater level of detail could be provided in the Waste Audit Statement to reflect the nature of the site and proposals and to give a stronger commitment to developing more detailed arrangements as site design progresses to the reserved matters stage. The applicant's attention is drawn to Devon County Council's Waste Management and Infrastructure SPD which provides guidance on preparation of a Waste Audit Statement, and it is recommended that a revised Statement be obtained from the applicant.

23rd August 2017 - As residential property numbers and the population increase, so too does the demand on recycling centres. Over forthcoming years this increased demand will result in the need for additional recycling centre capacity. Failure to provide adequate recycling facilities for the county may result in the Council being unable to fulfil its statutory role as Waste Disposal Authority. Devon County Council therefore seeks financial contributions from this development to ensure a replacement site serving Cullompton/ Tiverton/ Willand is provided locally to help cater for the planned housing growth in the area. The cost of a facility is based on recent, local evidence of costs to deliver a similar recycling centre elsewhere within the county and equates to a contribution of £160 per dwelling. Based on this calculation the total contribution would be £32000.

HISTORIC ENGLAND – 23rd November 2017

This application for the Cullompton NW expansion area has the potential to impact upon the significance of the Scheduled Monument, two Roman forts and two Roman camps on St Andrews Hill (1019543), through changes to the monument's setting.

Roman forts are rare nationally and are extremely rare south of the Severn Trent line. As one of a small group of Roman military monuments, which are important in representing army strategy and therefore government policy, forts are of particular significance to our understanding of the period. Situated on the prominent St Andrew's Hill immediately to the north west of Cullompton town centre, overlooking the valley of the River Culm, the Roman remains and in particular the multiple periods of usage, demonstrate their control of the surrounding land and strategic importance to the Romans.

The introduction of new development into the setting of the monument has the potential to impact upon both the rural nature and the outlook, and the strategic importance of the site. In this instance we believe that any impact will be of a 'less than substantial' nature and as such advise that it will be for your authority to determine the application having duly considered the planning balance.

We are pleased to note a thorough Heritage section has been included in the supporting information and are generally content with the findings of that document in relation to this application. It appears that this statement may be intended to cover the whole of the expansion area and if that is the case further work will be required, however, for this application it does suffice.

We would, however, note our concerns regarding the area immediately west of the Scheduled Monument and would urge your authority to request that the masterplan be revised to provide a larger buffer zone at this location.

We are also pleased to note that the application includes potential proposals to enhance public understanding and enjoyment of the monument through a package of increased access and the provision of interpretation. We would suggest that the interpretation boards be supplemented by a short monograph intended for general audiences. We would also note that the Scheduled Monument is currently inscribed on the Heritage at Risk register as being 'at risk'. This is primarily as a result of continued cultivation that is believed to be destroying the interior features identified by geophysical survey and aerial photography. Any proposals to remove the monument from cultivation would be likely to also remove it from threat and from the Heritage at Risk Register and, as such would provide significant public benefits for you to consider in your deliberations.

Historic England has no objection to the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.

HISTORIC ENVIRONMENT SERVICE - 29th May 2018

I have now received a copy of the report setting out the results of the archaeological field evaluation at the above site and in the light of its receipt would like to withdraw the Historic Environment Team's previous objection.

The archaeological investigations have demonstrated the presence of prehistoric and Romano-British heritage assets with archaeological interest that will be affected by the proposed development. These heritage assets are not of such significance that the Historic Environment Team would recommend preservation in situ. Any impact may be mitigated through a programme of (i) archaeological investigation and recording prior to development commencing results and (ii) post excavation analysis, synthesis of the results, reporting and archiving.

For this reason, I would advise that any consent your Authority may be minded to issue should carry the condition as worded (see below).

CULLOMPTON TOWN COUNCIL – 23rd March 2018

The Council approves the application with the following provisos:

(i) Spine Road: An assurance that the Town Council will be kept fully informed of the plans for the road layout/design and that the Town Council is consulted before the final design is approved as the Council doesn't want another Kingfisher Reach scenario where plans get changed at a later stage.

- (ii) Attenuation ponds: Need to be designed to be effective and ensure that water doesn't enter the existing water courses.
- (iii) Junction with Willand Road: Concern about the build-out at the entrance to the site, who has priority, will impact on large vehicles requiring access to other locations in Willand Road e.g. Integrated Centre for Health. The bulges may be convenient for construction traffic but not appropriate in the long term. Suggest that a mini-roundabout is constructed instead.
- (iv) Entrance into school site: Concern about safety, mini-roundabout preferred. All vehicle movements for the Primary School must happen within the curtilage of the school site. Segregate vehicles going in/out of the school site. Assurance that a large 52 seater coach will be able to drive into the Primary School grounds and turn safely within it. The Council does not believe that the current road/entrance design is of sufficient width to accommodate this. No parking to be permitted along the spine road. This will become more of a problem when school numbers start to increase and the link to the second phase of development is open.
- (v) Width of residential roads: Ensure sufficient width to enable a large vehicle such as a refuse lorry to pass a parked car safely. Also sufficient turning space for such a vehicle taking into account any parked cars.
- (vi) Millennium Way/Willand Road junction: Concern about safety and whether there is sufficient room to enable a large construction vehicle to carry out a left hand manoeuvre from Millennium Way into Willand Road to access the development site without going onto the pavement.
- (vii) Head Weir Road: Introduce traffic restrictions to ensure that Head Weir Road is not used as a vehicular short cut to the M5 (does not become a rat run).
- (viii) Refuse bin storage: Is this effective?
- (ix) Affordable housing: Assurance that the Town Council will be consulted with regard to housing numbers. More specific information required with regard to the percentage of affordable housing and the Town Council's involvement in the s.106 discussions about this issue. Would like to see a percentage that reflects the wishes of the Local Plan and NW Extension Management Plan and the draft Neighbourhood Plan.
- (x) Community Orchard: Assurance that the Town Council will be consulted with regard to access to the proposed community orchard and who will maintain.
- (xi) Pedestrian links to Rull Lane: Designed to stop motorbikes etc. passing through e.g. zig-zag gates.
- (xii) Local Centre, shop: To be provided in Phase 2.
- (xiii) Bungalows: Due to an ageing population give consideration to the building of bungalows as part of the development.
- (xiv) Public Rights of Way: An assurance that the Public Footpath (FP9) at St Georges View will be considered as it is on the edge of the development and may get neglected.

WILLAND PARISH COUNCIL – 18th September 2018 - Willand Parish Council did not offer any objection to this planning application but again raised concern about the traffic impact on the B3181 out of Cullompton and through the village. In particular the Council were concerned about the impact of further traffic at the roundabout at the junction of Millennium Way and Willand Road. It was noted that when leaving Cullompton at this junction the view to oncoming traffic from Millennium Way is restricted by fencing and that an increase in traffic would increase the likelihood of accidents unless work was carried out to improve visibility.

Again the Parish Council request that before any permissions are considered or granted that transport assessments be carried out to assess the full cumulative potential impact on the road through Willand and to the North.

HALBERTON PARISH COUNCIL - 13th September 2017

The Council remains concerned over the adequacy of the existing infrastructure to deal with the proposed number of new dwellings in the area. In particular this will inevitably increase traffic on the old road from Cullompton to Tiverton which is not fit for purpose even with current levels of traffic, as well as more traffic through Willand being used as a cut through to the M5 northbound. The Council would also like reassurance that flood risks and run off into the valley have been properly assessed.

REPRESENTATIONS

7 objections summarised as follows:

1. Water supply to 2 properties is from a spring-fed well on the site, as well as septic tank drainage; the development would affect this
2. Surface water drainage must be managed so that it does not increase the risk of flooding to nearby properties
3. Existing access over Grownen Lane and Goblin Lane for existing residents must be retained
4. There is Japanese knotweed on the boundary with Olympian Way
5. The development would cause noise and pollution to nearby properties; a mature tree screen between the new development and the cemetery/other properties will be required
6. For security reasons, there should be no access to the existing allotments from the new development
7. There is insufficient infrastructure in the town, e.g. schools and doctors.
8. The road network and motorway junction need improving and the railway station in place before any further development takes place
9. 2 parking spaces per property (with larger spaces for commercial vehicles for the self-employed)
10. The link road must be completed in accordance with promises (not a repeat of Kingfisher Reach)
11. More noise and pollution, additional impact on air quality in town centre, destroying conservation area and potential for regeneration; negative effect on economic development as business goes elsewhere
12. Increased traffic with potential for more accidents and delays
13. J28 is already at capacity
14. Devon County have stated no new development until traffic problems in the town alleviated
15. Need to masterplan the whole town to ensure infrastructure and facilities keep pace with development
16. Out-commuting will increase
17. Access to Tiverton Road is poor: the development will add more pressure; the junction onto Tiverton Road with uncontrolled crossing points needs to be reconsidered
18. Lack of affordable housing
19. Need for more shops
20. Lack of consideration of Old Roman Fort
21. Houses should be in keeping with the environment (not as at Kingfisher Reach)
22. Developer should show all access points, footpaths, etc, should be completed prior to occupation
23. Developer to adhere to Section 148 of the Highways Act 1980 to prevent years of mud on the road
24. Shared use roads are dangerous and pedestrians should be segregated from traffic
25. More formal crossing points are needed especially at the Tiverton Road end
26. No account is taken of wildlife or landscape character

27. Loss of beautiful countryside

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development, including masterplanning and 5 year housing land supply
2. Transport and air quality
3. Access arrangements to be determined
4. Drainage and flood risk
5. Public open space, green infrastructure and community facilities
6. Landscape and ecology
7. Heritage
8. Viability and Section 106 obligations
9. Comments received
10. Planning balance

1. Principle of development, including masterplanning 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 Crediton.

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 Mid Devon Allocations and Infrastructure DPD (Local Plan 2) was adopted in 2010 and allocates sites for development in order to meet the Core Strategy growth requirements.

North West Cullompton is the focus of the one of the two large strategic allocations in the AIDPD. Policies AL/CU/1 to AL/CU/7 set out the criteria for development of this allocation. Policy AL/CU/1 allocates a site of 74.8 hectares for mixed use development to include 1,100 dwellings with 35% affordable housing and 5 pitches for gypsies and travellers, plus 4,000 square metres of B1 employment space. The policy includes provisions in respect of transport, environmental protection, community facilities, carbon reduction and air quality, phasing and masterplanning.

Policies AL/CU/2 to AL/CU/7 sets out specific requirements for the delivery of the urban extension in respect of transport (AL/CU/2), environmental protection and green infrastructure (AL/CU/3), community facilities (AL/CU/4), carbon reduction and low emissions

(AL/CU/5), phasing (AL/CU/6) and masterplanning (AL/CU/7).

Following allocation of the site under the AIDPD, the North West Cullompton Masterplan was adopted as a Supplementary Planning Document in 2016. The SPD is a material consideration in determining planning applications on the site.

The adopted masterplan sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site and provide consistency of approach in relation to design. The masterplan is intended to be flexible and to allow alterations to the policy provisions to reflect further analysis and studies.

Since adoption of the AIDPD, further analysis and public consultations have taken place. Since adoption of the AIDPD, further analysis and public consultations have taken place. The adopted masterplan supports the AIDPD policies and sets out the following:

1. Boundary between the developable area and green infrastructure changed to allow the development of 1,200 houses and 32 hectares of green infrastructure.
2. Total floorspace of the employment area reduced to 10,000 square metres, in line with the recommendations in the Council's Employment Land Review 2013.
3. Route of the link road revised to follow the topography of the site and additional requirement for traffic calming measures in Willand Road included.
4. Sports pitch provision located close to the primary school with the third pitch being provided off-site.
5. Phasing of the development and timings of infrastructure provision set out.

The masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. These guiding principles are grouped around a number of key concepts: urban design; movement and transport; landscape; open space and recreation; socially equitable; economy and employment; energy and resource efficiency; and character.

The emerging Mid Devon Local Plan Review focuses development mainly on Cullompton and Tiverton with Cullompton being identified as an area for strategic growth. Policies CU1-CU6 allocates an extended area for the NW Cullompton allocation (100 hectares) to provide 1,350 dwellings with a reduced target for affordable housing of 28%. The revised policies also make changes to the phasing and timing for the provision of infrastructure and services. 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.

The application site forms part of Phase 1 of the larger NW Cullompton urban extension meaning the principle of development on the site has been established. The application must therefore be assessed against the detailed policies in the Development Plan and the principles set out in the masterplan SPD.

The Phase 1 applications as submitted consist of 600 dwellings divided equally between 3 land parcels (200 dwellings each). Between them, the 3 applications will deliver a suite of Section 106 obligations in order to provide the necessary infrastructure to make the development acceptable in planning terms. The Section 106 obligations are set out in a separate report on the same Agenda.

Members will be aware that although the Council can demonstrate a 5 year housing land supply, policies relating to housing delivery in the Core Strategy are still considered to be out of date and the tilted balance in the NPPF still applies. 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 9 of this report.

The application is a hybrid application (part outline, part in full). The outline application covers most of the site, with the full part of the application covering a 105 metre section of the proposed link road that connects the site with the neighbouring land parcel the subject of a separate application on this Agenda (17/01178/MFUL Persimmon Homes).

For the outline part of the application, the principle of developing the site for 200 dwellings is the only issue for consideration through this application. The quantum of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed.

For the full part of the application, full details of the road and Pegasus crossing of the public bridleway to be diverted from its original route are to be determined. A Pegasus crossing is a signalled crossing that is suitable for horse riders, pedestrians and cyclists.

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, the access from Tiverton Road, the 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 separate report at **Appendix A** on the same Agenda).

Details of the proposals as they relate to this application are set out below in this report.

2. Transport and air quality

2.1 Capacity of road network

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.

Policy COR10 seeks to protect the function of the strategic transport network, including the M5 motorway.

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.

Policy AL/CU/16 of the AIDPD requires development to make a financial contribution towards the cost of carrying out improvements to increase the capacity of M5 Junction 28.

In addition, the masterplan SPD requires enhancement and traffic calming along Willand Road to discourage through traffic from using a route through the town centre, and a financial contribution towards the provision of a town centre relief road.

The Highway Authority initially expressed concern that, although the land was allocated, the development proposed by the three Phase 1 applications would exacerbate the already significant queuing along Station Road in the AM peak from traffic heading towards the M5 motorway junction. Based on the Highway Authority's assessment of already "severe" congestion in the AM peak, it recommended refusal of the 3 Phase 1 applications without mitigation works being undertaken to improve capacity at Junction 28 of the M5.

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.

The Inspector recognised that allocations at NW Cullompton were included in the future traffic assessments carried out by the County Council which indicated that Junction 28 is close to capacity when the traffic volumes predicted to arise from a number of allocated residential and commercial sites are included.

Following the appeal decision, the Highway Authority withdrew its original objections to the current Phase 1 applications. The Phase 1 applicants have offered to carry out minor works to alignments at Junction 28 which the Highway Authority considers will have some benefit to queue lengths.

The applicants are also making a financial contribution totalling £3 million (£5,000 per dwelling) towards the provision of a town centre relief road, which will also act to unlock planned development at NW Cullompton by increasing capacity at J28.

The Highway Authority also requires other off-site highway works to be completed to mitigate the development's effect on the surrounding road network. These consist of traffic calming and the provision of a footway and pedestrian crossing in Willand Road, and traffic calming in Saxon Way, Plantagenet Way and Tudor Grove to prevent rat-running. These measures will be secured by Section 106 Agreement.

Other mitigation in the form the upgrade of public rights of way will be secured by way of a Section 106 Agreement. A Travel Plan to reduce reliance on private vehicle use will also be secured by Section 106 Agreement.

Subject to the proposed mitigation measures, 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 and the requirements of the masterplan SPD in this respect.

2.2 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 which include the implementation of a Travel Plan and a financial contribution of £3 million 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.

3. Access and link road

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility and enhance road safety through management of car parking and traffic. Policy DM2 of the LP3 DMP requires development to create safe and accessible places.

Policy AL/CU/1 of the AIDPD allocates the urban extension subject to provision of transport to ensure appropriate accessibility for all modes.

Policy AL/CU/2 sets out the transport infrastructure to be provided at the expense of all new development within the site and includes provision of a network of streets linking to the public highway (including the provision of a new linking road), bus, pedestrian and cycle routes through the development and to the town centre, bus service improvements and the implementation of travel plans to reduce reliance on private vehicles.

The masterplan SPD requires a new link road to provide access through the urban extension, linking Tiverton Road to Willand Road. The development proposed by this application will deliver the southern section of the link road from Tiverton Road to the boundary of the neighbouring land parcel. A planning application for the northern section of the road and development of the related land parcel has been submitted under reference 17/01178/MFUL (Persimmon Homes) and is the subject of a separate report.

The application is in outline, save for the section of the link road that connects the southern land parcel the subject of this application with the Persimmon land parcel to the north. Details of this section of road and the connection with the northern road section are to be determined under this application.

Details have been provided for approximately 105 metres of link road back from the boundary with the northern land parcel have been submitted for approval. These details include horizontal and vertical alignments to ensure that the two sections of road join up. The road crosses an existing public bridleway which will need to be diverted and a new Pegasus crossing installed (suitable for use by pedestrians, cyclist and horse riders). The details include the linking section and Pegasus crossing only. Full details of the connections from and to the existing bridleway, and the treatment of the bridleway will be conditioned for later consideration. The Section 106 Agreement will also include non-ransom provisions to ensure that the road can be delivered in its entirety across different land ownerships.

The Highway Authority is satisfied with the details from a technical and road safety perspective, and the development is considered to comply with policies COR9 of the Mid Devon Core Strategy, DM2 of the Local Plan 3 Development Management Policies and AL/CU/1 and AL/CU2 of the Allocations and Infrastructure DPD in this respect.

All other details, including the connection into Tiverton Road, the link road between Tiverton Road and the section to be determined under this application, and internal estate roads, are to be determined under a later reserved matters application(s) and/or conditioned for later approval. However, from the information provided, the Highway Authority is satisfied that the development is able to provide a satisfactory access onto Tiverton Road and a suitable southern section of link road.

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 1 which has the lowest risk of flooding. 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.

Within the masterplan, Guiding Principle F requires a water management strategy to be put in place that ensures that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site.

The submitted drainage strategy proposes a series of attenuation ponds aligned along St George's Well and also includes realignment of some of St George's Well to its natural valley bottom. The ponds will discharge into existing water courses at a rate that will not exceed existing greenfield run-off rates, with an allowance for climate change. It is expected that the attenuation features will act to reduce flood risk downstream.

A more detailed surface water drainage strategy will be provided at reserved matters stage once the layout of the site has been designed, and conditions will be imposed to ensure that the detailed design reflects the requirements of the Lead Local Flood Authority with regard to sustainable drainage. It is also recommended that the surface water drainage scheme is inspected at key stages of its installation, signed off by an appropriately qualified person, and confirmation provided to the Local Planning Authority that the system has been installed in accordance with the approved details.

Following detailed discussions with the Environment Agency and Devon County as Lead Local Flood Authority, and amendments to the drainage strategy as originally submitted, both Authorities now consider the scheme to be acceptable, subject to conditions relating to the detailed design of the drainage scheme and its management and maintenance.

The drainage strategy is considered to comply with policies COR11 of the Mid Devon Core

Strategy, AL/CU/3 of the AIDPD, DM2 and DM29 of the LP3 DMP and guidance in the masterplan SPD.

5. Public open space, green infrastructure (GI) and community facilities

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. The requirements for open space and green infrastructure are set out more fully in the masterplan SPD.

Policy AL/CU/3 of the AIDPD relates to environmental protection and green infrastructure on the NW Cullompton urban extension and requires an area of 28 hectares for strategic GI to include a mix of parkland and open space, as well as 0.7 hectares of children's play, 2.8 hectares of sports pitches and 0.7 hectares of allotments. The policy provides for measure to protect and enhance existing trees and hedges and the maintenance of a wildlife network through the site. Existing public rights of way are to be protected and enhanced.

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 masterplan SPD amends the requirements in policy AL/CU/3 to provide 32 hectares of GI across the urban extension and, specifically within the Rull Hill area, at least 7.4 hectares of GI, including allotments (0.7 hectares) and a play area (0.45 hectares), as well as one playing pitch (1.4 hectares).

The main focus of green infrastructure within the urban extension is the area around Rull Hill adjacent to the proposed new primary school. This will include a multi-use games area and play area as well as landscaping to the GI area. Allotments and a community orchard will come forward in Phase 2. Details of the Rull Hill provision are set out in the separate report for application 17/01170/MOUT. A community orchard is also being provided on the Persimmon site in Phase 1 (17/01178/MFUL). Exact details of the GI to be provided in each Phase will need to be agreed in consultation with Cullompton Town Council. Details of the ongoing financial support, maintenance and management of the open space areas will also need to be conditioned.

The Masterplan SPD also requires transfer of land for a community building in Phase 1. However, it does not require the community building itself to be delivered until Phase 2. Therefore, it is proposed to delay transfer of the land until early in Phase 2 to aid viability of Phase 1.

For the land parcel subject to this application, the submitted illustrative masterplan shows an area of GI along the route of St George's Well as well as a small area of open space which would also act as a buffer to housing at St George's View. However, this application is in outline and the open space and other GI provision will be further detailed at reserved matters stage.

The main focus of green infrastructure and open space provision within the NW Cullompton Urban Extension is within the Rull Hill area outside of the application area for this application, although the three applications will share the delivery of strategic green infrastructure on Phase 1.

The masterplan SPD requires the Rull Hill green infrastructure to be provided within Phase 1 of the development of the urban extension. Due to viability issues, only part of the Rull Hill GI is anticipated to be included within Phase 1 (see separate report on Section 106 and Viability on the same Agenda). This will include a multi-use games area and play area as well as landscaping to the GI area. Allotments and a community orchard will come forward in Phase 2. A community orchard is being provided on the Persimmon site in Phase 1 (17/01178/MFUL). Exact details of the GI to be provided in each Phase will need to be agreed in consultation with Cullompton Town Council. Details of the ongoing financial support, maintenance and management of the open space areas will also need to be conditioned. The sports pitch to be provided as part of application 17/01170/MOUT is recommended to be delayed until Phase 2 to aid the viability of Phase 1 (see the separate report on 17/01170/MOUT on the same Agenda).

Whilst delivery of the Rull Hill GI and community facilities proposed under the three applications is not considered to be fully policy compliant, sufficient facilities are proposed to ensure future residents will have access to recreational land, with further facilities coming forward with Phase 2. Details of the green infrastructure and open space to be provided on the land parcel subject to this application will form part of the reserved matters application.

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 AL/CU/3 of the AIDPD relates to environmental protection and green infrastructure. The policy provides for measures to protect and enhance existing trees and hedges and the maintenance of a wildlife network through the site.

The masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. Guiding Principle C relates to Landscape, Open Space and Recreation. It requires that the structure of the development should be shaped around the existing character and features of the landscape, reinforcing those qualities and protecting and enhancing important wildlife.

The site is accessed from the Tiverton Road and lies adjacent to the recent development at Olympian Way and extending northwards along the route of the proposed new link road. The site is bordered in the east by the scheduled ancient monument at St Andrew's Hill and

crosses the streams and associated flood zone in St George's Well. The northern part of the site lies adjacent to existing development at St George's View.

The majority of the parcel lies within Mid Devon Landscape Character Type (LCT) 3B Lower rolling farmed and settled valley slopes. LCT 3B is characterised by gently rolling and strongly undulating landscape with a medium to small scale landform. Hedgerows are dense bounding regular and irregular shaped medium to large scale enclosures of pasture with some arable. Views are variable with some open vistas but strong enclosure within the valleys, hedgebanks confining views to glimpses through field gates. There are mature trees within the hedgerows. Field patterns are strong and harmonious and there are distant views with little or no development on the tops of hills.

Small parts of the site to the south and north adjacent to existing development lie within LCT 7 Main cities and towns.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which covers the entire phase 1 development. The conclusion of the assessment is that:

In summary it would be reasonable to conclude that the development site has limited visual prominence in the wider landscape setting. However in closer views, in the context of Cullompton itself, the hilltops of the site appear visually prominent and should remain undeveloped. In addition the western and northern edges of the site are vulnerable to visual impacts and should be carefully mitigated against. Overall the significance of these visual impacts are reduced by the existing development along the urban edge that has crept up the contours and into the surrounding landscape along the valleys and can be seen as part of the continuing evolution of change of an urban fringe location.

The application has been assessed by an independent landscape consultant who has concluded:

There are concerns that the proposed housing layout, building heights and trees in proximity to St Andrews Hill would not achieve the mitigation objectives of conserving views of prominent hills, including St Andrews Hill Scheduled Monument, having implications for the degree of harm to the setting of this nationally important heritage asset. Current assessment of effects on views lacks sufficient detail, and further detailed visual analysis based on the illustrative masterplan would confirm whether this is an issue or not. If it is an issue, this may have implications for the capacity of the site to accommodate the number of dwellings proposed.

The proposed alignment of the link road as shown on Drawing 1006.P.002 together with the proposed alignment of the road submitted for approval appear broadly compliant with the aspirations of the masterplan SPD. I agree with the consideration of landscape and visual impact assessment in the Planning Statement (6.13), and welcome that the road design fits as closely as possible into the natural topography. I was concerned about the proximity of the road to the cemetery and how traffic could erode tranquillity within it. However, the plans indicate that the road would be in cutting to the west of the cemetery, which will help reduce visual and noise impacts of passing traffic.

The consultant has no landscape or visual reasons why approval should not be granted for these plans, subject to conditions requiring further landscape and visual assessment to inform detailed design at reserved matters stage, details of how key trees would be protected and how sustainable drainage features will enhance the landscape and biodiversity. Further detailed visual assessments based on views 15 and 24 will be required to inform detailed landscape proposals and demonstrate the effectiveness of proposed mitigation measures.

The consultant has also recommended a Landscape and Ecology Mitigation Framework be produced and agreed in order to inform the layout before reserved matters stage.

The application has also been assessed by an independent ecologist who had concerns with the information being too generic and requested further information. The applicant has responded to the ecologist's concerns by providing further information on how the illustrative layouts have been informed by the ecology surveys and outlining the mitigation that will be considered in more detail in a Landscape and Ecology Mitigation Framework and Plan to be submitted for approval before reserved matters are submitted. This mitigation will include protection of dark wildlife corridors, retention and enhancement of hedges and protection and enhancement of the St Andrews Hill site of wildlife interest.

Subject this further assessment 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), AL/CU/3 of the AIDPD, the Masterplan SPD 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.

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.

An archaeological investigation has been carried out on the site, the results of which have been submitted and considered by Devon County's Historic Environment Team. The archaeological investigations have demonstrated the presence of prehistoric and Romano-British heritage assets with archaeological interest that will be affected by the proposed development. These heritage assets are not of such significance that the Historic Environment Team would recommend preservation in situ. The Team considers that any impact may be mitigated through a programme of archaeological investigation and recording prior to development commencing results and post excavation analysis, synthesis of the results, reporting and archiving.

The site is adjacent to St Andrew's Hill Scheduled Ancient Monument and to two Grade II listed chapels within the cemetery adjacent to the southern part of the site and the proposal has the potential to affect the settings of these heritage assets.

Historic England has commented on the significance of the Scheduled Monument, two Roman forts and two Roman camps on St Andrews Hill. They consider that the introduction of new development into the setting of the monument has the potential to impact upon both the rural nature and the outlook, and the strategic importance of the site. However, they consider that any impact will be of a 'less than substantial' nature and should be considered

through the planning balance.

They have concerns regarding the area immediately west of the Scheduled Monument and request that the illustrative masterplan be revised to provide a larger buffer zone at this location. The layout and buffer zone will be addressed through the reserved matters application.

Historic England has recommended enhancement of public understanding and enjoyment of the monument through a package of increased access and the provision of interpretation and it is recommended that this be conditioned.

The Scheduled Monument is currently inscribed on the Heritage at Risk register as being 'at risk'. This is primarily as a result of continued cultivation that is believed to be destroying the interior features identified by geophysical survey and aerial photography. Historic England suggests that public benefit could be significant from removing it from cultivation but unfortunately this is outside of the control of the NW Cullompton applicants.

Mid Devon's conservation officer has also considered the impact of the proposals on heritage assets in the vicinity and has no comments in principle. Comments are:

There are some issues in connection with the wider landscape setting of the St Andrews Hill Scheduled Ancient Monument (a designated heritage asset of high significance) as raised by Historic England. On the illustrative layouts including density and building heights plans high density and 3 storey development is proposed on the land west of this Scheduled Ancient Monument.

I would be concerned about the proximity of 3 storey houses on the rising land close to St Andrews Hill due to the impact on the immediate setting of the heritage asset as well as the impact on the wider landscape. Similarly on the rising ground west of St Georges Well Avenue the use of three storey and high density development would be of potential concern with regard to visual impact on the wider landscape. Much would depend on the materials, design and how the use of a split level relates to the topography. This will only become clear when further details are available including long and cross sections to demonstrate relationships.

With regard to impact on the setting of the Grade II listed chapels in the cemetery these have rising open ground to the north. Depending upon the effectiveness of any additional landscape/buffer planting the high density, three storey houses to the north and northwest could have an adverse impact on their setting. This particular development does not have any direct adverse impact on the setting of any other listed buildings around the NW Urban Extension.

As set out in this outline submission the proposed development appears to take account of and respect the settings of designated heritage assets most likely to be affected by this part of the North West Cullompton Urban Extension. The comments above on the notional layout should be taken into account when the detailed plans are drafted particularly with regard to the use of three storey and high density development on rising ground.

The conservation officer considers that subject to the layout and design of the development taking into account the comments above and Historic England's requests, the proposal is capable of complying with policy DM27 of the Local Plan 3 Development Management Policies and the requirements of the NPPF. More detail on the assessment of 'less than substantial harm' to heritage assets from this development and the public benefit is contained within the Planning Balance section.

8. Viability and Section 106 obligations

The application has been accompanied by a detailed viability assessment that concludes the development (when considered with the other two applications forming Phase 1) is not viable with a policy compliant level of affordable housing and other Section 106 obligations, including £5,000 per dwelling financial contribution to the Town Centre Relief Road. Full details of the viability assessment and Section 106 obligations are set out in the separate over-arching Section 106 report on the same Agenda.

9. Comments received

A number of comments were received in respect of the three linked applications. Concern was raised about the increase in traffic on the surrounding road network and impact on the town centre. The Highway Authority is satisfied with the proposals and a number of conditions are recommended to mitigate the effects of the additional traffic on the road network. Noise and pollution during construction will be dealt with through the Construction Environmental Management Plan. Comments relating to delivery of road infrastructure are dealt with elsewhere in this report.

A number of comments were received relating to the layout and design of the proposed scheme, including design of housing and public access routes. However, this application is in outline only and the layout and design is not for determination under this application. Wildlife and landscape has been considered elsewhere in this report. The presence of Japanese knotweed will need to be factored into the construction proposals as this a notifiable invasive species.

Comments were receiving relating to private easements and rights of way. These are issues between the land owners outside of the planning process.

Many of the comments related to the principle of development and the need for housing. The site is already allocated for development so the principle of development on the NW Cullompton urban extension has already been established.

Financial contributions are proposed to expand education and medical facilities in the town and a new primary school proposed within Phase 1. Local centre shops are scheduled for Phase 2 of the development of the urban extension.

Cullompton Town Council has raised a number of concerns with regard to affordable housing, public rights of way, road infrastructure and traffic, and drainage, which are dealt with elsewhere in this report. Detailed design and layout are reserved matters and no details are provided within this application.

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.

The tilted balance does not apply where development affects heritage assets. Paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies that protect areas or assets of particular importance provide a clear reason for refusal. The development would cause less than substantial harm to the St Andrew's Hill Scheduled Monument and this harm needs to be weighed against the public benefit. The public benefit

of the provision of housing, including affordable housing, and the proposed package of interpretation, together with provision of a larger buffer zone and suitable design that respects the setting of the heritage asset, is not considered to provide a clear reason for refusal and is considered to weigh in favour of approval of the application.

The application is in outline (except for a portion of the link road) 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 and landscape 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. The details of the portion of the link road subject to the full part of this application are satisfactory to the Highway Authority.

Community facilities are to be provided in the form of Rull Hill green infrastructure, including a multi-use games area, play area and landscaped open space.

The delivery of 200 new homes, including 10% 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 level of affordable housing and the reduced Section 106 package for Phase (to be delivered in Phase 2). This is set out in the separate over-arching Section 106 and Viability report for the three linked applications forming Phase 1 of the delivery of the NW Cullompton urban extension.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, and the balance between public benefit and the less than substantial harm to the heritage asset does not provide a clear reason or refusal, 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 the access, 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. Prior to the submission of a reserved matters application, illustrated urban design and architectural principles shall be submitted to and approved in writing by the Local Planning Authority. This information shall include phasing, block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines. Reserved matters applications for the site shall incorporate the approved urban design and architectural principles.
3. Prior to the submission of a reserved matters application, a Landscape and Ecology Mitigation Framework shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
 - A. an annotated landscape, visual and ecological constraints and opportunities plan highlighting visually sensitive areas, distinctive trees, hedges, buildings, skylines, landmarks and view corridors between hilltops and out to the surrounding countryside, and relating this to heritage assessments;

B. an annotated landscape and ecological impacts plan that gives details physical impacts of the proposals on the landscape and ecological features detailed in A. above; and

C. an annotated landscape and ecological mitigation plan that gives the location, structure, composition and purpose of specific existing and proposed landscape and ecological features required as part of avoidance/mitigation/compensation/ enhancement measures. The plan should demonstrate how existing landscape and ecological value is being conserved as far as possible, how impacts have been minimised, and what opportunities for enhancement have been taken; and include an ecological habitat balance sheet that sets out losses and gains as well as the likely time lag between loss and effective habitat gain.

Reserved matters applications for the site shall incorporate the approved Landscape and Ecology Mitigation Framework.

4. 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.
5. 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.
6. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
7. 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.
8. The first Reserved Matters application to be submitted shall include a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of public open space). The strategy document shall set out the funding, management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant green infrastructure and public open space areas. Reserved matters applications for the site shall incorporate the approved details.
9. The first Reserved Matters application to be submitted shall include details of a package of proposals to enhance public understanding and enjoyment of the St Andrew's Hill Scheduled Monument to include interpretation materials.
10. As part of the Reserved Matters submission/s referred to in Condition 1, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall be carried out in accordance with the agreed scheme.
11. 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.

12. No part of the development hereby permitted shall begin until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
13. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
14. No part of the development hereby permitted shall begin 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. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the NW Cullompton Drainage Strategy (Rev. A; dated 21st June 2017), NW Cullompton Drainage Strategy Addendum (Rev.-; dated 20th March 2018) and Drainage Strategy (drawing No. 432-010; Rev. D; dated 16th June 2018). The surface water drainage management system shall be installed in accordance with the approval details and retained and maintained in accordance with the approved details.
15. 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 14.
16. 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. 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. The approved temporary surface water drainage management system shall be installed and maintained for the entire construction period.
17. No part of the development hereby permitted shall begin until 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. The approved arrangements shall be provided in accordance with a timescale to be approved under this condition and thereafter permanently retained and maintained in accordance with the approved details.
18. 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;

- 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 exceeding 7.5 tonnes;
- 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, to include the recommended mitigation measures identified during Chapter 12 of the submitted Environmental Statement covering Dust and Air Quality.

Construction shall be carried out only in accordance with the approved CEMP.

- 19. 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.
- 20. 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; and
 - D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 18.
- 21. No development shall take place until an access scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the design of existing public rights of way routes where these are to be upgraded and new public rights of way, their surfacing, widths, gradients, landscaping, road crossing points, drainage and technical details of their connections to the public highway, as well as trigger dates for the implementation of the provision and/or upgrade of the public rights of way and details of ongoing maintenance and management or adoption arrangements. The development shall be carried out in accordance with the approved scheme.
 - 22. No development shall commence until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.
 - 23. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
 - 24. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
 - A. The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B. The spine road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
 - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
 - D. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined; and

- G. The street nameplates for the spine road and cul-de-sacs have been provided and erected.
25. No dwelling hereby permitted shall be occupied until works to improve the existing public foul sewerage network so that it is able to cope with the flows from the proposed development have been completed.

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. To ensure the site is developed in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension.
3. To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity, accordance with paragraph 174 of the NPPF 2019.
4. 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.
5. 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.
6. For the avoidance of doubt and in the interests of proper planning.
7. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
8. To ensure that green infrastructure and public open space is delivered for the amenity of the future residents in a timely manner in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension and policies AL/CU/1 and AL/CU/3 of the Allocations and Infrastructure DPD.
9. To provide public benefits in the form of interpretation and understanding of the Scheduled Monument to balance against the less than substantial harm to the heritage asset.
10. To ensure that the construction and operation of the development will accord with sustainable waste management principles in accordance with policy DM4 of the Mid Devon Local Plan 3 Development Management Policies and policy W4 of the Devon Waste Plan 2014.
11. To ensure the proper development of the site.
12. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.
13. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is

safely managed. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

14. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. 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.
15. 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.
16. 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. This 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.
17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. 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.
18. To minimise the impact on the highway network and on nearby residential properties during the construction period.
19. To ensure that adequate information is available for the proper consideration of the detailed proposals.
20. 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.
21. To ensure that new and upgraded public rights of way are delivered in a timely manner and function for their purpose at all times, providing sustainable walking and cycling links, in accordance with the provisions of the adopted NW Urban Extension Masterplan SPD. This information is required before construction begins in order to ensure that the benefits are delivered with the development.
22. To provide opportunities for the reduction of carbon emissions to help combat climate change in accordance with policy DM8 of the Local Plan 3 Development Management Policies. This information is required to ensure the development is constructed with these features as integral to the housing.
23. 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 before construction starts.
24. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

25. To ensure that adequate foul drainage facilities are in place before any dwelling is occupied.

REASON FOR APPROVAL OF PERMISSION

The principle of developing the site for 200 dwellings and the details of the portion of the link road connecting into the adjacent land parcel 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 adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The details of the connecting link road with the adjacent land parcel are 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, the access from Tiverton Road, the 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 tilted balance does not apply where development affects heritage assets. The development would cause less than substantial harm to the St Andrew's Hill Scheduled Monument and this harm needs to be weighed against the public benefit. The public benefit of the provision of housing, including affordable housing, and the proposed package of interpretation, together with provision of a larger buffer zone and suitable design that respects the setting of the heritage asset, is not considered to provide a clear reason for refusal and is considered to weigh in favour of approval of the application.

The application is in outline (except for a portion of the link road) 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 and landscape 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. The details of the portion of the link road subject to the full part of this application are satisfactory to the Highway Authority.

The delivery of 200 new homes, including 10% affordable housing weighs in favour of approval of the application as do provision of green infrastructure and community facilities. 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 level of affordable housing and the reduced Section 106 package for Phase 1 (to be delivered in Phase 2), due to the upfront infrastructure burden on Phase 1, including financial contributions towards the delivery of the Cullompton Town Centre Relief Road.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, and the balance between public benefit and the less than substantial harm to the heritage asset does not provide a clear reason or refusal, the proposal 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/CU/1 (with the exception of the affordable housing percentage), AL/CU/1-5, AL/CU/15-16, and 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 application does not fully accord with Policy AL/CU/1 or the adopted Masterplan SPD in respect of the affordable housing percentage and phasing and of green infrastructure and community facilities.

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. 17/01178/MFUL

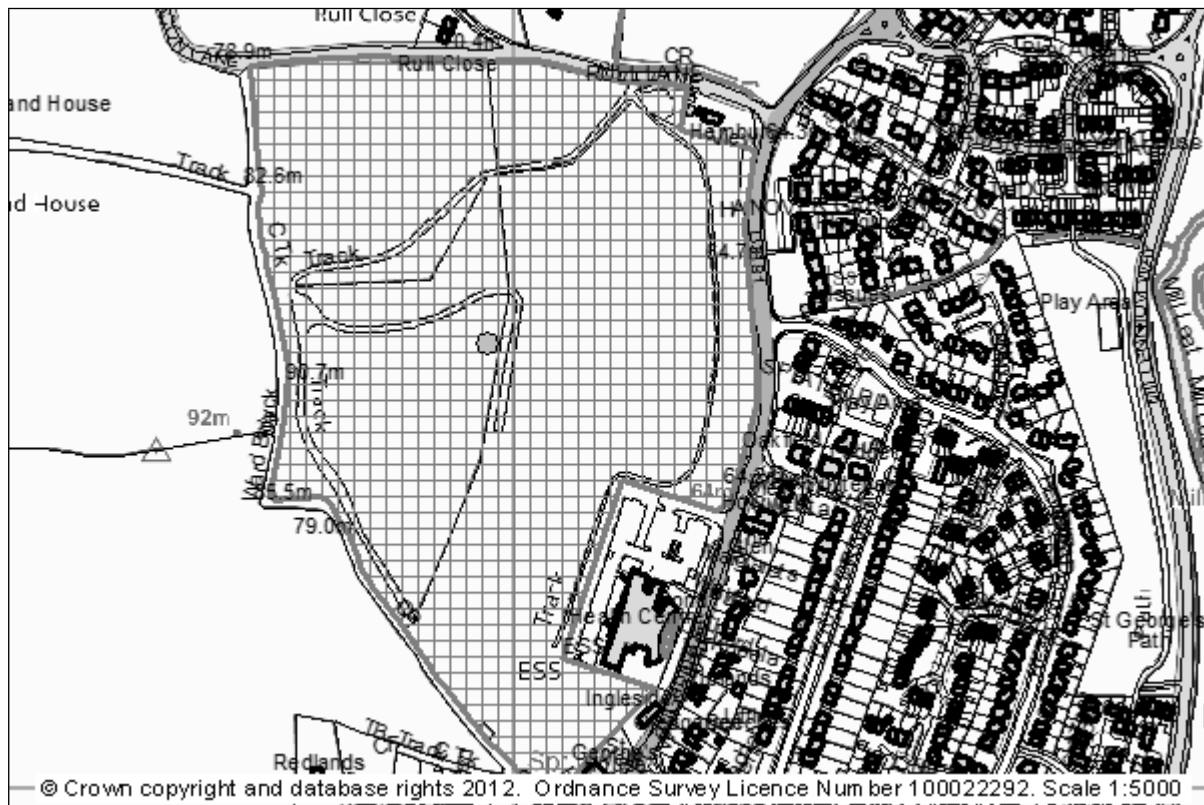
Grid Ref: 302103 : 108277

Applicant: Mr Ben Smith, Persimmon Homes (South West) Ltd

Location: Land at NGR 302103 108277
(West Of Willand Road)
Cullompton
Devon

Proposal: Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works

Date Valid: 2nd August 2017



APPLICATION NO: 17/01178/MFUL

RECOMMENDATION

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

- i) The overall S106 package between the three applications set out in the separate overarching Section 106 report at Appendix A to this report, and
- ii) To secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.

PROPOSED DEVELOPMENT

Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works. For more details please see the attached Planning Committee report dated 17th April 2019.

APPLICANT'S SUPPORTING INFORMATION

See attached Planning Committee report dated 17th April 2019.

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD
Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

The two other applications relevant to this report are:

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building; and
17/01346/MOUT: outline application for 200 dwellings on land to the north of Tiverton Road

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
COR10 Strategic Transport Networks
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/1 North West Cullompton
AL/CU/2 North West Cullompton Transport Provision
AL/CU/3 North West Cullompton Environmental Protection & Green Infrastructure

AL/CU/4 North West Cullompton Community Facilities
AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

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
DM27 Development affecting heritage assets
DM28 Green infrastructure in major development

North West Cullompton Urban Extension Masterplan SPD
National Planning Policy Framework 2019
Devon Waste Plan 2014

CONSULTATIONS

See attached Planning Committee report dated 17th April 2019.

Further consultation responses:

DEVON & CORNWALL POLICE – 14th August 2019:

As stated, perimeter security is one the basic principles of crime prevention being the first line of defence against unwanted trespassers. As such all rear and side boundary treatments must be 1.8m high as a minimum requirement, be solid and robust to prevent being breached.

It is again noted on the Materials Layout and Site Layout drawings, that the indicated dividing boundary treatment for some plots remains as a 1.2m high post & wire fence. However on drawing No. 1652 - Enclosures, only 1200mm post and 2 rail fencing is depicted. I cannot support either as a rear garden plot divisional treatment and it is therefore recommended that internal sub divisional fencing, (plot division) should be 1500mm close board topped with a 300mm trellis. This minor change to the fencing detail allows for a better level of neighbour surveillance without adversely affecting privacy.

If necessary, I would ask that a suitable planning condition is considered to ensure from a crime, disorder and anti-social behaviour reduction perspective, rear/side/divisional garden boundaries provide adequate and proper security and safety for residents.

ENVIRONMENT AGENCY – 16th August 2019:

As per our comments from the previous application (30 April 2018) we note that you have clarified the functionality of the surface water drainage network route which will be overseen by the LLFA to agree. We have no further comment to make.

DEVON COUNTY COUNCIL PUBLIC RIGHTS OF WAY – 19th August 2019:

The Public Rights Of Way section continues to uphold its objection to the proposal (ref DCC Planning and Transportation, and Environment comment dated 15/9/17).

CULLOMPTON TOWN COUNCIL – 27TH August 2019:

Council Town Council approves the application with the following provisos:

- (i) **Build standard:** The Council expects that the room sizes in houses will conform to at least the National minimum housing standard.
- (ii) **Spine Road:** An assurance that the Town Council will be kept fully informed of the plans for the road layout/design and that the Town Council is consulted before the final designs is approved as the Council doesn't want another Kingfisher Reach scenario where plans get changed at a later stage.
- (iii) **Attenuation ponds:** need to be designed to be effective and ensure that water doesn't enter the existing water courses.
- (iv) **Junction with Willand Road:** Concern about the build-out at the entrance to the site, who has priority, will impact on large vehicles requiring access to other locations in Willand Road e.g. Integrated Centre for Health. The 'bulges' maybe convenient for construction traffic but not appropriate in the long term. Suggest that a mini roundabout is constructed instead.
- (v) **Entrance into school site:** Concern about safety, mini-roundabout preferred. All vehicle movements for the Primary School must happen within the curtilage of the school site. There should an entrance for vehicles entering the site and a separate exit for vehicles leaving the site. Assurance that a large 52 seater coach will be able to drive into the Primary School grounds and turn safely within it. The Council does not believe that the current road/entrance design is of sufficient width to accommodate this. No parking to be permitted along the spine road. This will become more of a problem when school numbers start to increase and the link to the second phase of development is open.
- (vi) **Width of residential roads:** Ensure sufficient width to enable a large vehicle such as a refuse lorry to pass a parked car safely. Also sufficient turning space for such a vehicle taking into account any parked cars.
- (vii) **Millennium Way/Willand Road junction:** Concern about safety and whether there is sufficient room to enable a large construction vehicle to carry out a left hand manoeuvre from Millennium Way into Willand Road to access the development site without going onto the pavement.
- (viii) **Head Weir Road:** Introduce traffic restrictions to ensure that Head Weir Road is not used as a vehicular short cut to the M5 (does not become a rat run).
- (ix) **Refuse bin storage:** Is this effective?
- (x) **Affordable housing:** Assurance that the Town Council will be consulted with regard to housing numbers. More specific information required with regard to the percentage of affordable housing and the Town Council's involvement in the s.106 discussions about this issue. Would like to see a percentage that reflects the wishes of the Local Plan and NW Extension Management plan and the draft Neighbourhood Plan.
- (xi) **Community Orchard:** Assurance that the Town Council will be consulted with regard to access to the proposed community orchard and who will maintain.
- (xii) **Pedestrian links to Rull Lane:** Designed to stop motorbikes etc. passing through e.g. zig-zag gates.
- (xiii) **Local Centre, shop:** To be provided in Phase 2.
- (xiv) **Bungalows:** Due to an ageing population give consideration to the building of bungalows as part of the development.
- (xv) **Public Rights of Way:** An assurance that the Public Footpath at St Georges View will be considered as it is on the edge of the development and may get neglected.

WILLAND PARISH COUNCIL – 26th August 2019:

Willand Parish Council has previously commented on this application and the applications for the two adjoining areas which combine to make the one proposed large development for 600 dwellings with relevant infrastructure.

Each time comment has been made concern has been raised as to additional traffic issues which will affect Willand and the wider B3181 but these still do not appear to have been addressed. The additional traffic which will be generated from this application area, together with traffic from other housing and business developments adjacent to and in Willand will have an adverse cumulative impact on traffic flows through the village and along the B3181 to Waterloo Cross. There is also the potential to adversely affect air quality in the village past the Primary School which does not appear to have been addressed.

In considering the perceived adverse cumulative impacts upon the village the Parish Council has decided that it must object to this revised application.

REPRESENTATIONS

See attached Planning Committee report dated 17th April 2019.

WARD MEMBER CULLOMPTON NORTH – 19th August 2019:

I support the refusal of permission for these applications, until such time as the sites can be accessed without detriment to the Town Centre. The Council has decided that at great expense (and the likely detriment to the people of Cullompton), a Town Centre Relief Road is necessary owing to poor air quality, damage to historic buildings and nuisance caused by large vehicles. It is therefore unconscionable that it would then permit developments that will exacerbate these issues - either there is a problem that needs to be addressed, or there isn't.

Two further objections summarised as follows:

1. Concerns over the safety and advisability of the two proposed pedestrian access points onto Rull Lane, especially as a primary school forms part of this development. Rull Lane is a very narrow country lane which carries a high volume of traffic avoiding town centre congestion and also used by tractors and trailers, milk tankers, courier vans. Rull Lane is not wide enough to allow a car and pedestrian to pass safely and this is impossible with large vans and agricultural vehicles.

The two proposed pedestrian access points onto Rull Lane will be a real safety concern and traffic hazard, especially for young children and pedestrians who will be at risk in stepping out onto a narrow lane which is steep sided and subject only to the national speed limit.

There is a six foot fall in height onto Rull Lane from the planned development area which means that people without suitable restraint systems in place, are likely to descend at speed onto the narrow lane which also has poor visibility. For cycles, this would be even more dangerous for pedestrians coming onto the lane considering the length of the average bicycle and its potential greater speed going downhill towards Willand Road.

A far safer policy would be to restrict pedestrian access directly onto Willand Road where there is a safe pavement and also direct pedestrians and cycles onto the bridle path to the north which is safe and free of motor traffic other than the occasional small tractor.

2. Junction 28 needs upgrading before any more development takes place in Cullompton,

Also the eastern relief road should at least be underway before more new houses are built. Regarding the re-alignment of Willand Road to facilitate the new access to the site, it would be helpful to have some shrubbery or hedging planted on the east side of Willand Road to help offset the increased traffic noise and pollution which will be suffered by the residents of Hanover Gardens both during construction and in the future.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application was considered by Planning Committee at the meeting on 17th April 2019. The officers report to that meeting is attached.

At the meeting, it was resolved that:

RESOLVED that the application be deferred for further negotiation to take place in relation to the percentage affordable housing, renewable energy, the size of dwellings in relation to the National Space Standards, parking provision, layout, property design, design quality, cycle route provision and access/egress to the school site.

The application was also deferred in order for further negotiations over the overall S106 package for applications 17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT to take place in terms of viability, costings, inclusions and in particular the percentage of affordable housing and the inclusion of a footpath/cycleway along Millennium Way.

A members briefing was held on 3rd September 2019 at which the applicants for the three applications presented the background to the applications and gave a detailed explanation of the viability considerations that had informed the proposed Section 106 package. Non-confidential details of these discussions are set out in a separate overarching Section 106 matters report included as Appendix A to this report.

The briefing also included a presentation by the applicants of this application only on how the items the subject of the deferral have been addressed. Revisions to the application and further comments are set out below in this report.

The reasons for the deferral of the application from Planning Committee on 17th April 2019 are addressed one by one below.

1. Percentage of affordable housing

The percentage of affordable housing is dealt with in the report on the Section 106 package as Appendix A to this report.

2. Renewable energy

The applicants have addressed energy efficiency on the proposed development by using a “fabric first” approach. They state that their timber frame houses are up to 4% more energy efficient than standard build and as such are an improvement on Building Regulations requirements. Their fabric first approach is used as an alternative to solar panels or other renewable energy solutions on their houses.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Whilst your officers appreciate that the Council has declared a climate emergency and revisions to planning policy will be pursued at the earliest opportunity to ensure more energy efficient housing is provided, current planning policies within the Development Plan (and National Planning Policy set out in the National Planning Policy Framework) do not mandate the provision of renewable energy on new homes or that new homes are built to an energy efficiency standard above Building Regulations requirements.

The applicant has therefore complied with planning policy in its approach to renewable energy and your officers do not consider it reasonable to refuse this application on lack of renewable energy provision.

3. Size of dwellings in relation to the National Space Standards

Your officers previously reported that a number of the houses to be provided on the development did not meet National Space Standards.

The applicant has revised the layout of these houses so that they do now comply. This has been achieved by reducing the size of one of the upstairs rooms so that it is below the 7.5 metre square minimum size for a bedroom as set out in the National Space Standards so providing an office instead of a bedroom. For example, the Alnmouth house type formerly considered to be a 2 bed house, is now classed as a 1 bed house with office. Space standards are now met for all house types.

House sizes are now therefore considered to comply with the requirements of policy DM15 of the Local Plan 3 Development Management policies and National Space Standards.

4. Parking provision and layout

Your officers previously reported concerns with the layout of one section of the development that had resulted in awkward parking arrangements. The layout has been revised to improve the parking arrangements in this area by relocating one of the houses and rationalising the parking provision. Your officers are now satisfied that the layout is much improved in this respect and is acceptable.

Concern was also raised at the 19th April 2019 Planning Committee that there was an inadequate level of parking. Your officers previously reported that parking standards meet those required by policy DM8 of the Local Plan 3 Development Management Policies (being an average of 1.9 spaces per dwelling), with two parking spaces provided for all houses fronting onto the primary school site and an additional 25 visitor parking spaces provided in the way of layby spaces along the school frontage.

The layout plan has been revised to include a further 3 visitor spaces along the school frontage (parallel parking bays). There are now 367 dedicated parking spaces for the 200 dwellings (excluding garages), plus a further 28 visitor parking spaces. This averages 1.975 parking spaces per dwelling on the site (1.835 per dwelling if visitor spaces are excluded). Even without the visitor spaces, this is above the standard set by policy DM8 (1.7 parking spaces per dwelling) and is therefore considered to be acceptable by your officers. The layout ensures that homes along the roads leading to the school have two parking spaces in addition to any garages. This ensures a higher level of parking provision in areas where there is likely to be most parking pressure.

Cullompton Town Council is concerned that there should be no parking on the carriageway along the link road and that residential roads are wide enough. The layout has been designed with parallel parking bays along the link road and school frontage to discourage on carriageway parking. The link road carriageway width is 6.5 metres (excluding parking bays,

pedestrian and cycle ways) and residential roads are 5 metres wide. Parking provision and residential road widths are acceptable to the Highway Authority and in accordance with the relevant planning policies.

5. Property design and design quality

The proposed development has been designed using the applicant's standard house types. However, since the original application was submitted, revisions have been made to ensure that the proposal better reflects the character of the site and of Cullompton.

Examples of these revisions include: removal of a three storey block of flats and blocks of three storey houses, removal of hipped roofs (traditionally Cullompton features gabled roofs), the addition of detailing such as brick quoins and banding to the larger houses and simplifying the design of the smaller houses. There will be no bungalows; these have not been offered by the applicant, however, there is no planning policy requirement that bungalows must be provided.

Materials are not yet agreed. Your officers consider that the development should be mostly red brick or render houses, with a few buff brick or stone faced houses for relief. There should also be the use of slate profile roof tiles, particularly along key street scenes such as the main link road and around the attenuation ponds. As the materials have not yet been agreed, your officers have recommended a condition that these be agreed prior to their use.

Another concern raised at the 19th April 2019 Planning Committee meeting was the small size of some of the gardens. The scheme has been revised previously to increase the size of gardens where these back onto the existing treeline running through the site. Due to the topography of the site, there is a need to use retaining walls that have the effect of dividing up the gardens so that there is a small flat patio area directly behind the houses (or a flat decked area where the house is higher than the garden), which leads via steps to a further area of garden.

Additional section drawings have been provided to give more detail on these proposals. In many cases, it is not possible to extend the flat garden areas further as this would result in retaining walls being built within the root zones of the retained trees.

On balance, over the whole site, there are very few houses where garden size/layout is considered to be of any concern. The layout has been subject to a series of revisions since the application was first submitted, and your officers consider the current layout to be acceptable, bearing in mind the challenging topography of parts of the site.

Devon & Cornwall Police has raised concerns regarding the choice of post and wire fencing, requiring solid alternatives such as close boarded fencing instead. The applicant has confirmed that solid fencing/walls will be used on the site.

Refuse storage and collection has been considered and revised during the application process. There is now step free access between the pavement and bin stores. Where steps are needed to access back gardens, bin stores have been provided at the front of houses or to the side. Collection points are within easy walking distance of all houses.

Much consideration has been given to landscaping and planting through revisions to the scheme, particularly the use of native trees and shrubs, and this has been carefully detailed to reflect the character of the site and the surrounding rural area.

6. Cycle route provision

At the 19th April 2019 meeting, Members queried the effectiveness of the cycle route provision. A dedicated cycle route is shown along the length of the link road in this land parcel, and this route will continue for the entire length of the link road. The cycle route is separated from the road by a grass verge.

Additionally, it would be possible to cycle on the bridleway once upgraded, and on the car free route leading from the primary school site to the health centre and out onto Willand Road. From here, it is possible to cycle into the town centre.

7. Access/egress to the school site

Members also raised concerns about access into the school site, in particular the ability of coaches to turn into and out of the school. At the request of the Highway Authority, the applicant has replaced the proposed junction with a mini-roundabout. It is proposed that coaches drive into the school, drop off, turn and exit via the same point onto the mini-roundabout.

Cullompton Town Council and Members raised the possibility of having separate in and out access points from the school site. The school has not yet been designed and it is not possible at this stage to confirm whether or not this would be possible. However, the proposed mini-roundabout solution is considered to be sufficient to ensure free movement of coaches and other traffic, without them having to stop and turn.

The Highway Authority supports the mini-roundabout solution and has been consulted on the revised proposal. However, the Highway Authority has yet to confirm that it considers the details as proposed to be acceptable in terms of adequate swept paths for large vehicles. Members will be updated with the Highway Authority's response.

Other issues raised in representations

8. Public rights of way

Cullompton Town Council requested an assurance that the public footpath at St Georges View will be considered as it is on the edge of the development and may get neglected. There will be an upgrade to the two existing footpaths/bridleways that cross the urban extension (including the one that passes St Georges View), with details to be conditioned for approval. These details are to be agreed with Devon County Council as Highway Authority with consultation with the Public Rights of Way Team.

The Public Rights of Way Team has registered a holding objection. Your officers have clarified with them that they have no objection to the proposal as long as details of the upgrades are agreed before commencement of development. The recommended condition requires this approval.

Concern has also been raised through representations over the proposal to create footpath links onto Rull Lane. The idea here is to connect two land parcels either side of Rull Lane (17/01170/MOUT and this application site) to allow safe pedestrian access from one parcel to another, particularly to the school, health centre and Willand Road, rather than to give access directly onto Rull Lane. The design of these access points will ensure that there is adequate visibility to and from vehicles in Rull Lane. Ground levels will also be altered to ensure there is not a steep gradient between the development site and the access points.

These access points will also be designed to ensure that it is not possible to access the development by motorbike or other motorised vehicles.

9. Community orchard

Cullompton Town Council and Members asked for clarity over access to the community orchard on this proposed development and for details of its management and maintenance. There will be access from the bridleway leading from St Georges Well Avenue as well as from within the development itself.

The community orchard will be managed by the developers until it is handed over to a management company run by the future residents as part of the public open space provision for long term management and maintenance. Provision for this will be set out within the Section 106 Agreement.

10. Off-site highway works

Cullompton Town Council has requested traffic calming in Head Weir Road. The Highway Authority has previously confirmed that it did not require traffic calming in Head Weir Road but did require it in Saxon Way, Norman Drive and Plantagenet Drive. The Highway Authority has been asked to confirm this and Members will be updated on their response.

11. Capacity of road network/air quality

Your officers have previously set out in the report to Planning Committee dated 19th April 2019 the assessed impacts of the development on the capacity of Junction 28 of the M5 motorway and traffic in the town centre. Air quality impacts in the town centre have also been considered and set out in the same officers report. Minor works are proposed to the approach to the motorway junction and a £3m contribution (from all three linked applications) will be made towards delivery of the town centre relief road to mitigate the impacts of the development on air quality and traffic generation upon the highway network.

The Highway Authority has also considered the suitability of the roundabout at the Willand Road/Millennium Way junction and considers it to be suitable for construction and operational traffic.

Willand Parish Council has objected to the revised scheme as it has concerns over the impact of the additional traffic generated on congestion in Willand and air quality. The Highway Authority has assessed the impact over the entire local road network in raising no objections to the proposal, however, the Highway Authority has been asked to confirm specifically that the impact on Willand has been considered.

Similarly, Mid Devon's Environmental Health Officers have been asked to confirm that in their analysis of air quality impacts, impacts on Willand were considered as well as impacts on Cullompton town centre.

Members will be updated on these items.

CONCLUSION

Your officers consider that where possible concerns raised by Members and other interested parties have been addressed. Subject to conditions and the signing of a Section 106

Agreement to mitigate adverse impacts of the proposal, on balance, your officers continue to recommend approval of the application.

Conditions/reasons have been revised to correct an error in the previous report relating to conditions and reasons numbering.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of two 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. No development shall take place on the primary school site indicated on the approved plans until details and drawings in respect of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- A. Access, parking and turning
- B. Design of all buildings, including layout, floor plans, elevations, finished floor levels and materials, windows and doors
- C. Landscaping, including changes in ground levels, planting and sports pitch provision
- D. Boundary treatments
- E. Surface water drainage

The development of the primary school site shall proceed only in accordance with the approved details.

4. 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.

5. 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;
- 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 Local 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 exceeding 7.5 tonnes;
- 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, to include the recommended mitigation measures identified during Chapter 12 of the submitted Environmental Statement covering Dust and Air Quality.

Construction shall be carried out only in accordance with the approved CEMP.

6. 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.

7. No part of the development hereby approved shall begin 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; and

D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 4.

8. No development shall take place until an access scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the design of existing public rights of way routes where these are to be upgraded and new public rights of way, their surfacing, widths, gradients, landscaping, road crossing points, drainage and technical details of their connections to the public highway, as well as trigger dates for the implementation of the provision and/or upgrade of the public rights of way and details of ongoing maintenance and management or adoption arrangements. The development shall be carried out in accordance with the approved scheme.

9. No development shall begin until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The installation electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.

10. No part of the development hereby permitted shall begin until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

11. 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. 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 Drainage Strategy (Ref. NW Cullompton; Rev. A; dated 21st June 2017), Drainage Strategy Addendum (Ref. NW Cullompton; Rev. -; dated 20th March 2018) and Flood Exceedance Routing (drawing No. 453-P-500; Rev. C; dated 25th February 2019). The surface water drainage management system shall be installed in accordance with the approval details and retained and maintained in accordance with the approved details.

12. 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.

13. No development shall begin until the construction details of the attenuation ponds, including heights and positions of outfalls, has been submitted to and approved in writing by the Local Planning Authority. The ponds shall be designed to maintain a permanent water level of at least 1 metre in depth. Construction of the attenuation ponds shall be completed in accordance with the approved details before any dwelling is occupied in any phase.

14. 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 11.

15. No part of the development hereby permitted shall begin until 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. The approved arrangements shall be provided in accordance with a timescale to be approved under this condition and thereafter permanently retained and maintained in accordance with the approved details.

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

17. No development shall take place until details of all changes in ground levels to be demonstrated by reference to existing and proposed levels, and details of all retaining walls, including heights, construction methods and surface treatments with reference to plot numbers, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place only in accordance with the approved details.

18. No development shall take place on the site except in accordance with the details set out within the submitted Landscape & Ecological Framework Plan (LEFP) by FPCR Environment and Design Ltd dated [date to be inserted once a revised Plan received].

The recommendations in the LEFP shall be adhered to throughout the construction period and the development shall be operated only in accordance with the management provisions set out within the LEFP.

19. No development shall take place until revised Tree/Hedge Protection Plans detailing trees and hedges to be removed and to be retained, and an Arboricultural Method Statement detailing how retained trees and hedges will be protected during the construction period, have been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection shall be in place before development on the site begins and shall remain in place during the entire period of construction on site.

20. Finished floor levels shall be those specified on drawing number 453-P-100 Rev H unless otherwise agreed in writing by the Local Planning Authority.

21. Before their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings, and details of windows and doors, shall have been submitted to and approved in writing by the Local Planning Authority. Only such approved materials shall be so used.

22. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:

A. The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B. The spine road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;

C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;

D. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined; and

G. The street nameplates for the spine road and cul-de-sacs have been provided and erected.

23. First occupation of any dwelling in any agreed phase shall not take place until boundary treatments have been installed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be installed.

24. First occupation of any dwelling shall not take place until details of street furniture to be provided within the public areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include benches or other seating, dog waste and litter bins, and handrails for steeper areas, in particular along the walking route between Willand Road and the primary school site and the community orchard, together with a timescale for

their delivery. Following their provision, such facilities shall be permanently retained and maintained for their purpose at all times.

25. First occupation of any dwelling shall not take place until bin stores have been provided in accordance with the approved details.

26. No dwelling hereby permitted shall be occupied until works to improve the existing public foul sewerage network so that it is able to cope with the flows from the proposed development have been completed.

27. No external lighting shall be installed on any part of the site unless as part of an external lighting plan that has been previously approved in writing by the Local Planning Authority. The external lighting plan should include all details of external lighting and light levels falling on wildlife habitats and demonstrate how dark corridors will be provided for wildlife.

REASONS FOR CONDITIONS

1. In accordance with the provisions of the National Planning Policy Framework 2019 and Planning Practice Guidance, to help ensure the housing proposal is implemented in a timely manner.

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

3. To ensure that adequate information is available for the proper consideration of the detailed proposals on the primary school site.

4. To ensure the proper development of the site.

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

7. 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.

8. To ensure that new and upgraded public rights of way are delivered in a timely manner and function for their purpose at all times, providing sustainable walking and cycling links, in accordance with the provisions of the adopted NW Urban Extension Masterplan SPD. This information is required before construction begins in order to ensure that the benefits are delivered with the development.

9. To provide opportunities for the reduction of carbon emissions to help combat climate change in accordance with Policy DM8 of the Local Plan Part 3 (Development Management Policies). This information is required to ensure the development is constructed with these features as integral to the housing.

10. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

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

12. 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. 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.

13. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area, and also to ensure that the attenuation ponds contribute towards biodiversity net gain on the site. 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.

14. 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.

15. 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.

16. To ensure, in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies) 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 before construction starts.

17. To ensure the development assimilates well into the surrounding landscape and the public open space and residential amenity spaces are appropriately designed for their use, in accordance with Policy CO2 of the Mid Devon Core Strategy (Local Plan Part 1) and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.

18. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the National Planning Policy Framework and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.

19. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the National Planning Policy Framework and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.

20. To ensure the development makes a positive contribution to the area and to protect the residential amenity of neighbouring residents in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

21. To ensure the development makes a positive contribution to the area in terms of its character and visual amenity in accordance with the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.

22. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

23. To ensure a good standard of residential amenity and security for residents, in accordance with Policy DM14 of the Local Plan Part 3 (Development Management Policies).

24. To ensure adequate facilities are provided that are usable for all residents of the site in terms of accessibility in accordance with the provisions of the National Planning Policy Framework.

25. To ensure adequate facilities for waste management are provided on site to protect the residential amenity and visual qualities of the area, in accordance with Policy DM14 of the Local Plan Part 3 (Development Management Policies).

26. To ensure that adequate foul drainage facilities are available before any dwelling is occupied.

27. In order to protect wildlife habitats from light pollution in accordance with the provisions of the National Planning Policy Framework.

INFORMATIVE

The archaeological programme of work should take the form of:

(i) The excavation of additional investigative trenches to identify and further define areas of archaeological sensitivity in addition to those already identified by the targeted archaeological evaluation of the site, followed by (ii) The area excavation of areas of archaeological sensitivity.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

REASON FOR APPROVAL OF PERMISSION

The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan. The details of the connecting link road with the adjacent land parcel are considered acceptable to the Highway Authority.

The layout and design of the scheme, including scale and massing, dwelling design and materials, estate roads and parking areas, and landscaping are considered to be broadly acceptable.

Impacts on biodiversity and landscape 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. The access onto Willand Road and the detailed of the portion of the link road subject to this application are satisfactory to the Highway Authority. The drainage arrangements are considered to be acceptable to the Environment Agency and Lead Local Flood Authority, and the application would provide additional foul drainage capacity.

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 delivery of 200 new homes, including 10% affordable housing weighs in favour of approval of the application as do provision of green infrastructure and community facilities. 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 level of affordable housing and the reduced Section 106 package for Phase 1 (to be delivered in Phase 2), due to the upfront infrastructure burden on Phase 1, including financial contributions towards the delivery of the Cullompton Town Centre Relief Road.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the proposal 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/CU/1 (with the exception of the affordable housing percentage), AL/CU/1-5, AL/CU/15-16, and 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, DM14, DM15 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details). The application does not fully accord with Policy AL/CU/1 or the adopted Masterplan SPD in respect of the affordable housing percentage and phasing of green infrastructure and community facilities.

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.

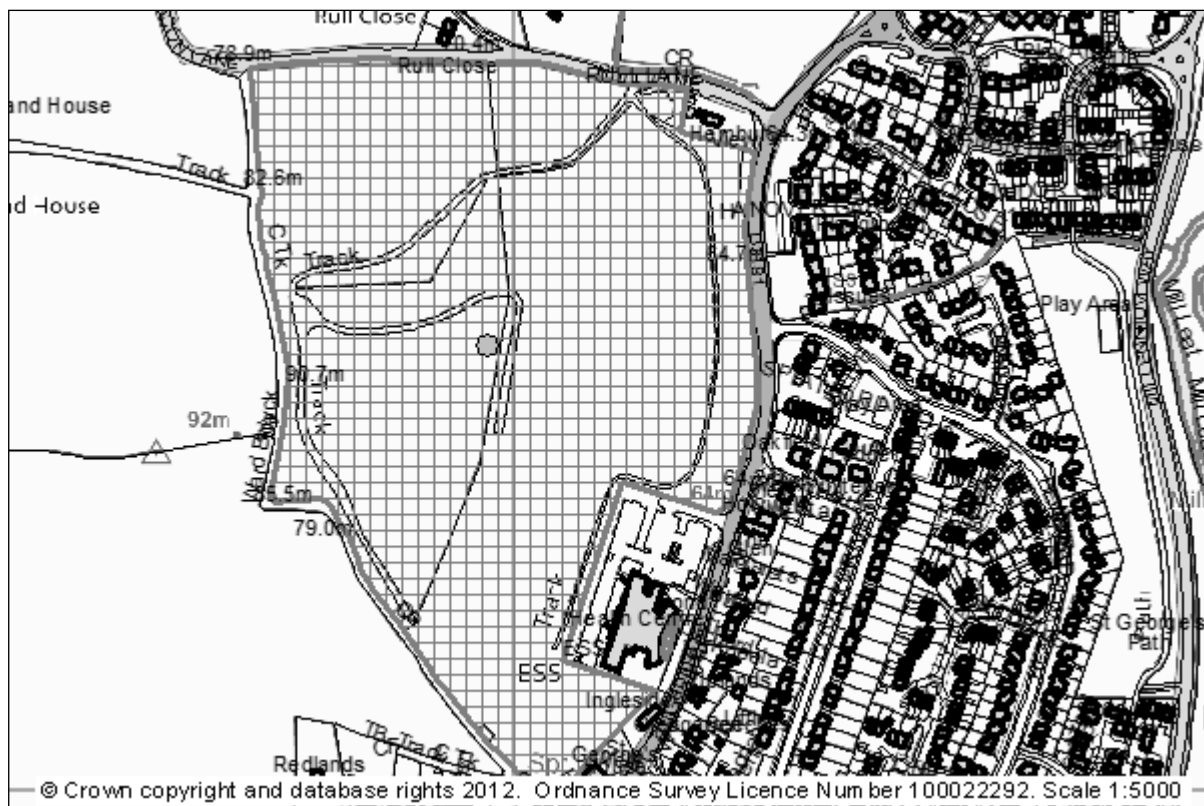
Grid Ref: 108277 : 302103

Applicant: Mr Ben Smith,
Persimmon Homes
(South West) Ltd

Location: Land at NGR 302103
108277 (West Of
Willand Road)
Cullompton Devon

Proposal: Erection of 200
dwellings, formation
of new access,
provision of phase of
link road, primary
school site, open
space, landscaping
and associated works

Date Valid: 2nd August 2017



17/01178/MFUL - ERECTION OF 200 DWELLINGS, FORMATION OF NEW ACCESS, PROVISION OF PHASE OF LINK ROAD, PRIMARY SCHOOL SITE, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS - LAND AT NGR 302103 108277 (WEST OF WILLAND ROAD) CULLOMPTON DEVON

RECOMMENDATION

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

- i) The overall S106 package between the three applications set out in the separate over-arching Section 106 report at Appendix A to this report, and**
- ii) To secure the provision of the community orchard, health garden and other public open space together with its long term management and maintenance.**

PROPOSED DEVELOPMENT

Full application for the erection 200 dwellings, formation of new access from Willand Road and provision of a portion of the link road, primary school site, open space, landscaping and associated works, on land comprising the central portion of Phase 1 of the North West Cullompton Urban Extension.

The application is for the erection of 200 dwellings on approximately 11 hectares of agricultural land to the south of Rull Lane and to the west of Willand Road and comprises part of Phase 1 of the North West Cullompton Urban Extension allocated under policies AL/CU/1 to AL/CU/7 of the Allocations and Infrastructure DPD. The allocation is also subject to the North West Cullompton Urban Extension Masterplan SPD.

The site comprises two pasture fields with hedgerow boundaries. Willand Road borders the site to the east and Rull Lane borders the site to the north. There is a public footpath/bridleway running around the southern and western boundaries. The fields slope up to the west and there is a strong hedgerow running through the site from south to north. The eastern portion of the site will deliver 200 houses and the western part a new primary school.

In addition to 200 dwellings, the application proposes access onto Willand Road, the northern portion of a new link road between Willand Road and Tiverton Road, land for a new primary school, two attenuation ponds, on-site green infrastructure, and walking and cycling routes. The new link road will be accessed from Willand Road, just south of Rull Lane, with priority given to traffic entering the development and using the new link road.

The majority of the 200 dwellings are to be orientated north-south across the site, accessed from estate roads leading from the new link road. The dwellings are to be a mix of 2, 3 and 4 bedroom houses, mostly two storeys but with some 2.5 storeys. All dwellings are to have private gardens and parking.

Surface water drainage is to be managed by the installation of a surface water management system which will discharge into two large attenuation ponds at the entrance to the site. Foul drainage will discharge into the mains sewer.

Phase 1 also includes two other applications for planning permission:

17/01170/MOUT: outline application for 200 dwellings on land to the north of Rull Lane; and

17/01346/MOUT: outline application for 200 dwellings on land to the north of Tiverton Road

17/01346/MOUT includes the provision of the southern portion of the new spine road from Willand Road to Tiverton Road. These two applications are the subject of separate reports.

All three applications are subject to the signing of Section 106 Agreements for the provision of infrastructure in respect of Phase 1. The Section 106 provisions are set out in a separate overarching report for the three applications (Appendix A to this report).

In accordance with the requirements of the Environmental Impact Assessment Regulations 2011, the application has been accompanied by an Environmental Statement, which is common to all three applications.

APPLICANT'S SUPPORTING INFORMATION

Environment Statement including the following chapters:

- Socio-economic
- Landscape and visual
- Ecology and nature conservation
- Cultural heritage
- Transport and accessibility
- Water resources, flood risk and drainage
- Ground conditions
- Dust and air quality
- Cumulative effects

Design and access statement

Planning statement

Statement of community involvement

Waste audit statement

Carbon reduction strategy

Draft S106 heads of terms

Transport assessment addendum

Landscape and visual appraisal

Arboricultural impact assessment and tree protection plans

Design and character area analysis

Sustainable design and construction statement

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD

Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

Other applications relevant to this report are:

17/01170/MOUT: outline application for 200 dwellings on land to the north of Rull Lane; and

17/01346/MOUT: outline application for 200 dwellings on land to the north of Tiverton Road

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
COR10 Strategic Transport Networks
COR11 Flooding
COR12 Development Focus
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/1 North West Cullompton
AL/CU/2 North West Cullompton Transport Provision
AL/CU/3 North West Cullompton Environmental Protection & Green Infrastructure
AL/CU/4 North West Cullompton Community Facilities
AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

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
DM14 Design of housing
DM15 Dwelling sizes
DM27 Development affecting heritage assets
DM28 Green infrastructure in major development

North West Cullompton Urban Extension Masterplan SPD

National Planning Policy Framework 2019

Devon Waste Plan 2014

CONSULTATIONS

HIGHWAY AUTHORITY - 4th January 2018 - The Highway Authority are accepting of the planning Inspectors decision with regard to the 259 residential dwellings at Silver Street, Willand. The Highway Authority withdraws its objection to the current applications on this basis but reserves the right to review the traffic situation with regard to junction 28 for any subsequent application, and shall continue to monitor queue lengths and capacities, and particularly following the delivery of the distributor road conditional of these developments. Therefore refusal reason 1 is withdrawn, but all other site related conditions are still applicable. The applicants have provided additional information and while this is seen as reasonable justification for the additional minor works, full detail design drawings and safety audits will be required prior to commencement on site. The minor works to Junction 28 are therefore acceptable to the Highway Authority as they do not appear to provide a disbenefit.

25th May 2018 - The Highway Authority are happy with the additional information and amendments to the planning application layout. Therefore the Highway Authority would request that conditions are imposed, in addition the Highway Authority would seek a section 106 agreement to support the provision of off-site highway improvements, inclusive of, but not limited to traffic calming and pedestrian crossings on Willand Road, traffic calming at Saxon Way, bus service contribution, footpath and bridleway enhancements, contribution to the Eastern Relief Road, and travel plans.

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the conditions shall be incorporated in any grant of permission (see Conditions section below).

ENVIRONMENT AGENCY – 1st May 2018

We have no objections to the proposed development. However, prior to determination the applicant should clarify the functionality of the watercourse into which the proposed surface water drainage network will discharge. More detail is provided below.

Before determining this application the applicant should demonstrate the functionality of the minor watercourse, into which surface water run-off is proposed to be discharged. This issue was raised at the meeting on the 07 February 2018 at Devon County Council. Whilst we welcome the content of Appendix F 'Rull Leat Information' of the Drainage Strategy Addendum (Phoenix Design Partnership Ltd, March 2018), we recommend that a dye test be carried out as a minimum to confirm that the leat system remains functional.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM – 8th April 2019

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the recommended pre-commencement planning conditions are imposed on any approved permission (see Conditions section below).

Following my previous consultation response (FRM/MD/01178/2017; dated 22nd May 2018), we have discussed the surface water drainage proposals for the site with the applicants drainage consultant. If not already done so, the applicant should submit the Drainage Strategy Addendum (Ref. NW Cullompton; Rev. -; dated 20th March 2018) to the Local Planning Authority.

The applicant has clarified the areas draining to the surface water drainage system, including the areas attributed to the future school. The future school will need to partly drain to the pond known as Pond 6 and partly to the pond known as pond 7. Specified areas have been attributed to the school to drain into these ponds, and the design of the school will need to adhere to these areas. The school will also need to assess the topography of the site and may need to provide a filter drain or bund at the eastern edge of the site to prevent overland flows from entering the surface water drainage system.

The applicant should clarify the design of the ponds at the detailed design stage, including permanent water levels; side slopes; invert levels; falls of the base of the pond.

Exceedance routes for this site will need to be further clarified as there are currently exceedance routes flowing towards the vicinity of proposed plots (1,2,3,27,164 and 86-89).

At the detailed design stage, the applicant will need to demonstrate that that exceedance flows can be managed safely. The applicant should clarify who shall maintain the surface water drainage system at the detailed design stage.

SOUTH WEST WATER – 22nd August 2017

The public foul drainage network does not have capacity to support the development in addition to application number 17/01170 currently under determination to which no objection has been raised without causing downstream sewer flooding.

South West Water have undertaken a detailed sewer evaluation part funded by the applicant to establish the extent and cost of improvements required to allow our support of the application which will be delivered by means of the applicant entering in to a sewer requisition. As such should your Council be mindful to approve any subsequent formal planning application the recommended condition would need to be imposed (see below).

DEVON COUNTY EDUCATION – 20th December 2017

We would welcome the transfer of the school site at nil cost, prior to the commencement of development, with appropriate trigger points for construction access and servicing.

The contributions towards the delivery of education will still be required, as set out in the original response.

Contribution	Amount (per 200 dwellings)
Primary school land	Nil cost. Rights of access for surveys, delivery of construction access and servicing triggers to be agreed
Primary school provision	£672,361 towards expansion of St Andrews. Will support 200 dwellings
	£788,986 towards delivery of new school
Early years provision	£50,000
Secondary provision	£265,024
SEN provision	£29,113

In terms of primary, this is a contribution of £672,361 towards the expansion of St Andrews, or £788,986 towards the delivery of the new school, depending on which application comes forward first.

In terms of primary, this is a contribution of £672,361 towards the expansion of St Andrews, or £788,986 towards the delivery of the new school, depending on which application comes forward first. We would normally expect that contributions are split into two equal payments, with 50% paid on occupation of 10% of the dwellings and 50% is paid on occupation of 50% of the dwellings.

HISTORIC ENVIRONMENT – 29th May 2018

I have now received a copy of the report setting out the results of the archaeological field evaluation at the above site and in the light of its receipt would like to withdraw the Historic Environment Team's previous objection.

The archaeological investigations have demonstrated the presence of Bronze and Iron Age heritage assets with archaeological interest that will be affected by the proposed development. These heritage assets are not of such significance that the Historic Environment Team would recommend preservation in situ. Any impact may be mitigated through a programme of (i) archaeological investigation and recording prior to development commencing results and (ii) post excavation analysis, synthesis of the results, reporting and archiving.

I would advise that any consent your Authority may be minded to issue should carry the condition as worded (see Conditions section below).

HISTORIC ENGLAND – 23rd November 2017

This application for the Cullompton NW expansion area has the potential to impact upon the significance of the Scheduled Monument, two Roman forts and two Roman camps on St Andrews Hill (1019543), through changes to the monument's setting.

Roman forts are rare nationally and are extremely rare south of the Severn Trent line. As one of a small group of Roman military monuments, which are important in representing army strategy and therefore government policy, forts are of particular significance to our understanding of the period. Situated on the prominent St Andrew's Hill immediately to the north west of Cullompton town centre, overlooking the valley of the River Culm, the Roman remains and in particular the multiple periods of usage, demonstrate their control of the surrounding land and strategic importance to the Romans.

The introduction of new development into the setting of the monument has the potential to impact upon both the rural nature and the outlook, and the strategic importance of the site. In this instance we believe that any impact will be of a 'less than substantial' nature and as such advise that it will be for your authority to determine the application having duly considered the planning balance.

We are pleased to note a thorough Heritage section has been included in the supporting information and are generally content with the findings of that document in relation to this application. It appears that this statement may be intended to cover the whole of the expansion area and if that is the case further work will be required, however, for this application it does suffice.

We would, however, note our concerns regarding the area immediately west of the Scheduled Monument and would urge your authority to request that the masterplan be revised to provide a larger buffer zone at this location.

We are also pleased to note that the application includes potential proposals to enhance public understanding and enjoyment of the monument through a package of increased access and the provision of interpretation. We would suggest that the interpretation boards be supplemented by a short monograph intended for general audiences. We would also note that the Scheduled Monument is currently inscribed on the Heritage at Risk register as being 'at risk'. This is primarily as a result of continued cultivation that is believed to be destroying the interior features identified by geophysical survey and aerial photography. Any proposals to remove the monument from cultivation would be likely to also remove it from threat and from the Heritage at Risk Register and, as such would provide significant public benefits for you to consider in your deliberations.

Historic England has no objection to the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.

PRIMARY CARE COMMISSIONING (RESPONSE PROVIDED ON BEHALF OF NHS ENGLAND) – 12th October 2017

The population growth as a result of this development will place additional pressure on existing GP practices in the area which are already at capacity. Whilst it is considered that the size of this development would not merit a new GP practice, the NHS would need to create additional physical capacity in one of its existing practices in the area. The funding for such expansion would be sought through developer contributions and would support the provision of appropriate local primary healthcare facilities and services.

NHS England applies an evidence based methodology for calculating development impact in terms of GP practices and has been benchmarked against other authorities. They are based

on a health provision standard of 500 square metres per 6,000 people. Average household size and the capital cost of £2,000 per square metre have been used to generate a cost per dwelling. Applying this methodology, the total contribution, across each housing type proposed by this development would equate to £84,698.40. This sum is requested on behalf of NHS England.

PUBLIC HEALTH COMMENTS – 12th October 2017

The Public Health Team support the proposal for a walkway/ cycleway alongside the development of the link road and would encourage the development to include additional cycle and walking infrastructure. To minimise air quality impacts from car driving and to encourage active travel we recommend that each dwelling has sufficient storage provision for bikes and equipment for other modes of active travel.

In terms of offering a wider choice of affordable homes to improve health and wellbeing we support the volume of affordable housing delivered by the development.

Devon has an ageing population; 22.2% of the Mid Devon population is aged 65+ (JSNA Mid Devon profile 2017). As such we would encourage the provision of lifetime homes for this development. We would support development which promotes the use of low carbon/carbon neutral technologies and the inclusion of measures to avoid fuel poverty.

DEVON, CORNWALL & DORSET POLICE - 10th August 2017

Please note the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:

1. The physical security element of the application should not be overlooked. There are British Standards (PAS 24) for doors and windows that ensure that the installed items are fit for purpose.
2. Divisional fencing at the 'bottom of the garden' should be of an 1800mm close boarded style. Sub divisional fencing, (plot division) the 'side of garden' boundary should be a 1500mm close board topped with a 300mm trellis. This minor change to the fencing detail should be negotiated in as it allows for a better level of neighbour surveillance without adversely affecting privacy. Whilst drawing 530-1/2 provides standard enclosure details, I can find no drawing detailing how/where these will be implemented, therefore clarification of this detail is requested.
3. Trees should allow, when mature, crown lift with clear stem to a 2 metre height. Similarly, shrubbery should be selected so that, when mature, the height does not exceed 1 metre, thereby ensuring a 1 metre window of surveillance upon approach whether on foot or using a vehicle. Ideally hedges that are to be retained should not act as boundary treatments to dwellings due to maintenance issues and potential conflict with neighbours. Residents will have varying levels of commitment and standards with regard to maintenance and as such may result in all kinds of unacceptable material being erected to avoid having to maintain them.

The general layout proposed would appear to provide both active frontages and good overlooking to the new internal streets which is welcome. The use of back to back gardens in some parts is also noted and supported.

Where dwellings share a path to access the rear these paths must also be gated as flush to the building line as possible and lockable. This does not remove the need for each plot to have its own lockable gate into the rear garden.

DEVON, CORNWALL & DORSET POLICE - 10th July 2018

It is noted on the revised Materials Layout drawing (No.250 Rev P1), that the dividing boundary treatment for some plots will be 1.2m high post & wire fence. Whilst I accept this may provide good surveillance into all the neighbours' gardens, post and wire has few if any security or safety merits and does not address possible issues of privacy or keeping young children and dogs secure and safe. It has also become apparent in recent years that this type of fencing is not the preferred choice of residents, often resulting in them retro-fitting their own materials to ensure privacy. I cannot support this garden boundary treatment and it is therefore recommended that internal sub divisional fencing, (plot division) should be 1500mm close board topped with a 300mm trellis. This minor change to the fencing detail should be negotiated in as it allows for a better level of neighbour surveillance without adversely affecting privacy. If necessary, I would ask that a suitable planning condition is considered to ensure rear/side/divisional garden boundaries provided adequate and proper security and safety for residents.

ENVIRONMENTAL HEALTH - 26th January 2018 - Air quality

The low emissions assessment and quantified mitigation from the Travel plan now provides much of the information and assessment required.

It does however appear that the EV infrastructure is not certain or at least agreed at this stage. The assessment shows that in isolation the impact of the travel plan on emissions and damage cost is not high. Therefore, we strongly recommend that EV charging is included at each property with a parking space if this is not already factored into the s106 discussions as part of an overall package to include a contribution to the Air Quality Action Plan/relief road.

ENVIRONMENTAL HEALTH - 1st February 2018

Contaminated Land - no objection to this proposal

Air Quality - The low emissions assessment and quantified mitigation from the Travel plan now provides much of the information and assessment required.

It does however appear that the EV infrastructure is not certain or at least agreed at this stage. The assessment shows that in isolation the impact of the travel plan on emissions and damage cost is not high. Therefore, we strongly recommend that EV charging is included at each property with a parking space if this is not already factored into the s106 discussions as part of an overall package to include a contribution to the Air Quality Action Plan/relief road. We would need to see confirmation of these components of the s106 to be able to provide a more positive response to the air quality issue ahead of determination of the application.

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 the recommended mitigation measures identified during Chapter 12 of the Environmental Statement covering Dust and Air Quality. 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 RIGHTS OF WAY – 12th October 2017

The proposal as submitted would have a direct effect on public rights of way. Three existing public bridleways cross or adjoin the site: Bridleways No. 8, 9 and 10, Cullompton as shown

on the attached extract from the working copy of the Definitive Map of public rights of way. These are identified in the application documents; on the plan at 3.2 (Opportunities and Constraints) of the Design and Access Statement and in the Environmental Statement Travel which states that they will be retained and incorporated within the development masterplan. The Masterplan refers to improvements to existing paths. It is not clear whether this relates to the public bridleways referred to above therefore we would request further clarification and, if it does relate to public rights of way, details of any proposed improvements. The applicant should note that any surface improvements will need to be suitable for bridleway use and British Horse Society approved. Details will need to be submitted and agreed in consultation with DCC PROW and Highway Development Management Teams.

We note that proposed estate roads will cross bridleways 8 and 9. These crossing points will need to be appropriate for bridleway status, e.g. Pegasus crossings. We would also request that drainage issues on the bridleways be addressed and that details be submitted and agreed as above.

We note that proposed estate roads will cross bridleways 8 and 9. These crossing points will need to be appropriate for bridleway status, e.g. Pegasus crossings. We would also request that drainage issues on the bridleways be addressed and that details be submitted and agreed. The Public Rights of Way Team therefore has no objection to the proposal subject to conditions covering submission of details (see Conditions section below).

SPORT ENGLAND - 15th September 2017

This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. By providing new playing pitches, the proposal would meet our objective to provide new pitch sports facilities however, there are a number of concerns in this letter that would lead us to not supporting the proposed detail and registering an objection to the applications.

Sport England and NGBs are committed to providing expert advice on the provision of sport and recreation into the current master planning of the North West Cullompton expansion to ensure the inclusion of a number of new sports facilities or land of high quality. It is recommended that the sporting community is engaged with the application process to ensure that this opportunity delivers the needs of the Town.

Additionally the applicant will need to ensure that the journey to the sports hub from the site and wider town centre be visible being walking, jogging and cycling friendly. Other physical activity opportunities should be considered.

Sport England has no objection in principle to housing growth but recommends that further discussions and amendments are made to the proposals to take on board our comments before the application is determined. If the Council is minded to approve the application, planning conditions should be imposed.

DCC WASTE AND TRANSPORT MANAGER - 23rd August 2017

As residential property numbers and the population increase, so too does the demand on recycling centres. Over forthcoming years this increased demand will result in the need for additional recycling centre capacity. Failure to provide adequate recycling facilities for the county may result in the Council being unable to fulfil its statutory role as Waste Disposal Authority. Devon County Council therefore seeks financial contributions from this

development to ensure a replacement site serving Cullompton/Tiverton/Willand is provided locally to help cater for the planned housing growth in the area.

The cost of a facility is based on recent, local evidence of costs to deliver a similar recycling centre elsewhere within the county and equates to a contribution of £160 per dwelling. Based on this calculation the total contribution would be £32000.

CULLOMPTON TOWN COUNCIL – 12th February 2018

Cullompton Town Council approves the application with the following provisos:

(i) School site: The Town Council requires an assurance from Devon County Council's Education Department that it will ensure that the design plans for the new primary school include sufficient space, within the curtilage of the school site, for coaches and cars to park, and that this will include parking for parents to drop off and collect children and for coaches to be able to turn around within the curtilage of the school site. In order to ensure safe passage for children there also needs to be "In" and "Out" entrance and exit from the school site and the council would like an assurance that this will be the case. The reason for this request is that the Town Council would like to be sure that potential highway safety issues are resolved before any development takes place. If this assurance cannot be given then the Town Council will insist on a redesign of the spine road before the planning application is approved. No parking to be permitted along the spine road. This will become more of a problem when school numbers start to increase and the link to the second phase of development is open.

(ii) Pedestrian crossing required on the spine road.

(iii) Health Garden: There appears to be a concern about the size of the health garden site, Please can MDDC Planning and Persimmon Homes contact the Integrated Centre for Health to obtain a clear understanding of the amount of land required for the Health Garden. Spine Road: An assurance that the Town Council will be kept fully informed of the plans for the road layout/design and that the Town Council is consulted before the final design is approved as the Council doesn't want another Kingfisher Reach scenario where plans get changed at a later stage.

(v) Attenuation ponds: Need to be designed to be effective and ensure that water doesn't enter the existing water courses.

(vi) Junction with Willand Road: Concern about the build-out at the entrance to the site, who has priority, will impact on large vehicles requiring access to other locations in Willand Road e.g. Integrated Centre for Health. The 'bulges' maybe convenient for construction traffic but not appropriate in the long term. Suggest that a mini-roundabout is constructed instead.

(vii) Width of residential roads: Ensure sufficient width to enable a large vehicle such as a refuse lorry to pass a parked car safely. Also sufficient turning space for such a vehicle taking into account any parked cars.

(viii) Millennium Way/Willand Road junction: Concern about safety and whether there is sufficient room to enable a large construction vehicle to carry out a left hand manoeuvre from Millennium Way into Willand Road to access the development site without going onto the pavement.

(ix) Head Weir Road: Introduce traffic restrictions to ensure that Head Weir Road is not used as a vehicular short cut to the M5 (does not become a rat run).

(x) Refuse bin storage: Is this effective?

(xi) Affordable housing: Assurance that the Town Council will be consulted with regard to housing numbers. More specific information required with regard to the percentage of affordable housing and the Town Council's involvement in the s.106 discussions about this issue. Would like to see a percentage that reflects the wishes of the Local Plan and NW Extension Management Plan and the draft Neighbourhood Plan.

(xii) Community Orchard: Assurance that the Town Council will be consulted with regard to access to the proposed community orchard and who will maintain.

(xiii) Pedestrian links to Rull Lane: Designed to stop motorbikes etc. passing through e.g.

zig-zag gates.

(xiv) Bungalows: Due to an ageing population give consideration to the building of bungalows as part of the development.

(xv) Public Rights of Way: Clarification of where the Public Footpath (FP8) will join the footpath shown on the edge of the development.

WILLAND PARISH COUNCIL - Willand Parish Council did not object to this planning application but raised concern about the traffic impact on the B3181 through the village. Residents are already experiencing an increased traffic flow through the village and accessing the main road from the side roads at peak times is taking more time than a year ago. The planned and potential housing developments at Uffculme and Willand will create additional traffic through the village. The problems already experienced with the access to Junction 28 of the M5 at Cullompton means it is likely that people going north from this development will use the B3181 to Junction 27. The increased lorry transport journeys from Willand and Uffculme business parks and the identified minerals traffic from the north will aggravate traffic flows at Waterloo Cross roundabout, and the potential major development at Junction 27 will add to the problems.

It is urged that before any permissions are considered or granted that transport assessments should be carried out to assess the full cumulative potential impact on the road through Willand and to the North.

REPRESENTATIONS

6 objections and 1 general comment summarised as follows:

1. Rull Lane already floods from the fields either side, flowing onto Willand Road and blocking drains; housing development on both sides would make this worse
2. Headweir Road used as a rat-run to avoid Station Road
3. The infrastructure cannot cope, e.g. schools, doctors, dentists, roads
4. More noise and pollution, additional impact on air quality in town centre, destroying conservation area and potential for regeneration; negative effect on economic development as business goes elsewhere
5. Increased traffic with potential for more accidents and delays
6. J28 is already at capacity
7. Cumulative effect on the road infrastructure of this and other developments in Cullompton, Willand and at J27 needs to be taken into account
8. No start date for the town centre relief road; remodelling of J28; traffic problems must be solved before more housing is built
9. Roads leading to J28 are already at capacity and cannot take any more traffic
10. The road network and motorway junction need improving before any further development takes place
11. Congestion caused by additional traffic would cause further environmental pollution and hold up emergency services
12. Plans for traffic calming in Willand Road ridiculous; double-decker buses going over speed humps would be uncomfortable for passengers; use signage to direct traffic to Millennium Way
13. Need to masterplan the whole town to ensure infrastructure and facilities keep pace with development
14. No account is taken of wildlife or landscape character
15. Loss of beautiful countryside
16. Developers should not be permitted to water down the scheme following planning permission

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development, including masterplanning and 5 year housing land supply
2. Transport and air quality
3. Access and link road
4. Landscape and ecology
5. Design and layout
6. Drainage and flood risk
7. Public open space, green infrastructure and community facilities
8. Heritage
9. Delivery of primary school
10. Viability and Section 106 obligations
11. Comments received
12. Planning balance

1. Principle of development, including masterplanning 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 Crediton.

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 Mid Devon Allocations and Infrastructure DPD (Local Plan 2) was adopted in 2010 and allocates sites for development in order to meet the Core Strategy growth requirements.

North West Cullompton is the focus of the one of the two large strategic allocations in the AIDPD. Policies AL/CU/1 to AL/CU/7 set out the criteria for development of this allocation. Policy AL/CU/1 allocates a site of 74.8 hectares for mixed use development to include 1,100 dwellings with 35% affordable housing and 5 pitches for gypsies and travellers, plus 4,000 square metres of B1 employment space. The policy includes provisions in respect of transport, environmental protection, community facilities, carbon reduction and air quality, phasing and masterplanning.

Policies AL/CU/2 to AL/CU/7 sets out specific requirements for the delivery of the urban extension in respect of transport (AL/CU/2), environmental protection and green infrastructure (AL/CU/3), community facilities (AL/CU/4), carbon reduction and low emissions

(AL/CU/5), phasing (AL/CU/6) and masterplanning (AL/CU/7).

Following allocation of the site under the AIDPD, the North West Cullompton Masterplan was adopted as a Supplementary Planning Document in 2016. The SPD is a material consideration in determining planning applications on the site.

The adopted masterplan sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site and provide consistency of approach in relation to design. The masterplan is intended to be flexible and to allow alterations to the policy provisions to reflect further analysis and studies.

Since adoption of the AIDPD, further analysis and public consultations have taken place. The adopted masterplan supports the AIDPD policies and sets out the following:

1. Boundary between the developable area and green infrastructure changed to allow the development of 1,200 houses and 32 hectares of green infrastructure.
2. Total floorspace of the employment area reduced to 10,000 square metres, in line with the recommendations in the Council's Employment Land Review 2013.
3. Route of the link road revised to follow the topography of the site and additional requirement for traffic calming measures in Willand Road included.
4. Sports pitch provision located close to the primary school with the third pitch being provided off-site.
5. Phasing of the development and timings of infrastructure provision set out.

The masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. These guiding principles are grouped around a number of key concepts: urban design; movement and transport; landscape; open space and recreation; socially equitable; economy and employment; energy and resource efficiency; and character.

The emerging Mid Devon Local Plan Review focuses development mainly on Cullompton and Tiverton with Cullompton being identified as an area for strategic growth. Policies CU1-CU6 allocates an extended area for the NW Cullompton allocation (100 hectares) to provide 1,350 dwellings with a reduced target for affordable housing of 28%. The revised policies also make changes to the phasing and timing for the provision of infrastructure and services. The Local Plan Review has been through examination but at the time of writing this report, 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.

The application site forms part of Phase 1 of the larger NW Cullompton urban extension meaning the principle of development on the site has been established. The application must therefore be assessed against the detailed policies in the Development Plan and the principles set out in the masterplan SPD.

The Phase 1 applications as submitted consist of 600 dwellings divided equally between 3 land parcels (200 dwellings each). Between them, the 3 applications will deliver a suite of Section 106 obligations in order to provide the necessary infrastructure to make the development acceptable in planning terms. The Section 106 obligations are set out in a separate report on the same Agenda (**Appendix A**)

Members will be aware that although the Council can demonstrate a 5 year housing land supply, policies relating to housing delivery in the Core Strategy are still considered to be out of date and the tilted balance in the NPPF still applies. 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 9 of this report.

The application is a full application with all matters to be determined. The principle of residential development on the site has already been established through the allocation policies in the AIDPD and detail of how the urban extension should be developed set out within the NW Cullompton Urban Extension Masterplan SPD.

Mitigation is proposed to off-set the impacts of the proposed development and a package of Section 106 obligations will be delivered (see separate report on the same Agenda).

Details of the proposals as they relate to this application are set out below in this report.

2. Transport and air quality

2.1 Capacity of road network

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.

Policy COR10 seeks to protect the function of the strategic transport network, including the M5 motorway.

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.

Policy AL/CU/16 of the AIDPD requires development to make a financial contribution towards the cost of carrying out improvements to increase the capacity of M5 Junction 28.

In addition, the masterplan SPD requires enhancement and traffic calming along Willand Road to discourage through traffic from using a route through the town centre, and a financial contribution towards the provision of a town centre relief road.

The Highway Authority initially expressed concern that, although the land was allocated, the development proposed by the three Phase 1 applications would exacerbate the already significant queuing along Station Road in the AM peak from traffic heading towards the M5 motorway junction. Based on the Highway Authority's assessment of already "severe" congestion in the AM peak, it recommended refusal of the 3 Phase 1 applications without mitigation works being undertaken to improve capacity at Junction 28 of the M5.

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.

The Inspector recognised that allocations at NW Cullompton were included in the future traffic assessments carried out by the County Council which indicated that Junction 28 is close to capacity when the traffic volumes predicted to arise from a number of allocated residential and commercial sites are included.

Following the appeal decision, the Highway Authority withdrew its original objections to the current Phase 1 applications. The Phase 1 applicants have offered to carry out minor works to alignments at Junction 28 which the Highway Authority considers will have some benefit to queue lengths.

The Highway Authority also requires other off-site highway works to be completed to mitigate the development's effect on the surrounding road network. These consist of traffic calming and the provision of a footway and pedestrian crossing in Willand Road, and traffic calming in Saxon Way, Plantagenet Way and Tudor Grove to prevent rat-running. These measures will be secured by Section 106 Agreement.

Other mitigation in the form the upgrade of public rights of way will be secured by way of a Section 106 Agreement. A Travel Plan to reduce reliance on private vehicle use will also be secured by Section 106 Agreement.

Subject to the proposed mitigation measures, 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 and the requirements of the masterplan SPD in this respect.

2.2 Air quality

Policy AL/CU/15 of the AIDPD requires development in or adjoining Cullompton 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 Eastern 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 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 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 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 which include the implementation of a Travel Plan and a financial contribution towards a town centre relief road, although they have recommended more detail on the provision of electric car charging points be provided. The applicants have indicated that they would be able to provide electric car charging points for all dwellings with garages. Detail of the number and location of these charging points is recommended to be conditioned.

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.

3. Access and link road

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility and enhance road safety through management of car parking and traffic. Policy DM2 of the LP3 DMP requires development to create safe and accessible places.

Policy AL/CU/1 of the AIDPD allocates the urban extension subject to provision of transport to ensure appropriate accessibility for all modes.

Policy AL/CU/2 sets out the transport infrastructure to be provided at the expense of all new development within the site and includes provision of a network of streets linking to the public highway (including the provision of a new linking road), bus, pedestrian and cycle routes through the development and to the town centre, bus service improvements and the implementation of travel plans to reduce reliance on private vehicles.

The masterplan SPD requires a new link road to provide access through the urban extension, linking Tiverton Road to Willand Road. This application will deliver the northern section of the link road from Willand Road to the boundary of the neighbouring land parcel.

A planning application for the southern section of the road and development of the related land parcel has been submitted under reference 17/01346/MFUL (PM Asset Management) and is the subject of a separate report. The road will need to cross a public footpath and bridleway on the boundary of the two land parcels, details of which are to be determined under application reference 17/01346/MOUT. The Highway Authority considers the detail of the link road and its connection between the land parcels to be acceptable. However, the Highway Authority is double-checking the detail within the individual applications to ensure the information provided within each application (rather than within the combined applications) is sufficiently detailed to ensure that the two sections of link road will connect seamlessly. Members will be updated on the Highway Authority's conclusions. The Section 106 Agreement will also include non-ransom provisions to ensure that the road can be delivered in its entirety across different land ownerships.

The link road the subject of this application will be 6.5 metres wide with additional pedestrian and cycle ways on one side. The route will pass along the frontage of the land for the school where there will be a number of parallel parking spaces. The Town Council has previously expressed concern over the width of the road and in particular not wishing its function to be impaired by parked vehicles. These parking spaces will provide parking/pick up and drop off facilities as well as discouraging parking on the road itself. These are in addition to any parking facilities that would be provided within the school premises. The school will not be accessed directly from the link road, but from a side road leading from the link road. Cullompton Town Council has raised concerns about the school site having adequate parking and traffic management facilities. No details are yet available in respect of the design and layout of the school as these will be drawn up by Devon County Council in due course. These details will need to be provided by condition.

No housing will front directly onto the link road, but will be served by estate roads or drives with parking and turning facilities, accessed from the link road. Details of these estate roads and drives are provided within the design and layout section of this report. The layout of the housing plots fronting onto the linking road have been carefully considered to ensure easy access for residents to convenient on plot parking provision and consideration of boundary treatment to the road. All these factors seeking by design, to reduce the likelihood of residents parking on the road.

The link road will be accessed from Willand Road, just south of Rull Lane, with priority given to traffic entering the development and using the new link road. Details of the proposed new access are shown on the submitted plans. A new pedestrian footway will run along Willand Road from the link road to St Georges View, with a new pedestrian crossing at the bus stop by St Georges View. Cullompton Town Council has raised concerns about the configuration of the junction and the ability of the Millennium Way/Willand Road junction to cater for large vehicles. The Highway Authority has considered these concerns and is satisfied with the access arrangements.

The Highway Authority considers the proposed access and the design of the link road to be acceptable, subject to approval of final details to be required by conditions. Subject to final details, your officers consider the access arrangements comply with policies COR9 of the Mid Devon Core Strategy and DM2 of the LP3 DMP.

4. 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 provide net gains for biodiversity, including by establishing coherent ecological networks.

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 AL/CU/3 of the AIDPD relates to environmental protection and green infrastructure. The policy provides for measures to protect and enhance existing trees and hedges and the maintenance of a wildlife network through the site.

The masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. Guiding Principle C relates to Landscape, Open Space and Recreation. It requires that the structure of the development should be shaped around the existing character and features of the landscape, reinforcing those qualities and protecting and enhancing important wildlife.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which covers the entire phase 1 development, and a site specific supplementary report covering the application site.

The specific report identifies the site as sitting on a low lying hill, split into two field compartments by a line of existing trees and hedgerow. The eastern portion slopes relatively steeply towards Willand Road, whilst the western portion of the site slopes more gradually to the ridgeline on the sites western boundary. The site occupies a settlement edge location and is influenced by the adjacent housing to the south and east which is visible within views across the site.

The parcel lies within Mid Devon Landscape Character Type (LCT) 3B Lower rolling farmed and settled valley slopes. LCT 3B is characterised by gently rolling and strongly undulating landscape with a medium to small scale landform. Hedgerows are dense bounding regular and irregular shaped medium to large scale enclosures of pasture with some arable. Views are variable with some open vistas but strong enclosure within the valleys, hedgebanks confining views to glimpses through field gates. There are mature trees within the hedgerows. Field patterns are strong and harmonious and there are distant views with little or no development on the tops of hills.

The report concludes that: the impacts of the proposed development on the landscape and the consequential landscape effects have been assessed. It is considered that the site's landscape is one that could accommodate change as presented by the Masterplan, and the consequential landscape effects as a result of the proposed development would not result in any unacceptable harm to landscape character.

The Council commissioned a landscape architect to consider the proposals. The landscape architect had concerns that the landscape and townscape character analyses, including the viewpoint analysis, had been completed retrospectively rather than informing the proposals and did not follow best practice or the guidelines in the Masterplan SPD. Concern was also raised by the landscape architect about the key hedgerows being backed onto by private gardens and the issues this raises with retention into the future. The applicant provided further details but information was considered still to be lacking the required detail and clarity. However, some effort has been made by the applicant to improve the landscaping of the site so that it better reflects the surrounding landscape character, introducing more native planting and providing a long term management and maintenance plan of the public open spaces and key landscape features. A recommendation needs therefore to be made on the information provided.

The Council also commissioned an ecologist to consider the ecology mitigation proposed.

The applicant's ecologist has been able to respond to most of the comments positively and has provided most of the additional information requested.

There are still some concerns about the effectiveness of the key hedgerow to function as a wildlife corridor due to lighting and disturbance from the houses backing onto the hedge, but the introduction of the maintenance corridor separating the private gardens from the hedge will help with this and it is recommended that a lighting plan is conditioned to keep the corridor as dark as possible.

The proposal includes substantial areas of new hedge and tree planting, wildflower meadows and permanent water and planting within the attenuation ponds. A spreadsheet has been provided which shows a net gain in habitat across the site. A new community orchard will be provided to the south of the Health Centre and an area of land is to be transferred to the Health Centre for them to provide a health garden. The area of land shown on the plans is larger than that specified in the Masterplan SPD.

There are a number of trees and hedges with high amenity value within and on the boundaries of the site and the majority of these are being retained. It is recommended that Tree Protection Plans and an Arboricultural Method Statement are conditioned to ensure the specified trees and hedges are retained and protected during the construction period.

Three Oak trees with habitat potential are being removed from the site to make way for the link road. The applicant has given justification for the need to remove these trees as the link road route has been set within the wider urban extension context and links into other land parcels. It also follows the contours of the landscape. The route is not able to avoid these trees.

A Landscape & Ecological Framework Plan has been provided that sets out details of habitats on site, landscape and ecological issues, and recommendations for enhancement and mitigation. The recommendations include keeping dark corridors for wildlife movement, including bats, checking for badger and reptile activity before construction starts and the provision of a hedgehog highway, bird and bat boxes and reptile refugia. This Plan is currently being updated and it is recommended that the updated Plan conditioned for implementation.

Subject to conditioning the ecology mitigation, it is considered that the proposal is acceptable in this regard and in broad compliance with the provisions of the NPPF.

5. Design and layout

The NPPF states that the creation of high quality places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. New places should be visually attractive, sympathetic to local character and landscape setting, and establish a strong sense of place.

The NPPF encourage local planning authorities to make use of tools and processes for assessing and improving the design of development, and to have regard to the outcome from these processes, including any recommendations made by design review panels.

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 DM2 of the Local Plan 3 Development Management Policies requires designs of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area and making efficient and effective use of the site. It should make a positive contribution to local character including any heritage or biodiversity assets, and create safe and accessible places that encourage sustainable modes of travel such as walking and cycling. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes.

Policy DM14 of the Local Plan 3 Development Management Policies requires new housing development to deliver high quality local places taking into account physical context, local character, density and land use mix. Proposals should demonstrate adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows and housing should have 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. Private amenity space should reflect the size, location, floorspace and orientation of the property.

Policy DM15 of the Local Plan 3 Development Management Policies requires newly constructed dwellings to meet or exceed minimum internal floorspace requirements (now set out by the National Space Standards).

The Masterplan SPD sets out a number of guiding principles in relation to design. Guiding Principle A relates to Urban Design – Placemaking and Quality Design. It requires that a scheme should create a place locally inspired by the characteristics of Cullompton and its immediate surroundings with the aim of achieving a high quality environment. It should take advantage of existing topography, landscape features, wildlife habitats and site orientation. New buildings should be designed and positioned with landscaping to define and enhance streets and spaces. They should also be designed to turn street corners well.

Guiding Principle C relates to Landscape, Open Space and Recreation. It states that development should be shaped around the existing character and features of the landscape, and protect and enhance biodiversity on the site. Landscape and open space should be integrated into the new community, and used to connect the various parts of the neighbourhood together, creating strong green links and corridors into the wider landscape. Existing public rights of way should be improved to aid accessibility.

Guiding Principle G relates to Character. It states that development will need to take its inspiration from the character of the locality, based on a character analysis of the site, its surroundings and Cullompton in order that locally distinctive character is reflected in the development.

Guiding Principle B of the Masterplan SPD relates to Movement and Transport. It states that transport provision should allow for accessibility for all modes of travel including pedestrian and cycle links both to/from the town centre and within the scheme itself. Existing public rights of way should be improved to aid accessibility. The structure of the development should create a well-connected and walkable neighbourhood with a clear and legible hierarchy of streets and spaces.

A key landscape feature is the treeline running across the site from north to south which is to be retained and enhanced in places. This connects into existing hedgerows around the boundary of the site to the boundary with Rull Lane and the green bridleway running around the site from St George's Well Avenue to Rull Lane, which are also to be retained. These landscape features form the basis for the proposed layout.

For the most part, dwellings are orientated north-south across the site with estate roads off the main spine road running with the contours of the land, which slopes up from Willand Road to the east to a treeline on the skyline to the west. There is logic to this layout and whilst it may not be imaginative, it makes good use of the land available and allows the landscape features to be retained. The layout provides good permeability with pedestrian and cycle connections into the existing bridleway, Rull Lane and Willand Road. There is a wide pedestrian route from Willand Road adjacent to the health centre and the school site. It is recommended that conditions are imposed for submission of technical details of the route connection and to ensure the walking and cycling routes connect to the public highway and the means of preventing vehicular access to these.

The entrance to the site features two attenuation ponds that will have permanent water with reed planting within the ponds, and meadow planting with trees around the edges. The boundary of the site along Willand Road will feature a new native hedgebank and there will be tree planting along the main route and throughout the site, including the provision of a community orchard. An area of land (at least 0.1ha) will be transferred to the adjacent health centre to form a health garden. This responds to a request from the adjacent Health Centre.

Residential estate roads are 5 metres in width with pavements on both sides. All dwellings, with the exception of the one coach house on the site, have private gardens and dedicated parking (the coach house has 2 garages but no garden). Parking standards meet those required by policy DM8 of the Local Plan 3 Development Management Policies (an average of 1.9 spaces per dwelling), with two parking spaces provided for all houses fronting onto the primary school site and an additional 25 visitor parking spaces provided in the way of layby spaces along the school frontage. Detached garages meet the sizes required by Mid Devon's Parking SPD, although the integral garages fall short of this size requirement. The garages are, however, in addition to a policy compliant level of parking.

The site is sloping and there is therefore the inevitable use of retaining walls. The majority of these are to the rear of or between the dwellings and vary in height from 0.5 metres to a maximum of 2.5 metres. With the exception of one terrace of 4 dwellings where the space between the rear of the dwellings and a retaining wall of up to 2 metres is only 3.5 metres, the remainder of the houses backing onto retaining walls have adequate amenity space.

The dwellings are to be a mix of 2, 3 and 4 bedroom houses, mostly two storeys but with some (19) 2.5 storeys. 60% of the houses have two bedrooms, 31% have 3 bedrooms and 9% have 4 bedrooms. There are 10 house types across the scheme, all houses except for one coach house. All house types meet National Space Standards as required by policy DM15 of the Local Plan 3 Development Management Policies, except the Leicester (8 dwellings) which is only 2 square metres below the standard, and the Alnmouth (39 dwellings) which is 10 square metres below the standard, but provides a small dwelling of a type that has been accepted on other Mid Devon schemes. Cullompton Town Council has recommended some of the houses are bungalows but this is not a policy requirement that can be insisted on. There may be scope within the larger urban extension for the inclusion of bungalows or other single storey homes.

Materials are red brick, render and some reconstituted stone, dark roof tiles and UPVC windows. There are no details of the doors and windows so there is a need to condition these. Boundary treatments are a mix of brick walls, stone walls, railings and fences (close boarded and post and wire). Devon & Somerset Police do not recommend the use of post and wire fences and the applicants have been asked to change these to meet the Police recommendations.

The scheme as originally submitted (since revised) was taken to the Devon & Somerset

Design Review Panel and their comments are summarised below.

The Panel did not consider adequate analysis had been carried out of the character of the site and area and landscape framework, and thought the green infrastructure layout should have been the basis on which the layout was designed. Their comments include:

The proposal is a standard layout not informed by the masterplan SPD guiding principles. Analysis of the site was been provided retrospectively and has not influenced the layout. Cullompton has a mixed character, history and special hidden elements and the policies aim to bring these out. The inadequate understanding of local character has resulted in a development with no sense of place. Frontages onto primary routes are poor (spine road and walking route to health centre), street scenes are poor and houses are bland. Main areas should feature enhanced designs – better materials, detailing (e.g. banding, windows) and boundary treatments, and information is required on the amount of cut and fill and use of retaining walls. Gradients of footpaths should be suitable for use by all people including wheelchairs, parents with buggies etc.

High value/quality housing should be used to properly frame the attenuation ponds. These could be a real feature for the development and include/be used as more open space. Attenuation ponds should be deeper and have more than 1m deep permanent water. Banks should be graded. There is a need for decent planting of these areas and inclusion of open space. Views of the ponds should be available from the houses framing them.

There are better ways to incorporate the key hedge in the development. Part of the hedge line could be used as a key space, e.g. a green square with bus stop and waiting area around key hedgerow tree/s. Reconsider placement of development close to the important hedge line, include in ecology mitigation framework, and show root protection zones in relation to cut and fill. Ensure maintenance strip next to hedgerow to ensure long term protection/maintenance of it.

Whilst not within the conservation area, this is a prominent site that has potential to affect its setting. The Council's Conservation Officer has commented on the scheme and those comments are summarised below.

Whilst supporting documents state that the development reflects the local vernacular the building types are all clearly standard designs rather than a development that reflects the character or qualities of the traditional buildings in the town. The colour of the brickwork will be important and should respect the typical mellow red palette typical of the area. There is scope for some use of contrasting brick detailing as seen in many examples around the town. With the trend for wood burners it is surprising that there are no chimneys. Also these are features that are quite distinctive within the roofscape of the town and can give a sense of rhythm and architectural continuity within a development.

The use of two and a half storey units scattered apparently randomly through the streets is not visually harmonious. The rooflines in several places are disjointed. I would strongly recommend that consideration is given to the use of some longer terraces. Putting the three storey apartment block on some of the highest ground in the site will make it very prominent.

The use of land to the front of houses for parking will give rise to a very bleak appearance unbroken by any greenery in several parts of the layout. Improvements to the design detail and layout are required to comply with the NPPF.

Following these comments, the scheme has been revised to take into account many of the recommendations.

More detail has been provided on the use of retaining walls, landscaping and materials. Houses have been moved further away from the key hedge running through the site and retaining walls and garden paths taken outside of the root protection zone. Whilst the suggestion of moving the key hedge into the public realm has not been taken up by the applicant, some mitigation has been agreed. The hedges will be kept as part of the public open space rather than being transferred with the properties and a gated 2m maintenance strip has been provided to all hedges to allow for access and provide a buffer between the hedgebank and private gardens. A management plan has been provided detailing ongoing management.

The attenuation ponds have been graded to provide aquatic benches rather than continuous sides, and the planting improved. Houses frame the ponds better and detailing such as brick banding has been introduced to larger and more prominent dwellings. House types have been revised and the 3 storey buildings have been removed. Chimneys have been introduced to some of the house types.

Parking has been rationalised so that it better relates to the dwellings and landscaping revised to better reflect the surround landscape character and break up hard landscaping. The green walking route from the school to the health centre/Willand Road has been amended to be step-free and at a shallower gradient for walking. All open space is now overlooked and corner houses have been provided to assist with this.

Whilst the scheme is still a standard layout with standard house types, effort has been made to improve the scheme and take into account many of the comments of the Design Review Panel and the Conservation Officer. Your officers consider that improvements made to frontages, house types, parking provision and landscaping is sufficient to be able to recommend approval on layout and design.

Whilst not fully compliant with the design guidelines set out in the Masterplan SPD, or with the National Space Standards, design quality has improved significantly from the first submission and your officers are content that the layout and design no longer warrants a recommendation of refusal. This will be set out further within the Planning balance section below.

6. 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 (Devon County Council), 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 1 which has the lowest risk of flooding. 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.

Within the masterplan, Guiding Principle F requires a water management strategy to be put in place that ensures that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site.

The submitted drainage strategy indicates that much of the site is not suitable for infiltration methods of surface water drainage and it is proposed to provide attenuation ponds to the east of the site, either side of the new access from Willand Road, to hold surface water before it discharges into Rull Leat at no more than the existing greenfield run off rates (with a 40% allowance for climate change). The leat will need to be culverted under the new access. Investigation into the functionality of the leat has been undertaken and its functionality has been confirmed.

The surface water drainage strategy makes some assumptions about surface water drainage of the primary school site, as the detailed design and layout of the school has not been provided. The Lead Local Flood Authority has recommended that further work on run-off rates is carried out once details of the school site are known.

It is recommended that a permanent surface water drainage management system is conditioned for later approval, together with a temporary system to deal with surface water discharge during the construction period. It is also recommended that the surface water drainage scheme is inspected at key stages of its installation, signed off by an appropriately qualified person, and confirmation provided in writing to the Local Planning Authority that the system has been installed in accordance with the approved details.

The attenuation ponds will have a permanent water level of approximately 1 metre. Slopes are to be 1 in 3 steep with a shallow zone (aquatic bench) along the edge of the permanent pool to support wetland planting. Further technical details of the ponds, to include details of the outfall, are required and it is recommended that these details are conditioned for approval.

Following detailed discussions with the Environment Agency and Devon County as Lead Local Flood Authority, and amendments to the scheme as originally submitted, both Authorities now consider the scheme to be acceptable, subject to conditions relating to the detailed design of the drainage scheme and its management and maintenance.

The drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, AL/CU/3 of the AIDPD, DM2 and DM29 of the LP3 DMP and guidance in the masterplan SPD.

7. Public open space, green infrastructure (GI) and community facilities

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. The requirements for open space and green infrastructure are set out more fully in the masterplan SPD.

Policy AL/CU/3 of the AIDPD relates to environmental protection and green infrastructure on the NW Cullompton urban extension and requires an area of 28 hectares for strategic GI to include a mix of parkland and open space, as well as 0.7 hectares of children's play, 2.8 hectares of sports pitches and 0.7 hectares of allotments. The policy provides for measure to protect and enhance existing trees and hedges and the maintenance of a wildlife network through the site. Existing public rights of way are to be protected and enhanced.

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 masterplan SPD amends the requirements in policy AL/CU/3 to provide 32 hectares of GI across the urban extension and, specifically within the Rull Hill area, at least 7.4 hectares of GI, including allotments (0.7 hectares) and a play area (0.45 hectares), as well as one playing pitch (1.4 hectares).

The main focus of green infrastructure within the urban extension is the area around Rull Hill adjacent to the proposed new primary school. This will include a multi-use games area and play area as well as landscaping to the GI area. Allotments and a community orchard will come forward in Phase 2. Details of the Rull Hill provision are set out in the separate report for application 17/01170/MOUT. Exact details of the GI to be provided in each Phase will need to be agreed in consultation with Cullompton Town Council. Details of the ongoing financial support, maintenance and management of the open space areas will also need to be conditioned.

For the land parcel subject to this application, the submitted plans show a new community orchard adjacent to the Health Centre. The plans also show other areas of informal green space around the development as part of the landscaping scheme. An area of land between the community orchard and the Health Centre is intended to be transferred to the Health Centre for use as a community garden (at least 0.1 ha in size). Boundary hedges are also to be retained and protected, and a wildlife corridor is to be retained through the site as part of the GI provision. It is recommended that provision of the community orchard, health garden and other public open space is secured within the S106 Agreement, together with its long term management and maintenance by a management company.

The main focus of green infrastructure and open space provision within the NW Cullompton Urban Extension within the Rull Hill area is outside of the application area for this application, although the three applications will share the delivery of strategic green infrastructure on Phase 1.

The masterplan SPD requires the Rull Hill green infrastructure to be provided within Phase 1 of the development of the urban extension. Due to viability issues, only part of the Rull Hill GI is anticipated to be included within Phase 1 (see separate report on Section 106 and Viability on the same Agenda). This will include a multi-use games area and play area as well as landscaping to the GI area. Allotments and a community orchard will come forward in Phase 2. Exact details of the GI to be provided in each Phase will need to be agreed in

consultation with Cullompton Town Council. Details of the ongoing financial support, maintenance and management of the open space areas will also need to be conditioned. The sports pitch to be provided as part of application 17/01170/MOUT is recommended to be delayed until Phase 2 to aid the viability of Phase 1 (see the separate report on 17/01170/MOUT on the same Agenda).

The Masterplan SPD also requires transfer of land for a community building in Phase 1. However, it does not require the community building itself to be delivered until Phase 2. Therefore, it is proposed to delay transfer of the land until early in Phase 2.

Whilst delivery of the Rull Hill GI and community facilities proposed under the three applications is not considered to be fully policy compliant, sufficient facilities are proposed to ensure future residents will have access to recreational land, with further facilities coming forward with Phase 2. Details of the green infrastructure and open space to be provided on the land parcel subject to this application will form part of the reserved matters application.

Within this application, it is intended to provide a community orchard adjacent to the Cullompton Integrated Health Centre and to transfer an area of land to the Health Centre for a health garden, accessed from the Health Centre.

8. 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.

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.

An archaeological investigation has been carried out on the site, the results of which have been submitted. The archaeological investigations have demonstrated the presence of Bronze and Iron Age heritage assets with archaeological interest that will be affected by the proposed development. The Historic Environment Team does not consider the assets to be of such significance that they would recommend preservation in situ. Instead, the recommended mitigation takes the form a programme of archaeological investigation and recording prior to development commencing, and post-excavation analysis, reporting and archiving.

St Andrew's Hill Scheduled Ancient Monument lies approximately 350 metres to the south and the Grade II listed building at Little Rull lies approximately 80 metres to the north. There is a second Grade II listed building at Paulsland approximately 400 metres to the west. The proposal has the potential to affect the settings of these heritage assets.

Historic England has no objection to the application on heritage grounds. The areas of concern in the Historic England response to the west of St Andrew's Scheduled Monument,

relate to those on the land parcel subject to application 17/01346/MOUT and are dealt with in that report.

Mid Devon's Conservation Officer has considered the impact of the proposals on heritage assets in the vicinity. Her comments are:

No objection in principle subject to suggested amendments to assist mitigation of the less than substantial harm identified with regard to heritage assets affected and the wider landscape impact.

Retention management and protection of existing hedges to the northern boundary will offset some of the most immediate adverse potential impacts on the setting of Grade II listed building of Little Rull which is in closest proximity to the application site; Paulsland, also Grade II, is more difficult to assess for impact on setting since the intervening school site and how that is developed and landscaped will affect this. Other listed buildings identified in the Environmental Statement are mainly affected by the cumulative impact of the encroachment of the total development in this part of Cullompton on the wider rural setting including the views across (intervisibility); this is also true of the scheduled Ancient Monument which is affected by other blocks of development within the masterplan area.

The degree of adverse impact will be reduced by some amendments to design / layout, retention and strengthening of hedgerows and the careful choice of materials that will reflect the typical colour palette of the wider landscape.

Whilst the impacts on individual heritage assets can be described as "less than substantial harm" the NPPF requires that such harm needs to be offset by public benefit. Clearly the need for housing including affordable housing is a public benefit with considerable weight.

The Conservation Officer's comments on layout and design are discussed within the Layout and design section of this report.

In terms of impacts on the settings of heritage assets, the application is considered to be acceptable and in accordance with policy DM27 of the LP3 DMP and the NPPF.

9. Delivery of primary school

The application includes the site for the new primary school within the red line. However, no details of the school have been submitted as the school will be designed and delivered by Devon County Council. Details of the design and layout of the school will be considered at a later date and will need to be conditioned. This application includes transfer of the land and access for the school to Devon County Council at no cost and this obligation will be included in the Section 106 Agreement. There will also be a financial contribution towards the cost of building the school (see separate report on the Section 106 Agreements for phase 1 of the NW Cullompton allocation).

Cullompton Town Council has raised concerns that sufficient parking and turning for cars and coaches are provided on the school site and that traffic management is carefully considered. The reason for this request is that the Town Council would like to be sure that potential highway safety issues are resolved before any development takes place. As yet, Devon County Council does not have a design for the school site and this will need to be conditioned for approval before construction of the new school begins. Delivery of the school site will be secured by Section 106 Agreement.

Delivery of the primary school in Phase 1 is considered to comply with the triggers in the Masterplan SPD and the transfer of the land to Devon County Council will be in advance of

the triggers set out within the allocation policies set out in the AIDPD.

10. Viability and Section 106 obligations

The application has been accompanied by a detailed viability assessment that concludes the development (when considered with the other two applications forming Phase 1) is not viable with a policy compliant level of affordable housing and other Section 106 obligations, including £5,000 per dwelling financial contribution to the Town Centre Relief Road. Full details of the viability assessment and Section 106 obligations are set out in the separate over-arching Section 106 report on the same Agenda.

11. Comments received

A number of comments were received in respect of the three linked applications. Concern was raised about the increase in traffic on the surrounding road network and impact on the town centre. The Highway Authority is satisfied with the proposals and a number of conditions are recommended to mitigate the effects of the additional traffic on the road network. Noise and pollution during construction will be dealt with through the Construction Environmental Management Plan. Comments relating to delivery of road infrastructure are dealt with elsewhere in this report.

Comments about flooding and drainage, landscape and wildlife have also been dealt with elsewhere in this report.

Many of the comments related to the principle of development and the need for housing. The site is already allocated for development so the principle of development on the NW Cullompton urban extension has already been established.

Financial contributions are proposed to expand education and medical facilities in the town and a new primary school proposed within Phase 1. Local centre shops are scheduled for Phase 2 of the development of the urban extension.

Cullompton Town Council has raised a number of concerns with regard to affordable housing, public rights of way, road infrastructure and traffic, and drainage, which are dealt with elsewhere in this report.

12. 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.

The layout and design of the scheme is considered to be broadly acceptable, although one or two areas of concern remain which need to be weighed against the benefits of granting planning permission for the scheme. Impacts on biodiversity and landscape 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. The details of the portion of the link road subject to this application are satisfactory to the Highway Authority.

Community facilities are to be provided in the form of Rull Hill green infrastructure, including a multi-use games area, play area and landscaped open space.

The delivery of 200 new homes, including 10% 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 level of affordable housing and the reduced Section 106 package for Phase (to be delivered in Phase 2). This is set out in the separate over-arching Section 106 and Viability report for the three linked applications forming Phase 1 of the delivery of the NW Cullompton urban extension.

Also weighing against the application are areas of concern with the layout that remain: the provision of small gardens and retaining walls for a terrace of 4 dwellings and the awkward parking arrangements in another small section of the layout, as well as a number of dwellings being below National Space Standards. However, these design issues are not considered significant enough to warrant a reason for refusal of the application.

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. The development hereby permitted shall be begun before the expiration of two 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. No development shall take place on the primary school site indicated on the approved plans until details and drawings in respect of the following matters have been submitted to and approved in writing by the Local Planning Authority:
 - A. Access, parking and turning
 - B. Design of all buildings, including layout, floor plans, elevations, finished floor levels and materials, windows and doors
 - C. Landscaping, including changes in ground levels, planting and sports pitch provision
 - D. Boundary treatments
 - E. Surface water drainage

The development of the primary school site shall proceed only in accordance with the approved details.

4. 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.
5. 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;
 - 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 exceeding 7.5 tonnes;
- 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, to include the recommended mitigation measures identified during Chapter 12 of the submitted Environmental Statement covering Dust and Air Quality.

Construction shall be carried out only in accordance with the approved CEMP.

- 6. 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.
- 7. No part of the development hereby approved shall begin 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; and
- D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 4.
8. No development shall take place until an access scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the design of existing public rights of way routes where these are to be upgraded and new public rights of way, their surfacing, widths, gradients, landscaping, road crossing points, drainage and technical details of their connections to the public highway, as well as trigger dates for the implementation of the provision and/or upgrade of the public rights of way and details of ongoing maintenance and management or adoption arrangements. The development shall be carried out in accordance with the approved scheme.
 9. No development shall begin until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The installation electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.
 10. No part of the development hereby permitted shall begin until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
 11. 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. 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 Drainage Strategy (Ref. NW Cullompton; Rev. A; dated 21st June 2017), Drainage Strategy Addendum (Ref. NW Cullompton; Rev. -; dated 20th March 2018) and Flood Exceedance Routing (drawing No. 453-P-500; Rev. C; dated 25th February 2019). The surface water drainage management system shall be installed in accordance with the approval details and retained and maintained in accordance with the approved details.
 12. 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.
 13. No development shall begin until the construction details of the attenuation ponds, including heights and positions of outfalls, has been submitted to and approved in writing by the Local Planning Authority. The ponds shall be designed to maintain a permanent water level of at least 1 metre in depth. Construction of the attenuation ponds shall be completed in accordance with the approved details before any dwelling is occupied in any phase.

14. 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 11.
15. No part of the development hereby permitted shall begin until 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. The approved arrangements shall be provided in accordance with a timescale to be approved under this condition and thereafter permanently retained and maintained in accordance with the approved details.
16. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
17. No development shall take place until details of all changes in ground levels to be demonstrated by reference to existing and proposed levels, and details of all retaining walls, including heights, construction methods and surface treatments with reference to plot numbers, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place only in accordance with the approved details.
18. No development shall take place on the site except in accordance with the details set out within the submitted Landscape & Ecological Framework Plan (LEFP) by FPCR Environment and Design Ltd dated [date to be inserted once a revised Plan received]. The recommendations in the LEFP shall be adhered to throughout the construction period and the development shall be operated only in accordance with the management provisions set out within the LEFP.
19. No development shall take place until revised Tree/Hedge Protection Plans detailing trees and hedges to be removed and to be retained, and an Arboricultural Method Statement detailing how retained trees and hedges will be protected during the construction period, have been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection shall be in place before development on the site begins and shall remain in place during the entire period of construction on site.
20. Finished floor levels shall be those specified on drawing number [to be inserted once revised plans received] unless otherwise agreed in writing by the Local Planning Authority.
21. Before their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings, and details of windows and doors, shall have been submitted to and approved in writing by the Local Planning Authority. Only such approved materials shall be so used.

22. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
- A. The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B. The spine road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
 - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
 - D. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined; and
 - G. The street nameplates for the spine road and cul-de-sacs have been provided and erected.
23. First occupation of any dwelling in any agreed phase shall not take place until boundary treatments have been installed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be installed.
24. First occupation of any dwelling shall not take place until details of street furniture to be provided within the public areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include benches or other seating, dog waste and litter bins, and handrails for steeper areas, in particular along the walking route between Willand Road and the primary school site and the community orchard, together with a timescale for their delivery. Following their provision, such facilities shall be permanently retained and maintained for their purpose at all times.
25. First occupation of any dwelling shall not take place until bin stores have been provided in accordance with the approved details.
26. No dwelling hereby permitted shall be occupied until works to improve the existing public foul sewerage network so that it is able to cope with the flows from the proposed development have been completed.
27. No external lighting shall be installed on any part of the site unless as part of an external lighting plan that has been previously approved in writing by the Local Planning Authority. The external lighting plan should include all details of external lighting and light levels falling on wildlife habitats and demonstrate how dark corridors will be provided for wildlife.

REASONS FOR CONDITIONS

1. In accordance with the provisions of the NPPF 2019 and Planning Practice Guidance, to help ensure the housing proposal is implemented in a timely manner.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that adequate information is available for the proper consideration of the detailed proposals on the primary school site.
4. To ensure the proper development of the site.
5. 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. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. 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.
8. To ensure that new and upgraded public rights of way are delivered in a timely manner and function for their purpose at all times, providing sustainable walking and cycling links, in accordance with the provisions of the adopted NW Urban Extension Masterplan SPD. This information is required before construction begins in order to ensure that the benefits are delivered with the development.
9. To provide opportunities for the reduction of carbon emissions to help combat climate change in accordance with policy DM8 of the Local Plan 3 Development Management Policies. This information is required to ensure the development is constructed with these features as integral to the housing.
10. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
11. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. 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.
12. 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. 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.
13. 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.

14. 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.
15. 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 before construction starts.
16. To ensure the development assimilates well into the surrounding landscape and the public open space and residential amenity spaces are appropriately designed for their use, in accordance with policy CO2 of the Mid Devon Core Strategy and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
17. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the NPPF and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
18. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the NPPF and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
19. To ensure the development makes a positive contribution to the area and to protect the residential amenity of neighbouring residents in accordance with policy DM2 of the Local Plan 3 Development Management Policies.
20. To ensure the development makes a positive contribution to the area in terms of its character and visual amenity in accordance with the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
21. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
22. To ensure a good standard of residential amenity and security for residents, in accordance with policy DM14 of the Local Plan 3 Development Management Policies.
23. To ensure adequate facilities are provided that are usable for all residents of the site in terms of accessibility in accordance with the provisions of the NPPF.
24. To ensure adequate facilities for waste management are provided on site to protect the residential amenity and visual qualities of the area, in accordance with policy DM14 of the Local Plan 3 Development Management Policies.
25. To ensure that adequate foul drainage facilities are available before any dwelling is occupied.
26. In order to protect wildlife habitats from light pollution in accordance with the provisions of the NPPF.

INFORMATIVE

The archaeological programme of work should take the form of:

- (i) The excavation of additional investigative trenches to identify and further define areas of archaeological sensitivity in addition to those already identified by the targeted archaeological evaluation of the site, followed by

(ii) The area excavation of areas of archaeological sensitivity.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

REASON FOR APPROVAL OF PERMISSION

The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan. The details of the connecting link road with the adjacent land parcel are considered acceptable to the Highway Authority.

The layout and design of the scheme, including scale and massing, dwelling design and materials, estate roads and parking areas, and landscaping are considered to be broadly acceptable, with layout issues not being significant enough to warrant refusal of the application.

Impacts on biodiversity and landscape 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. The access onto Willand Road and the detailed of the portion of the link road subject to this application are satisfactory to the Highway Authority. The drainage arrangements are considered to be acceptable to the Environment Agency and Lead Local Flood Authority, and the application would provide additional foul drainage capacity.

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 delivery of 200 new homes, including 10% affordable housing weighs in favour of approval of the application as do provision of green infrastructure and community facilities. 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 level of affordable housing and the reduced Section 106 package for Phase 1 (to be delivered in Phase 2), due to the upfront infrastructure burden on Phase 1, including financial contributions towards the delivery of the Cullompton Town Centre Relief Road.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the proposal 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/CU/1 (with the exception of the affordable housing percentage), AL/CU/1-5, AL/CU/15-16, and 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, DM14 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details). The application does not fully accord with Policy AL/CU/1 or the adopted Masterplan SPD in respect of the

affordable housing percentage and phasing and of green infrastructure and community facilities, or DM15 of the Local Plan 3 Development Management Policies with regard to compliance with National Space Standards.

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.