

# Public Document Pack

**Committee Administrator**  
**Carole Oliphant**  
**Tel: 01884 234209**  
**E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)**

**PLEASE NOTE:** Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator at least 24 hours before the meeting starts. We are unable to accommodate public speakers who have not pre registered but members of the public are welcome to attend and observe the meeting virtually.

Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

Join Zoom Meeting

<https://zoom.us/j/93516855685?pwd=Q0ILK1NUNThXMnJTMTdLWWg3MUh1QT09>

Meeting ID: 935 1685 5685

Passcode: 992448

One tap mobile

08003582817,,93516855685#,,,,,0#,,992448# United Kingdom Toll-free

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Dial by your location

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free

0 800 260 5801 United Kingdom Toll-free

Meeting ID: 935 1685 5685

Passcode: 992448

## **MID DEVON DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

**A MEETING** of the **PLANNING COMMITTEE** will be held Virtually on Wednesday, 13 January 2021 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 10 February 2021 at 2.15 pm and will be held Virtually

### **STEPHEN WALFORD**

Chief Executive

5 January 2021

**Councillors:** Mrs F J Colthorpe (Chairman), G Barnell, E J Berry, Mrs C P Daw, L J Cruwys, C J Eginton, S J Clist, F W Letch, D J Knowles, R F Radford 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     **REMOTE MEETINGS PROTOCOL** *(Pages 5 - 10)*  
Members to note the Remote Meetings Protocol
- 3     **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.
- 4     **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.
- 5     **MINUTES OF THE PREVIOUS MEETING** *(Pages 11 - 16)*  
Members to consider whether to approve the minutes as a correct record of the meeting held on 2<sup>nd</sup> December 2020.
- 6     **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 7     **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
- 8     **THE PLANS LIST** *(Pages 17 - 144)*  
To consider the planning applications contained in the list.
- 9     **PLANNING PERFORMANCE 20/21 - QUARTER 3** *(Pages 145 - 154)*  
To receive a report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for Quarter 3 of 20/21.
- 10    **APPEAL DECISIONS** *(Pages 155 - 156)*  
To receive for information a list of recent appeal decisions.

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

### Covid-19 and meetings

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Carole Oliphant on:  
E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

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## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues – meeting management**

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.



If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

## **19. Technical issues – Individual Responsibility (Members and Officers)**

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"*

**Wait.....**

*"You have now entered the meeting"*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute'** and **'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 2 December 2020 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
G Barnell, Mrs C P Daw, L J Cruwys,  
F W Letch, D J Knowles, R F Radford,  
R J Dolley, J M Downes and C J Eginton

### **Apologies**

#### **Councillor(s)**

E J Berry, S J Clist, S J Penny and  
B G J Warren

### **Also Present**

#### **Councillor(s)**

Mrs M E Squires

### **Present**

#### **Officers:**

Adrian Devereaux (Area Team Leader),  
Alison Fish (Area Team Leader), Philip  
Langdon (Solicitor), Jake Choules (Planning  
Assistant), Sally Gabriel (Member Services  
Manager) and Carole Oliphant (Member  
Services Officer)

## 103 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.43)**

Apologies were received from Cllr E J Berry, Cllr S J Clist and Cllr B G J Warren who were substituted by Cllr C Eginton, Cllr J D Downes and Cllr R Dolley respectively.

Apologies were received from Cllr S J Penny.

## 104 **REMOTE MEETINGS PROTOCOL (0.04.14)**

The Committee had before it, and **NOTED**, the \*Remote Meetings Protocol.

Note: \*Protocol previously circulated and attached to the minutes

## 105 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.32)**

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

## 106 **PUBLIC QUESTION TIME (0.04.37)**

There were no questions from members of the public present.

107 **MINUTES OF THE PREVIOUS MEETING (0.04.58)**

The Minutes of the meeting held on 13<sup>th</sup> November 2020 were agreed as a true record.

108 **CHAIRMAN'S ANNOUNCEMENTS (0.05.56)**

The Chairman had no announcements to make.

109 **DEFERRALS FROM THE PLANS LIST (0.06.02)**

There were no deferrals from the Plans List.

110 **THE PLANS LIST (0.06.06)**

The Committee considered the applications in the \*Plans List.

Note: \*List previously circulated and attached to the minutes.

- a) 20/01507/FULL - Retention of timber outbuilding to be used ancillary to the house, retention of alterations to ground level changes and change of use of agricultural land to domestic garden at 8 Mill Stream Gardens, Halberton, Tiverton.**

The Area Team Leader outlined the contents of the report by way of a presentation highlighting the site location plan, the location of the shed, ground level alterations and photographs of the site from the neighbouring paddock.

She explained that the shed had been built larger than the permission granted in 2019 to include the provision of a log store. She confirmed to members that the shed as built was 25% larger than the original permission.

In response to members questions regarding the quality of top soil which had been brought onto the site for alterations to the ground level that the Environment Agency had a duty to control this and it was not a consideration of the Planning Authority.

Consideration was given to:

- The views of the objectors who stated that they had concerns with the location of the shed, the quality of the material used for releveling and issues with overlooking their paddock
- The views of the agent who stated the Environment Agency had provided advice and guidance to the applicants regarding material brought on site and that their investigations had been completed, that the ground level adjustments were consistent with neighbouring properties and that the property did not overlook the neighbouring property private amenity
- The views of the Ward Member who stated he had visited the site and talked to other neighbours who had expressed no concerns with regard to the application and that he had no concerns with overlooking into the neighbouring

property private amenity area. He felt this was a dispute between neighbours which was not a material consideration and he could see no reason to refuse the application

- That the application was retrospective but that there were no material considerations to refuse the application

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

**Reason for the Decision** – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, J Downes, L Cruwys, Mrs C P Daw, R Dolley, C Eginton, D J Knowles, F W Letch and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from the Objectors
- ii.) Mr & Mrs Keenoy (Objectors) had provided Members with a written statement and photographs which had previously been circulated
- iii.) Duncan Tilney (Agent) spoke
- iv.) Cllr R F Radford spoke as Ward Members
- v.) The following late information was reported:
  - a. 'One additional letter of representation has been received which supports the application scheme. Members will also be aware of email correspondence which was circulated to members of the committee from Mr Keenoy an objector and neighbour to the proposal.'
  - b. References in the report to Cherry Tree Cottage should be replaced by Cherry Tree House

**b) 20/01170/FULL - Change of use of land for siting of Shepherd's Hut and composting toilet for personal use and short term holiday letting at Land at NGR 271309 108525, Hele Cross, Nymet Rowland.**

The Area Team Leader outlined the contents of the report by way of a presentation highlighting the site location plan, the parking plan and the position of the proposed shepherds hut and toilet.

He explained that the applicants were intending to obtain a gold standard for sustainable tourist accommodation and that a planting/landscaping plan had been provided. He provided further detail on the distance of the proposed shepherds hut to neighbouring properties.

He explained that a noise management plan had been provided and that there would be no amplified music on site, no arrivals after 8pm and no more than two adult guests staying in the hut at any one time. The applicants had indicated that the hut would only be let to tourists approximately 4 days per month and that the rest of the time it would be for personal use.

He explained that Public Health had responded to the concerns of the Parish Council with regard to grey water and that they had no concerns with the proposals.

Answering questions about the seasonal use of the hut, the Area Team Leader explained that the application was for year round use. He also confirmed that although the hut had wheels, the application site was fixed and therefore it could not be moved around the site. He stated that the compost toilet would need to be moved from time to time as was the nature of the product.

Consideration was given to:

- The views of the objector who stated that neighbouring properties had concerns with noise levels, that the hut was too close to neighbouring properties and that the property had been sold, so questioned the need for the application to go ahead
- The views of the Parish Council who had stated there were concerns with grey water
- The views of the acting Ward Member who had concerns with the rural location of the application with no close amenities, the parking provision for visitors, the noise levels and development in open countryside
- The number of objectors to the application
- That although the shepherds hut had wheels it could not be moved around the site
- That Public Health had no concerns regarding the grey water
- That the hut would be used for both private and light holiday use

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

**Reason for the Decision** – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, J Downes, L Cruwys, Mrs C P Daw, R Dolley, C Eginton, D J Knowles, F W Letch and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters from the Objectors
- ii.) Mrs Lovesey (Objector) spoke
- iii.) The Chairman read out a statement by Nymet Rowland Parish Council
- iv.) Margaret Squires spoke as acting Ward Member
- v.) A proposal to refuse the application was not supported
- vi.) Cllr C Eginton requested that his abstention on voting be recorded
- vii.) The following late information was reported:
  1. A letter has been received from Nymet Rowland Parish Council raising the following matters of concern:
    - Grey water disposal
    - Noise
    - Implications of a change of use application.

2. A response from the Council's Public Health Officer has been received following the concerns received from the Parish Council over grey water disposal. This response was as follows:

'I can confirm that any potential impact on pollution to ground water would be low and therefore have no objections to the proposal.'

3. A letter and photograph was sent to members of the planning committee by Julie Lovesey outlining her speech for the committee meeting. She is speaking on behalf of the objectors.

#### 111 **MAJOR APPLICATIONS WITH NO DECISION (1.34.52)**

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

It was **AGREED** that:

20/01588/MFUL Crediton Milling Co Ltd, Fordton Mill, Crediton, Devon EX17 3DH: Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) be brought before the committee for determination and that a site visit take place if the officers recommendation was one of approval.

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

#### **Update Sheet**

(The meeting ended at 3.52 pm)

**CHAIRMAN**

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## PLANNING COMMITTEE AGENDA - 13th January 2021

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description  |
|-----------------|--|
| 01.             | <p>20/01537/HOUSE - Installation of water supply and drainage for cabin used for ancillary accommodation and retention of decking at 19 Lower Millhayes, Hemyock, Cullompton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |
| 02.             | <p>20/01452/MOUT - Hybrid application for a new cricket facility consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket grounds at Land at NGR 305210 108255, Horn Road, Kentisbeare.</p> <p><b>RECOMMENDATION</b><br/>Grant subject to conditions</p> |
| 03.             | <p>20/00876/MFUL - Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works at Land at NGR 302456 107324, Cullompton, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |

Application No. 20/01537/HOUSE

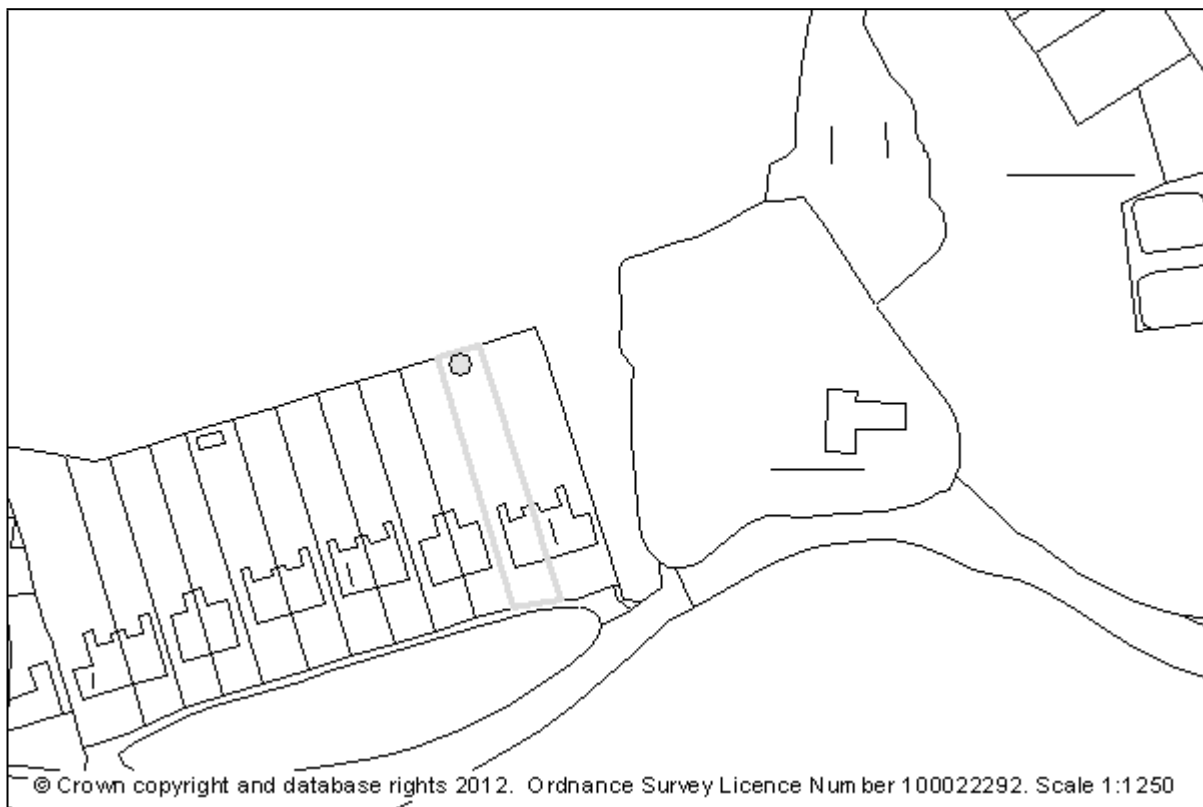
Grid Ref: 314195 : 113966

Applicant: Miss Marie Ingersoll

Location: 19 Lower Millhayes  
Hemyock  
Cullompton  
Devon

Proposal: Installation of water supply and drainage for cabin used for ancillary accommodation and retention of decking

Date Valid: 2nd October 2020



## **APPLICATION NO: 20/01537/HOUSE**

### **MEMBER CALL-IN**

**The application has been called in by Councillor Clist to consider whether the installation of water supply and drainage is justified and whether the decking has a negative impact on the amenity of neighbouring properties.**

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Installation of water supply and drainage for cabin used for ancillary accommodation and retention of decking.

A certificate of proposed lawful use application was refused in August 2020 (reference: 20/00887/CLP) due to the proposed installation of water supply and drainage being considered to be excavation works requiring planning permission hence this application has been submitted.

The application seeks planning permission for the installation of water supply and drainage to an existing outbuilding used ancillary to the main house (19 Lower Millhayes). The outbuilding itself is considered to be permitted development as it is used ancillary to the main house and therefore the use of the building, size of the building and windows etc. will not be considered in this application. The use of the building as a separate dwelling would require planning permission; as would a change of use to allow the building to be rented out and/or advertised as a separate entity such as a holiday let. This is not what the application is proposing and therefore no further consideration of this will be given.

The second element of the application seeks to regularise some decking which has been erected on the site as it is slightly more than permitted development will allow. Under permitted development legislation an area of decking up to 30cm can be installed in a garden. Due to the slope of the garden part of the decking is between 30cm and 45cm in height and therefore this application also seeks permission to retain the decking as built on site.

### **APPLICANT'S SUPPORTING INFORMATION**

Site location plan, existing and proposed plans.

### **RELEVANT PLANNING HISTORY**

05/01183/FULL - REFUSE date 8th August 2005Erection of two storey extension to rear of property

20/00887/CLP - REFUSE date 19th August 2020Certificate of lawfulness for the proposed installation of water and drainage to an existing cabin in rear garden

20/01537/HOUSE - PCO date Installation of water supply and drainage for cabin used for ancillary accommodation and retention of decking

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan Review 2013 – 2033**

S13 - Villages

DM1 – High quality design

DM11 – Residential extensions and ancillary development

DM27 – Protected landscapes

## **CONSULTATIONS**

Hemyock Parish Council: 5<sup>th</sup> November 2020 - The parish council is not content with the application. The facilities are inappropriate for a garden shed, the potential usage is overdevelopment and due to its elevated position overlooks directly into the neighbouring properties resulting in a loss of privacy. This development could encourage more than ancillary accommodation and create a rental opportunity.

Highway Authority: 21.10.20 - No Comments.

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

## **REPRESENTATIONS**

A total of six letters of objection have been received at the time of writing this report. The main material considerations mentioned are summarised below and while these do not relate to the application scheme (installation of water supply and drainage) they have been addressed in the report:

- Use of the shed as a separate dwelling;
- Parking provision;
- Queries over need of ancillary accommodation;
- Privacy issues;
- Potential renting out of the shed;
- Decking area.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1) Principle of development
- 2) Use of the cabin
- 3) Visual impact
- 4) Impact on neighbouring properties amenity
- 5) Impact on Blackdown Hills AONB designation

- 1) Principle of development

The site is located within the settlement limit of Hemyock which is one of the districts defined settlements set out in the Mid Devon Local Plan 2013-33. Development in village locations is covered by policy S13.

The development proposed is ancillary to the existing residential dwelling and therefore the proposal must be considered against policy DM11 of the Mid Devon Local Plan 2013-3 (residential extensions and ancillary development). Policy DM11 provides in principle policy support for residential extensions and ancillary development where the following set of criteria are met:

- a) Respect the character, scale, setting and design of existing dwellings;
- b) Will not result in over-development of the dwelling curtilage; and

c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

A summary assessment of the application scheme against these criteria is set out below or sections of the report later identified:

a) See section 3 of the report below.

b) As mentioned above the outbuilding is considered to be permitted development. The proposed water supply and drainage will not result in an overdevelopment of the dwelling curtilage. The decking measures 6.4m wide (across the garden) x 3.9m deep (extending out from the front of the cabin into the garden towards the house). This results in a total area of less than 25sqm and is not considered to result in an overdevelopment of the dwelling curtilage. The property enjoys a good size garden which is more than sufficient to accommodate the area of decking in situ and still have plenty of garden space remaining.

c) See section 4 of the report below.

## 2) Use of the cabin

The use of the cabin which is existing on the site is considered to be lawful and permitted development as long as it is used ancillary to the main house. If the cabin is to be used as a separate dwelling house then a full planning application would be required for that use. The applicant has confirmed that the cabin is used for ancillary living accommodation. The water supply and drainage pipes are proposed so that a small shower room can be installed to serve the cabin.

## 3) Visual impact

The proposed water supply and drainage would be installed below ground level in the garden and therefore it is not considered that there would be any adverse impact in allowing the proposed pipes.

The decking which is existing on the site is constructed of timber like decking found in many other residential gardens. The decking measures 6.4m wide (across the garden) x 3.9m deep (extending out from the front of the cabin into the garden towards the house). The section of decking measuring over 30cm in height is approximately 1.5m and so it is only that 1.5m x 6.4m that is being considered as the rest would be permitted development. The appearance of the decking in the residential garden is not out of keeping with the general area and has weathered to blend in well. The decking is low level and therefore can only be seen because of the slope of the gardens which slopes upwards from the houses to the tops of the gardens. The visual appearance of the decking is considered to be acceptable in this garden location and has no wider visual impact beyond the row of houses along Lower Millhayes.

## 4) Impact on neighbouring properties amenity.

Officers have visited this site and it was clear that there are no significant adverse impacts resulting from the decking. There is inter-visibility between gardens due to the slope of the site and the additional area of decking is not considered to increase the inter-visibility to such an extent that the privacy of neighbouring properties is compromised. The general arrangement of having a row of terraced properties with gardens which elevate towards the ends by their very nature means that there is already increased inter-visibility between properties. The decking area is not considered to be overbearing on neighbouring properties and due to the distance between the decking at the back of the properties, it is not considered that there is any significantly adverse

overlooking or loss of privacy. The decking is a maximum height of 45cm in areas due to the slope of the land but it is not considered that this is an overbearing height.

5) Impact on Blackdown Hills AONB designation

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty. The site is within the village of Hemyock and the impact of the proposal on the AONB is considered to be limited to the site and terrace of houses rather than the further village or AONB setting. As such the proposal is considered to comply with policy DM27 of the Mid Devon Local Plan 2013-33.

## **CONDITIONS**

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

## **REASONS FOR CONDITIONS**

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

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

The proposed installation of water supply and drainage for cabin used for ancillary accommodation and retention of decking is considered to respect the character, scale, setting and design of the existing dwelling. The application scheme does not result in an overdevelopment of the dwelling curtilage and the proposal will not lead to any significantly adverse impacts on the living conditions of neighbouring residential properties. The application scheme is not considered to have a wider impact on the Blackdown Hills Area of Outstanding Natural Beauty designation. On this basis the application scheme is considered to be in accordance with policies S13, DM1, DM11 and DM27 of the Mid Devon Local Plan 2013-33 and the National Planning Policy Framework.

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

Application No. 20/01452/MOUT

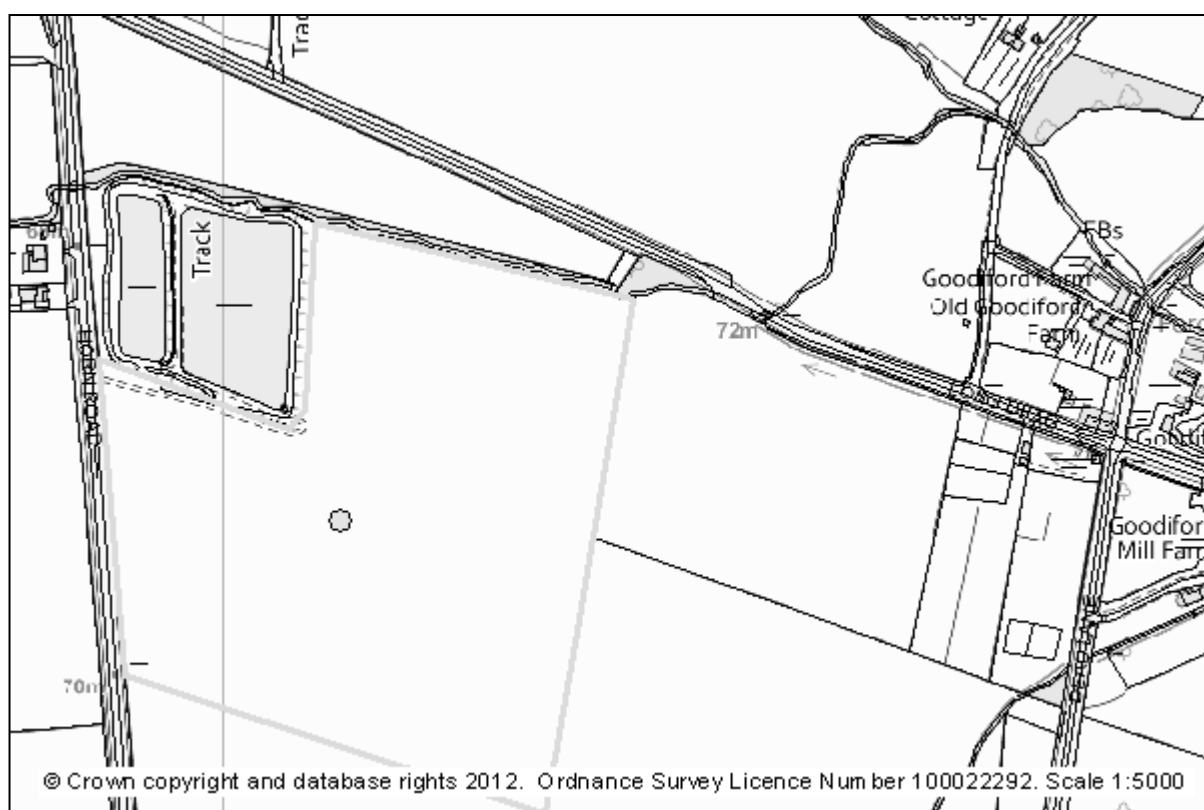
Grid Ref: 305210: 108255

Applicant: Mr Richard Stevenson

Location: Land at NGR 305210 108255  
Horn Road  
Kentisbeare  
Devon

Proposal: Hybrid application for a new cricket facility consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket pitches

Date Valid: 25th September 2020



## **APPLICATION NO: 20/01452/MOUT**

### **RECOMMENDATION**

The application be approved subject conditions

### **DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT**

Hybrid application for a new cricket facility consisting of

- . Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved)
- . Full application for layout and earthworks for 2 cricket pitches.

The application relates to an existing field in agricultural use to the east side of Horn Road, in the parish of Kentisbeare to the east of Cullompton. It is approximately 2.3km to the north east of Junction 28, and just over 600 metres to the north east of the edge of the East Cullompton allocation, which is a 160 hectare site allocated for mixed use development under policy CU7 of the Mid Devon Local Plan 2013-2033. The application has come forward as a result of a concurrent application for the Cullompton Town Centre Relief Road (20/00876/MFUL), which if approved would lead to the loss of the existing cricket pitch as Cullompton Cricket Club's current facilities, which are currently within the proposed route of the relief road.. This application therefore seeks planning permission for the relocation of the cricket club and facilities to replace those proposed to be lost.

### **APPLICANT'S SUPPORTING INFORMATION**

Existing and Proposed Plans and Drawings (including indicative plans)

Proposed Earthwork Plans

Topography Survey

Planning, Design and Access Statement

Heritage Statement

Landscape and Visual Assessment

Extended Phase 1 Ecology Appraisal (Ethos)

Tree Survey and Constraints Report (Ethos)

Flood Risk Assessment and Drainage Strategy (ALP)

Transport Statement

Travel Plan Statement

Waste Audit Statement

Geophysical Report

### **ENVIRONMENTAL IMPACT ASSESSMENT**

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017, however is not considered to be EIA development.

A Scoping Opinion has not been sought directly from the Local Planning Authority, as such the Local Planning Authority has considered the application taking into account the EIA Regulations, and the nature and scale of the proposed development, concluding that an Environmental Statement is not required.



## **RELEVANT PLANNING HISTORY**

20/01452/MOUT - PCO date Hybrid application for a new cricket facility consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket pitches.

## **OTHER RELATED APPLICATIONS**

20/00876/MFUL - PCO date

Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan 2013-33**

S1 - Sustainable development priorities

S8 - Infrastructure

S9 - Environment

S11 - Cullompton

S14 - Countryside

CU7 - East Cullompton

CU19 - Town Centre Relief Road

CU20 - Cullompton infrastructure

DM1 - High quality design

DM3 - Transport and air quality

DM4 - Pollution

DM23 - Community Facilities

DM24 - Protection of local green space and recreational land/buildings

DM25 - Development affecting heritage assets

DM26 - Green infrastructure in major development

DM27 - Protected landscapes

## **National Planning Policy Framework**

## **CONSULTATIONS**

### **KENTISBEARE PARISH COUNCIL - 6th November 2020**

Kentisbeare Parish Council met on 27th October 2020 to discuss this application.

There was a majority vote to submit the attached letter as the Parish Council's official submission.

At the outset, Kentisbeare Parish Council would like to make clear that it is supportive of a proposed Cullompton Relief Road and sympathetic to the Cricket Club in its likely need to find a replacement ground. However it is clear that this planning application needs to stand or fall on its own merits and that Mid Devon District Council's decision on it should be in no way be linked to its desire to expedite the construction of the new road. In our response we have sought to set out a few key issues at stake and to highlight the detail of the relevant aspects of planning legislation thereafter.

## A. Consultation.

In Mid Devon's only consultation in respect of the proposed Garden Village to date last year, the majority of those expressing opinions on the relevant questions wished to see the eastern boundary of the Garden Village at or to the west of Horn Road. The majority also wished to see a buffer zone that saw no development of any sort including the location of sports clubs.

The consultation in respect of the Greater Exeter Strategic Plan confirmed the need for a visual and physical separation between Kentisbeare and the Garden Village. This application would site a major sports facility to the east of Horn Road in direct contravention of this feedback from the public. There is real fear that more would follow.

## B. A Replacement Ground.

Cullompton Cricket Club should get a replacement ground if the Relief Road goes ahead, but what they are proposing goes far beyond that. There has been no sight of a business plan to back up the remarkable increased scale of the facilities they propose nor any idea of where the financing for this will come from, as Devon County Council will only be funding like for like. Our contact with Devon Cricket suggests that there is far from whole-hearted support for the county ground that the Cricket Club refers to. We understand that the Club has struggled to find the players to turn out a third team, although one would not get that impression from their application.

The application doubles the number of pitches, more than doubles the car parking and adds a two-storey pavilion with no evidence that any of these increases are needed, let alone desirable in this location. The Club talks of "the opportunity for the Club to significantly improve its facilities", but this is justified by generalised aspiration rather than any attempt to ground it in fact.

The potential addition of indoor training facilities, "a hockey pitch, 4 tennis courts and a petanque court" only emphasises that this is not a replacement ground but a wish list.

If there is a need for a new county ground, it should be the subject of a detailed county-wide search and not just consist of 3 generalised paragraphs tacked on to bolster an opportunistic proposal. It is a matter for Devon Cricket and not for an affiliated club.

## C. The Wrong Search

The search that the Cricket Club conducted was for specifications that were quite unreasonable and will have excluded sites that are likely to have proved superior for the people of Cullompton. The search process was badly flawed and needs to be conducted again using reasonable, relevant and appropriate parameters in the overall context of a replacement site. The starting point should be to provide what they have now; anything over and above is aspirational and strictly speaking unnecessary.

It is interesting to note that of the 9 sites identified closer to Cullompton in the flawed search, four are rejected in part because they may interfere with the master-planning of the Garden Village in a perverse logic as the Cricket Club should be part of that master planning. Four more are described as being unavailable as the landowners wish to secure higher added value usage, which may include housing. In a master-planned development where Devon County Council have a duty to provide a replacement site within Cullompton, these sites should be the subject of negotiation rather than rejected for economic reasons. All would be adequate for a true replacement ground and several for the enlarged facilities that the Cricket Club have failed to justify.

#### D. The Parish of Kentisbeare and Blackborough as a community

The Parish is a tranquil rural community and wishes to remain so. Our sports clubs are a key part of the fabric that binds us together. The same is true of the village pubs and the village halls. Erecting a large facility of the type proposed is likely to cause significant damage to our successful cricket club and take custom from our key institutions. The proposed clubhouse in the middle of an agricultural landscape would be likely to be worked as hard as possible to generate revenue, as Cullompton Cricket Club's chairman has confirmed. This would result in significant traffic volume on unsuitable roads, as well as noise and light pollution where there should be none. The Application and the Transport Statement in their focus on Saturday matchday traffic are misleading as they all but ignore non-match usage, which is likely to be even higher than match-related traffic.

#### E. Compliance with Planning Framework

1. All planning applications should be determined in accordance with the adopted Development Plan (DP), unless "material considerations" indicate otherwise (Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004). In other words, planning applications should comply with policies set out in the DP, whilst taking into account such material considerations as the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPGs).
2. For the purposes of this application the DP is the Mid Devon Local Plan 2013 – 2033 (LP) adopted in July 2020. As the LP was adopted so recently we presume it is compliant with the NPPF and PPGs.
3. The Parish of Kentisbeare has no Neighbourhood Plan (NP) in place, it forms no part of the DP. The Cullompton NP only applies to the Cullompton Town Council area and not to Kentisbeare.
4. The Mid Devon LP comprises a set of Strategic Policies which provides the overall framework for spatial planning for the District, and a set of Development Management Policies which address specific matters such as Transport, Heritage, Tourism etc. Planning applications should, as set out above, be compliant with both groups of policies.
5. The overall Spatial Strategy for the District is set out at page 5 of the LP. The third bullet point states that "...development will be managed to...Reduce the need to travel by car, increasing the potential of public transport, cycling and walking". This objective should be regarded as one of the essential components of any development within the District covered by the LP.
6. Strategic Policy S1 – Sustainable development priorities, reinforces this point at sub para e.
7. Strategic Policy S5 – Public Open Space sets out standards for the provision of open space, including parks, sport and recreation grounds. It is noteworthy in the context of the present application that the recommended access standard for such is 600 metres or 12—13 minutes' walk time for users of these facilities, reflecting the overall strategic aim of reducing the need to travel.
8. Policy S11 – Cullompton, sets out the overall strategic plan for Cullompton to 2033. Bullet point e) refers to the provision of "...community infrastructure, such as education and enhanced open space to support new development proposals", in recognition of the fact that the proposals for the expansion of the town in the LP will require such enhancements.

9. For rural areas such as Kentisbeare Policy S13 is applicable, and Kentisbeare is specifically identified in the policy as being designated as suitable for “limited development”. This policy applies to proposed development within the built - up area boundary.

10. Beyond the settlement limit of Kentisbeare Policy S14 is directly applicable to the current planning application. The site selected by the Cricket Club for development lies outside the settlement limit of the village, but within the Parish itself. The policy states that development should preserve (and if possible enhance) the character, appearance and biodiversity of the countryside, referring to development management policies permissive of agricultural and “appropriate” rural uses. Specific reference is made to “community facilities” such as educational facilities and buildings associated with public open space.

11. It is clear from the policy wording and the explanatory text (paras 2.81 – 2.83) that the community being referred to in this context is the local, rural community, not an urban based or wider community (such as the Cricket Club). As explanatory text para 2.81 makes explicit, development envisaged in such areas is “to meet local need”, not the needs of an organisation some miles removed. There is a fundamental conflict between the requirements of Policy S14 and the proposed relocation.

12. The LP contains a suite of policies relating to development at Cullompton at pages 68-92. Whilst not directly applicable to the present application which lies wholly within the Parish of Kentisbeare, the policies do provide some guidance as to how the District Council envisages development over the plan period which does relate to the situation of the Cricket Club.

13. For example, Policy CU9 – East Cullompton Environmental Protection and Green Infrastructure makes provision for 9 ha of parks, sports and recreation grounds, which could accommodate the relocation requirements of the Cricket Club. This does not appear to have been investigated by the Cricket Club, and does not appear to have been considered in its search of alternative sites.

14. This policy should be regarded as a material consideration for the Council in that, should the current application be permitted, there is the potential negative effect of prejudicing the delivery of sports and recreation grounds in the East Cullompton extension as envisaged by Policy CU9.

15. Policy CU10 – East Cullompton Community Facilities makes provision for the funding of new sporting and leisure facilities in the extension area and similar considerations should apply as to Policy CU9.

16. Policy CU19 – Town Centre Relief Road makes specific reference to the situation which the Cricket Club appears to find itself in, in that the policy refers to the need for the provision of replacement sporting facilities should they be affected by the relief road.

17. From the wording of the policy the construction of the road is “subject to” the provision of replacement sporting facilities. The explanatory text at para 3.142 makes clear that it is desirable to cause minimum impact of the CCA fields, but that if there is a loss of sports space “replacement provision will need to be made available in a suitable location.” As the Highway Authority responsible for the relief road is Devon County Council, the policy arguably places the responsibility for the provision of replacement sporting facilities “elsewhere in Cullompton” on the County Council itself. In other words, should the final route of the relief road require the provision of an alternative site as is anticipated by the Cricket Club the onus is on DCC to provide such. The flawed search that was conducted makes it clear that there are alternatives within Cullompton, but they would be more expensive.

18. There can be no doubt that an alternative site for the Cricket Club “elsewhere” in Cullompton would constitute a far more acceptable form of development than that proposed in Kentisbeare not only in terms of policy compliance with CU19, but also as regards the sustainability of the location in transport terms.

19. Policy DM3 – Transport and Air Quality requires development proposals that generate significant levels of “vehicular movement” to be accompanied by a Transport Assessment and a Travel Plan. A Transport Statement (TS) is acceptable where less significant levels of traffic will be generated.

20. The current application is accompanied by a TS, a tacit acknowledgement that although the current application might not constitute major development it will generate sufficient levels of traffic to warrant a TS and a Travel Plan. The TS appears to accept that the proposed location is highly unsustainable in transport terms. It accepts that the site is beyond easy walking distance of Cullompton and that travel to the site by public transport is a non-starter (4 buses per week, with the nearest bus stop 2.2kms away - see TS para 4.3).

21. It further recognises that cycling is an unrealistic mode of travel to the site with the unavoidable conclusion that the vast majority of trips to and from the site will involve trips by private car, wholly contrary to the overall strategic vision of reducing the need to travel by car and Policy S1 e).

22. Furthermore, the TS is significantly flawed in that the traffic surveys used by the Cricket Club to project future operational trips were undertaken at a wholly unrepresentative time of year, namely over the period 30 July 2020 to 5 August 2020 (TS para 2.6).

23. The Cricket Club places heavy reliance on Policy DM 23 – Community Facilities as providing policy support for its application. A cursory reading of the policy and the explanatory text would suggest that this reliance is misplaced.

24. The policy is permissive of the provision of new community facilities which provide local community benefit or environmental enhancement subject to them being “easily accessible to the local community and well related to a settlement.”

25. The explanatory text at para 4.70 refers to the “needs of the community” and provides examples of community facilities such as pubs, post offices, shops and village halls. It further refers to the policy as seeking to protect existing community facilities and allowing for replacement facilities where “it is necessary to ensure viability.”

26. The policy and text make clear that the notion of “community” in this context is limited by the term “local”. Given that the site selected for development is within the Parish of Kentisbeare, the local community is that of the Parish, not that of the wider area to include Cullompton or that of Mid Devon District. This is the only sensible interpretation of this policy, otherwise it would be permissive of the provision of community facilities without any linkage to a local community whatsoever.

27. In any event, the current application fails to satisfy either of the policy requirements that such development is easily accessible to the local community and well related to a settlement. The site cannot be regarded as easily accessible and well related to Kentisbeare leave alone Cullompton.

28. The explanatory text at para 4.71 states that the Council will guard against the unnecessary loss of community facilities. As far as the Cricket Club is concerned such loss of its facilities as is

apparently threatened by the provision of the Town Centre Relief Road is provided for by Policy CU19 as set out in paras 16-18 above.

29. A final consideration is that of the potential prejudice that any grant of planning permission might have upon the emerging Masterplan for East Cullompton. Policy CU 7 prohibits the grant of any planning application within the area defined as East Cullompton until the adoption of the Masterplan which will have the status of a Supplementary Planning Document (SPD). As such, the SPD will form an integral part of the Local Plan.

30. The explanatory text at para 3.101 states that the Council will resist ad hoc development....with no reference to the overall vision and development strategy for the urban extension.”

31. As we have seen, Policy CU 9 – East Cullompton Environmental Protection and Green Infrastructure envisages the provision of 9 ha of parks, sports and recreation grounds. Arguably the proposed development at Horn Road is an example of the type of ad hoc development prohibited by Policy CU 7, albeit situated outside East Cullompton as defined in the Local Plan, which could prejudice and undermine the delivery of sports provision within the urban extension area.

32. In summary, the proposed development is at odds with the overall spatial strategy for the District as set out in the Mid Devon LP, and conflicts with Policies S1, S11, S14, CU7, CU19, DM3 and DM23. These conflicts with policy are not outweighed by any limited material considerations as may arise from a grant of planning permission.

In conclusion we urge you to reject this application and advise Cullompton Cricket Club to pursue a rational search in conjunction with Devon County Council within a reasonable distance from the population of Cullompton itself.

**CULLOMPTON TOWN COUNCIL** - 5th October 2020

RESOLVED to support the application.

**HIGHWAY AUTHORITY** - 20/10/2020

The site is accessed off a C Classified County Route which is restricted to 60 MPH

The number of personal injury collisions which have been reported to the police in this area between 01/01/2015 and 31/12/2019 is two at the junction with the A373 one in 2016 which is recorded as a slight accident and one serious accident in 2017.

The applicant has submitted a Transport Statement which provides an Access Drawing Number A306-01P2 this drawing shows a safe and suitable access for the speeds at this location and it not considered that the impact will be severe or that there will be a safety concern with this access.

The Applicant has also shown that the parking facility will be 120 parking spaces which should be adequate for the size of club and not cause parking to occur on the public highway.

The Transport Statement also shows the number of trip this proposal could create generate would not have a severe impact on the highway network.

Therefore the County Highway Authority would have no objections to this proposal

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

3. No part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 15 metres back from its junction with the public highway

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

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

**PUBLIC HEALTH - 16th October 2020**

Contaminated Land No objection to this proposal IRW 6.10.20

Air Quality No objection to this proposal IRW 6.10.20

Environmental Permitting No objection to this proposal JMP 30.09.20

Drainage No objection to this proposal IRW 6.10.20

Noise & other nuisances No objection to this proposal IRW 6.10.20

Housing Standards No comment TW 13/10/20

Licensing Please advise to contact licensing as there may be an impact to the premises licence.

01884 255255 licensing@middevon.gov.uk

VL 30.9.20

Food Hygiene No comments JMP 30.09.20

Private Water Supplies Not applicable AK 29.09.20

Health and Safety No comments JMP 30.09.20

**ENVIRONMENT AGENCY - 27th October 2020**

Thank you for providing the reference for the cricket club application. We hadn't received a consultation previously for this. However, having reviewed it, given that the site is only clipped by Flood Zone 3 at the northern boundary and no development is proposed against the northern boundary, we have no comments to make in this instance.

**FLOOD AND COASTAL RISK MANAGEMENT TEAM – 20/10/2020**

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

Observations:

We only accept FEH rainfall for new applications in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date.

Infiltration testing, in strict accordance with BRE Digest 365 Soakaway Design (2016), is required to demonstrate the viability of managing surface water via infiltration at this site.

The applicant should clarify the proposed impermeable area for the site and mark these on a plan.



We note that there are a series of existing ditches that transverse the site. The applicant should mark these on a plan for clarity.

The applicant must submit 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 surface water drainage management system.

The applicant will need to provide details of the management of surface water and silt run-off from the site during construction of the development. The detailed proposal for construction drainage can then be added as a pre-commencement condition.

24/11/20

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

☐ Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line without DCC groundwater monitoring policy.

(b) A detailed drainage design based upon the approved Flood Risk Assessment, dated 7 September 2020, and the results of the information submitted in relation to (a) above

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response (FRM/MD/01452/2020) dated 20 October 2020, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application for which I am grateful.

- Technical Note from Abley Letchford Partnership, Reference A306-TN001, dated 3 November 2020
- Surface Water Drainage Strategy Plan, Drawing No. 03 Revision P3

The Applicant has proposed a surface water drainage strategy which complies with our SuDS for Devon Guidance (2017). The applicant has committed to undertaking infiltration testing at the next stage of planning in line with the principles set out in the surface water management hierarchy. The surface water strategy comprises using an attenuation basin offering above ground sustainable drainage techniques providing amenity, biodiversity and treatment of the runoff prior to restricted discharge into the existing local ditch network. It is noted that the Applicant has proposed additional SuDS as a possibility in the detailed design and we would expect to see these unless there is substantial justification for why they cannot be incorporated.

#### **NATURAL ENGLAND - 12th October 2020**

No comments

#### **DEVON, CORNWALL & DORSET POLICE - 1st October 2020**

Police have no objections in principle to the application. Whilst it is appreciated that the details of buildings and equipment stores etc are a matter for any reserved matters application, I recommend that even at this early stage, consideration is given to security and safety measures. This should include for example, specifications and ratings such as PAS24:2016 and LPS1175 for doors, windows, roof lights, shutters & grilles. Intruder alarms, CCTV and suitable lighting should also be considered early, as retro fitting often proves expensive and disruptive. Equipment stores and their contents are particularly vulnerable, therefore, careful consideration must be given to their construction and location within the grounds along with appropriate security measures.

I look forward to reviewing a more detailed application in due course but in the meantime please do not hesitate to contact me if I can assist further.

#### **HISTORIC ENGLAND - 20/10/2020**

This application is for the relocation of Cullompton Cricket Club premises onto a 9 hectare site in countryside approximately 1.6 miles north east of Cullompton, close to Kentisbeare village. The development would comprise the club's cricket pitch and associated facilities including two storey buildings, along with an additional County cricket pitch. The proposed site is located on undeveloped farmland in a relatively open plateau adjacent to a minor country road. Significantly, it is situated approximately 500m away from the boundary of the large site allocated for the Culm Garden Village development.

Historic England has been consulted on this application primarily due to the fact that two grade I listed heritage assets are in reasonably close proximity to it, and it is the impact on those heritage assets which this letter focusses upon. They are

Wood Barton, an important medieval farmhouse, which is located 450m away from the site's north-eastern boundary and Bradfield House, a manorial seat dating from the medieval period but

constructed principally during the sixteenth century - early seventeenth century, which is approximately 1.5km to the north of the site. Both assets were constructed as buildings of high status and are therefore considerable historic importance.

In terms of the significance of their settings, we have not undertaken a detailed on-site assessment. Nevertheless, Bradfield House shows clear evidence of an associated designed landscape, as would be expected in a house of this age and status, which was intended to take advantage of certain formal, and possibly informal views with its immediate surroundings. This therefore makes its wider setting somewhat more sensitive to change.

In terms of the setting of Wood Barton, whilst it does not have that same sensitivity, the experience of this ancient farmhouse within its surroundings is definitely characterised by the tranquillity and rurality of its surroundings.

With the planned eastwards expansion of Cullompton, there is already a risk of creeping urbanisation starting to erode that character, and any other development which could intensify that impact, or extend it closer to Wood Barton or Bradfield House, would be highly undesirable.

We have not had the opportunity to visit the site or the heritage assets in its immediate proximity. We have therefore had to make a desk-based assessment of potential heritage impacts, derived from a general knowledge of the area and reviewing information provided by the applicant's heritage assessment and other publicly-available sources. The Council's Conservation Officer is likely to have the opportunity to make a more direct impact assessment and to contribute more detailed comments in that respect, which should be taken careful account of.

Judging, though, from the information we have looked at and the proposed site layout, it seems that the scope for the application to have a direct visual impact on those two grade I buildings and their immediate setting would be quite limited, due to the intervening distance and landscape and the disposition of buildings on the site. However, should high level flood-lighting of the pitches be required, there is potential for a considerably increased and undesirable visual impact.

The question of indirect impacts is more difficult to quantify with this application. There are two ways in which they might occur in such a way as to affect the assets' setting to the extent that it would be harmful to their significance. Firstly, the nature and extent of the proposed use could bring significantly increased activity to this site, involving considerable traffic generation as well as pressure for evening use, which might in its turn create a demand for external lighting of the site, noise disturbance etc.

As it is proposed to incorporate a pitch for county cricket use, in addition to a pitch purely for club use, that suggests an entirely different level of usage, drawing visitors and players from considerably further afield, to a site which does not benefit from good public transport. The intention to extend the use of the club buildings for private functions is also referred to in the design and access statement, signifying further intensification of use.

Secondly, and significantly, mention is also made within the supporting information regarding site selection, of the desirability of the club finding a site that might be extended to facilitate other

sports uses, such as tennis or hockey. This carries an implication that it could form the basis of a future regional 'sports hub'. The level of facility suggested by such an aspiration could carry a significant risk of further erosion of the rural character of the site.

These considerations all suggest to us that this application needs to be viewed in a wider strategic context of the provision of community and sporting facilities in the Cullompton area. Since the need for expansion and relocation of the cricket club seems to have been an acknowledged issue for some time, it is slightly surprising that it isn't reflected in the Mid Devon development plan, or factored into the strategic development allocations for this area.

The Culm Garden Village proposal could have provided an obvious opportunity for meeting the needs of the cricket club within a formal site allocation in a way that could be integrated with other facilities, infrastructure and development. However, according to the applicant one reason for rejecting a number of potentially suitable alternative sites is the prohibitive site value afforded to them by landowners, due to their inclusion in, or proximity to, the Culm Garden Village site allocation. As a result, sites that are in closer proximity to Cullompton and its infrastructure, and potentially better positioned for this development, have been rejected in favour of a more remote site in completely open countryside.

We do have concerns that the relationship between the application site and the Culm Garden Village allocation site, could draw significant development inexorably closer to the two important heritage assets referenced in this letter, whose significance is partly derived from their rural locations.

Overall, whilst the direct visual impact on highly graded heritage assets caused by this application might not be in itself significantly harmful, it has the potential to cause other harmful impacts and attract development of a considerably more intensive nature to a location whose rural character is already coming under pressure.

We would ask your Authority to consider this potential heritage impact in your wider consideration of the suitability of this site for such a development, and when applying the wider planning balance in determination of this application. Should you be minded to approve the application, we would request that you consider, in accordance with paragraph 190 of the NPPF, ways in which the potential impact of the change of use and development could be mitigated to safeguard the significance of nearby heritage assets and conserve the rural character of the area.

## Recommendation

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 paragraphs 190, 193 and 194 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

**HISTORIC ENVIRONMENT TEAM** - 09/10/2020 - Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/35903a

The site lies in an area where little or no archaeological work has been undertaken, but within an area of archaeological potential to the east of the Roman settlement at Cullompton and to the west of an area of known Roman iron ore extraction on North Hill, with the place-name of 'Orway' possibly indicating that ore was being transported westward - though the place-name may be derived from the post-Roman to medieval iron industry known to have been active on the Blackdown Hills. The proposed development involves areas of cut and fill to create a level playing area, and these groundworks have the potential to expose and destroy archaeological deposits associated with the known Romano-British and medieval industrial activity.

However, despite the archaeological potential of the site, the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the high potential for survival and significance of below ground archaeological deposits associated with the Romano-British and medieval industrial activity in the surrounding landscape and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraphs 189 and 190 of the National Planning Policy Framework (2019).

The additional information required to be provided by the applicant would be the results of:

- An archaeological geophysical survey, followed, if required by the results of the survey, by a
- Programme of archaeological field evaluation to investigate any anomalies identified by the geophysical survey

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

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

30/11/20 (email to Arcadis)

Further to your email and our telephone conversation earlier today, the site does need to be evaluated to check the efficacy of the geophysical survey and the significance of any archaeological deposits that may be present. This work should be undertaken to support the planning application - Option 3 below. As it stands we do not know if the survey has worked or whether that the site is completely archaeologically sterile having been truncated by agricultural activity that has removed any in situ archaeological deposits.

If a series of four 20m long trenches can be excavated to investigate (i) the alignment of several of the field boundaries shown on the historic maps of the site and (ii) the blank areas between this would enable sufficient information to be gained on the archaeological potential of the site and enable an informed comment to be provided to the LPA by the Historic Environment Team.

If these trenches can be excavated with adequate time prior the 17th December planning committee date then I, or one of my colleagues, can visit the excavations the Historic Environment Team would be able to provide informed comments to the LPA based on the results of the site visit. The subsequent reporting can wait until later in the year or early next year.

As discussed, in order to speed things up and negate the need to the production and approval of a formal WSI, the HET would be happy for the works to be undertaken upon written agreement that the field evaluation is undertaken in accordance with the [ClfA](#) and the [HET](#)'s guidance and specification for field evaluation.

It would be worth contacting some of the local archaeological contractors to see if they are able to get out on site at short notice to undertake these investigations.

10/12/20

I have recently visited the archaeological investigations being undertaken by AC Archaeology at the above site, which will be finished this week. These have demonstrated that while the geophysical survey was not successful in identifying all of the archaeological features present on the site, those archaeological features present are associated with post-medieval field boundaries and are not of such significance that further archaeological mitigation is required.

In the light of this information I do not consider that the development of the site will have an impact upon any significant heritage assets with archaeological interest, and would like to withdraw the Historic Environment Team's previous objection and offer no further comments on this planning application.

I am informed that AC Archaeology will be preparing a short report setting out the results of the investigations that once the fieldwork has been completed for submission to the county Historic Environment Record.

#### **SPORT ENGLAND - 04.11.20**

Thank you for consulting Sport England on the above hybrid application.

Sport England is unable to fully support this application.

#### **Sport England - Non Statutory Role and Policy**

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>.

This application falls within the scope of the above guidance as it relates to the creation of new playing fields. It is also linked to a Statutory Consultation (planning application ref: 20/00876/MFUL) as the proposed location and details for a replacement cricket ground.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

#### **The Proposal and Assessment against Sport England's Objectives and the NPPF**

We have read the planning application and note the following:

- . This is the preferred location for the replacement cricket ground for Cullompton Cricket Club. Their existing site (10 wicket ground) is proposed to be lost in part to enable a new relief road for the town with bowls moving onto the site.
- . Funding is not secured to deliver the proposal in full.
- . We note that the cricket club intend to play on the existing site in Cullompton until the summer of 2022 (two more seasons). They intend to start playing the 2023 season at their new site. However, the club will need to start work on the construction of a replacement playing surface within the next 6-9 months.
- . The proposal in this application is for two 14x wicket cricket grounds and a 4 lane nets system.
- . This application describes reprofiling the site to make it acceptable to ECB and Sport England playing standards, however no details on pitch construction have been located within the planning application. This part of the application is however described as full details.

. In the outline part of this application there are aspirational buildings to provide ancillary and additional facilities. There are no details of at least a single storey cricket pavilion to be provided to TS5 (ECB) guidance to help demonstrate meeting exception E4, as set out in Sport England's Playing Field Policy (linked to planning application ref: 20/00876/MFUL).

. This location is outside Cullompton in close proximity to an existing established cricket club in Kentisbeare. The proposed location and scale of the proposal may have detrimental effect on that club.

. We note the factors considered in the 'site search' which looked at 14 sites, some in Cullompton and some in the parish of Kentisbeare. No weightings have been applied to the factors to assess suitability which would add more rigour and ensure robustness. It should be noted that a single pitch site would be acceptable in meeting exception E4, as set out in Sport England's Playing Field Policy linked to planning application ref: 20/00876/MFUL.

#### Strategic/Local Need for the Playing Field

The Council has appointed work to commence on a Playing Pitch Strategy but the work is currently on-going. There is no identified strategic need for 2x 14 wicket cricket grounds and indoor cricket centre. The ECB confirm this view (see below).

#### Playing Field Design

For a full application, there are no details to review regarding pitch design apart from pitch orientation and boundary sizes which are acceptable. However, this lack of detail also includes the ancillary provision of at least a supporting single storey pavilion to ECB standards.

In light of this, Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport', and ECB guidance TS5.

A copy of Sport England guidance can be found at:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>

Given the nature of this application, Sport England has sought the advice from the England & Wales Cricket Board (ECB) who advise:

Full Application for layout & earthworks for 2 cricket grounds:

1. At this time there is no clear business case for two cricket pitches on this proposed site (or any other within the application). Whilst both the ECB and the Devon Cricket Board are aware of and involved in the proposed relocation, at this time the focus should be on a suitable site to facilitate the relocation of Cullompton CC in line with Sport England's Policy Exception E4. In



reviewing fully the Planning, Design & Access Statement, the alternative sites are noted along with the bias towards a two pitch site.

2. A full feasibility study was provided by TGMS (dated 20th January 2020) covering the proposed groundworks required at the preferred location. It is noted that this report is not in the supplemental documents provided. This detailed study provides a full report covering the groundworks & drainage, cricket square construction, non-turf pitch & practice nets (2 lane), agronomic maintenance etc... together with associated costs.

Outline Planning Application for ancillary facilities:

3. The aspirations of Cullompton CC are noted and supported but as mentioned above, there is at this time no business case to support such a facility. Whilst the proposed ancillary facilities as highlighted in the Planning, Design & Access Statement (page 9, 4.8-4.10) are noted, a robust business case should be provided to highlight both demand and supply for such facilities linked to financial sustainability. With this in mind and noting that Mid Devon District Council is undertaking a Playing Pitch Strategy, the ECB would recommend that in the short-term this is expanded to include a Sports Built Facilities Strategy to encompass indoor cricket net provision in the local area. This could - in conjunction with the future development of the Culm Garden Village - support any future investment.

Sport England Policy Exception E4:

4. Whilst the quantity of the proposed site at Horn Road is greater than that currently enjoyed by Cullompton CC (and will provide at least the same capacity as the existing one), there is at this time no overarching method statement for the construction of the site nor future management and maintenance. The above mentioned feasibility report goes some way to cover this but the ECB would welcome site of a full site management plan incorporating the design, development and ongoing maintenance of the grass surfaces. Based on the information to hand, Horn Road is a suitable location but as mentioned earlier this is focussed on a two pitch site thus better than the minimum requirements of the Sport England Policy.

Other:

5. Cricket (as with all sports) is currently being impacted by the effects of COVID 19 thus the future is hard to predict. On the basis that some sense of normality resumes in 2021, then there is no reason not to anticipate that Cullompton CC will continue to grow and develop and a high quality one pitch site that meets the requisite ECB design guidance will probably be adequate. Whilst the support of the other cricket related users (i.e. Devon Representative Teams) is noted, as indicated earlier this demand and that brought about by the development of the Garden Village should form the basis of demand and sustainability in a business case/plan to underpin the investment in a two pitch site.

Summary from the ECB:

Whilst understanding the underlying principles of this application, there remains a great deal to be done to support the need for a two pitch site to relocate Cullompton CC to this preferred location.

Complying with Sport England Policy E4 requirements together with the ECB's Design Guidance is the absolute minimum in relocating the cricket club in a timely and effective way.

The ECB together with the Devon Cricket Board are broadly supportive of this full and outline application but before being in a position to fully support we object to this application ahead of:

A full business case encompassing evidence of:

- . Stakeholder analysis/impact assessment - covering the impact of this proposal on neighbouring cricket clubs notably Kentisbeare CC. Also to include other potential sports indicated in the application.
- . Meeting as a minimum Sport England's E4 Policy and providing a 'like for like' replacement facility.
- . Sight of finalised plans covering new (to replace current) pavilion and other related cricket activities along with proposed plans and designs for the needs of a two pitch site.
- . Demand - likely usage for a two pitch site (including all ancillary facilities as proposed) at this suggested location.
- . Financials - a full financial model based on current and projected demand to confirm profitability and sustainability.
- . Maintenance - details of the proposed site maintenance plan based on projected usage.

Conclusion

In light of the comments above, Sport England raises concern to the proposal in relation to the strategic need and scale. Including two cricket grounds and indoor cricket centre aspirations. Concern is also raised regarding location and its impact on the existing cricket club in Kentisbeare. Lastly the lack of details within the current application to construct a fit for purpose cricket ground to meet the requirements of E4 of Sport England Policy in relation to quality, location, management and maintenance prior to loss of the existing site (planning application ref: 20/00876/MFUL).

Sport England is unable to support this application. There are a number of issues highlighted in this response that would need consideration and addressing.

If the Council is minded to approve the application, the following planning conditions should be imposed.

1a. No development shall commence [or other specified time period] until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any

such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

1b. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy \*\*.

2. The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application \*, Section \* and Drawing No. \*\*] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before [first use] [or occupation] [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy \*\*.

3. No development shall commence until [or other acceptable timescale] a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactory and that they are available for use before development (or agreed timescale) and to accord with Development Plan Policy \*\*.

Informative: Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Our comments to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

17/12/20

Many thanks for seeking Sport England's further input into the planning application for a Relief Road for Cullompton (ref: 20/00876/MFUL) and the new/replacement cricket facility at Horn Lane (ref: 20/01452/MOUT).

Sport England is supportive of the Relief Road proposal providing community sport is not adversely affected. That has always been our position. We have worked positively and collaboratively with the County Council and have reached an agreeable position on the Relief Road application ref: 20/00876/MFUL regarding the sports of football and bowls. There are a couple of outstanding football points that the agent has agreed can be delivered via planning condition.

We have provided detailed comments to Horn Lane as the proposed 'replacement' cricket pitch (see email dated 28 October 2020). We wish to work with the community sport clubs to ensure that they get the support they need. Sport England do not want to see the Relief Road built and no replacement cricket facility operational prior to loss.

Sport England now responds to the latest information received from the Cricket Club re Horn Lane, emails dated 13, 23 and 26 November 2020.

For Sport England to withdraw the objection to the Relief Road application ref: 20/00876/MFUL one of the five exceptions needs to be demonstrated. We are looking at the exception regarding replacement provision, or E4 as it's widely known:

*E4 The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

E4 is explained in greater detail in the Playing Fields Policy [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing_fields_policy) The explanatory text for E4 covers issues such as *What details would Sport England expect an application to provide in order to meet Exception E4, What is meant by 'equivalent quality' & how to secure, What is a 'suitable location', What is meant by 'management arrangements' etc.* These are long standing clarifications of what is required on schemes of this nature. E4 is very similar to the requirements in para 97 of the NPPF regarding replacement sports facilities.

In our three previous responses to the Relief Road application, Sport England has raised concern that E4 and the NPPF has not been met. We sought the views of the National Governing Bodies for Sport (NGBs) for football and cricket. Whilst the NGBs can respond to the application direct, we have a Memorandum of Understanding (MoU) with them to include their comments within the Sport England response.

After the second response (dated 25<sup>th</sup> August) the Horn Lane 'replacement cricket' application came forward for consideration. This was assessed in the response dated 28<sup>th</sup> October 2020. Whilst acknowledging the Horn Lane proposal could be good for community sport we raised concern over a number of issues leading to a response of "*we are unable to fully support this application*". We recommended a number of planning conditions to be included in a decision notice in the event of the Council resolving to grant planning permission.

The cricket club have added to their planning application (ref: 20/01452/MOUT) further detail to the potential construction of the cricket pitches in the TGMS Feasibility Report sent to Sport England on the 23 November 2020. It is, however, not a full design specification for the cricket pitch. The club indicate that this would be secured as a planning condition. This detail would need to be generated swiftly and agreed to enable pitch construction to start in April 2021 (for play starting April 2023).

The cricket club sent through an illustrative two story design of a major pavilion on 26<sup>th</sup> November. These were not full details of a deliverable scheme as requested by Sport England. Whilst we appreciate that this will be developed in a modular way, a simple single story design could have been submitted for planning approval.

The cricket club indicate a planning agreement (s106) will be forthcoming. No details have been reviewed.

#### The England & Wales Cricket Board (ECB)

We have re-consulted the ECB to review the additional information. They advise that whilst noting the additional information and feedback provided, the ECB's original response remains unchanged. The ECB is supportive of the proposed relocation and content that Sport England will follow it's Policy Exception E4 assessments in this regard.

On the location, the ECB should mention it visited two sites on the 20<sup>th</sup> March 2019, one of which was Horn Road and the other a nearby location that has been discounted. It cannot comment on the other locations in the planning application as these have not been visited by the ECB.

#### Our Reassessment

We have reconsidered the proposal in light of the applicants and ECB comments. It is our view that the Relief Road application must be linked in planning terms to the replacement cricket pitch at Horn Lane. Our recommendation would be using a legal agreement given the complexities involved. There are a lot of issues to be worked out to demonstrate that the 'deliverable' replacement playing field scheme meets the requirements of E4 in relation to quality, quantity, management and prior to loss etc.

The replacement single cricket pitch will need to be operational for use by April 2023. No development on the Relief Road should take place on the existing cricket site until the replacement site is operational to allow for continuity of use. The club will need to play the 2022 season at their current site with a proposed move to the replacement site for the start of the 2023 season.

### How this impacts the Relief Road application

Notwithstanding outstanding concerns regarding Horn Lane in light of scale of the proposed development, absence of strategic need, impact on an existing cricket club and site search, Horn Lane has been put forward as the replacement cricket site for the cricket site lost to the Relief Road.

From the information available, providing the 'link' between the two applications is to be secured by legal agreement, we could be satisfied that the proposal broadly meets one of the exceptions of the above policy as set out in E4.

In the event that a legal agreement (the preferred mechanism given the complexities) is not forthcoming the 'back stop position' would be to use a Grampian condition on the Relief Road application:

### Condition

*The development hereby permitted shall not be commenced until the playing field/sports facility permitted by planning permission 20/01452/MOUT dated xx has been implemented and made available for use.*

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy \*\*.*

The application (ref: 20/01452/OUT) at Horn Lane will need to be granted planning permission prior to the determination of the Relief Road application. If no decision is immediately forthcoming or Horn Lane is refused planning permission, then E4 / the NPPF cannot be demonstrated and Sport England's OBJECTION to the Relief Road would remain.

If the Relief Road is minded for approval without planning permission in place for a deliverable scheme of a replacement cricket facility then, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the Relief Road application would then be referred to the Secretary of State, via the Planning Casework Unit (PCU).

If you wish to amend the wording of the Grampian condition for 20/00876/MFUL please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. Sport England would like to review the proposed conditions relevant to our comments.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would

be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact the undersigned at the address below. We look forward to continuing to work with the County Council and District Council prior to the determination of the applications.

## REPRESENTATIONS

75 items of correspondence have been received at the time of writing this report. 42 comments have been received raising objections and 33 are in support. Among the correspondence received, comments have been received from CPRE Devon, Kentisbeare Cricket Club and Devon County Cricket Club. The comments are in-depth and have been fully considered however the main points raised are summarised below:

### Objection

- The facilities proposed would adversely affect Kentisbeare Cricket Club, which is in close proximity and has been in existence for 135 years
- There is no need for two cricket pitches
- The relocated club should not be within the parish of Kentisbeare. One of the requirements of the East Cullompton extension is that the town centre relief road is built. Therefore the relocated club should be accommodated in Cullompton
- Concerns about highway safety due to the width of Horn Road and existing HGV movements relating to existing nearby businesses
- If this is approved, it would increase the likelihood of Cullompton Rugby Club moving to the site
- The new club facilities would be able to host parties and other events, competing with Kentisbeare village hall
- The ECB encourages clubs to host non-cricket fundraising events to generate income, which would lead to increased use of the site
- There would be an adverse impact on the amenities of the local area as a result of additional noise, light and air pollution
- The proposal is too far to walk to safely and there are no transport links
- There will be a loss of grade 1 agricultural land
- The site should not be developed but retained as a buffer between Kentisbeare and Culm Garden Village
- There are more suitable sites nearer Cullompton, however these have been discounted due to landowner's wanting residential development. The site should not be considered until the full plan for the Culm Garden Village has been agreed
- The site is close to the Blackdown Hills AONB, where increased light pollution could have an adverse impact
- There will be an adverse impact on ecology adjoining the site
- Potential for increased risk of flooding
- Concerns about the use of the site as a sports hub with potential to facilitate sports such as tennis and hockey
- Potential for wider impacts on local heritage assets
- In accordance with the Environmental Impact Regulations Schedule 2, 10 (b), it would appear that the applicant should seek a 'screening opinion' from the LPA to determine

whether the proposed project falls within the remit of the Regulations, whether it is likely to have a significant effect on the environment.

- It is concluded that further surveys are recommended in respect to local ecology, which will inform mitigation strategies. The scheme/submission does not appear to be supported by the required surveys and should not proceed without them.
- What is the approach being taken by Mid Devon in respect to applying net gains for biodiversity?
- The development proposes building on agricultural land and yet there is no Agricultural Land Classification report, enabling full consideration of the merits of the proposal in light of the NPPF Paragraph 170 (b) and the benefits of the best and most versatile agricultural land.

A letter of representation has also been received from MDDC Councillor Wilce, which states the following:

I am concerned at the possible risk of harm to the viability of Kentisbeare cricket club, should the application proceed.

#### Support

- Devon needs facilities such as this to support young sportspeople
- It is necessary for Cullompton Cricket Club to relocate due to the Cullompton Town Centre Relief Road
- This is an opportunity to accommodate the expanding cricket club and provide facilities required for the planned population growth in Cullompton
- The site has good links to the M5
- The site has been chosen for a number of reasons including size, availability, drainage, soil quality, grading, irrigation potential and ease of access
- There are two irrigation reservoirs adjoining the site that can be utilised by the cricket club
- The development will be able to adhere to the latest ECB standards for playing and changing facilities
- The proposal would be an opportunity for Devon Cricket Club to play their games here, providing wider business opportunities and economic benefits to the local area
- The additional facilities would also allow winter training to take place indoors
- The existing cricket facilities are below standard and do not meet ECB standards. There is no room to expand at the existing site

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

### **Principle of Development**

This application is intrinsically linked with a concurrent application for the construction of the Cullompton Town Centre Relief Road, being considered under planning application 20/00876/MFUL. Should the relief road application be approved, the route of the new road would run directly through the existing Cullompton Cricket Club pitch.

Policy CU19 (Town Centre Relief Road) of the Mid Devon Local Plan supports the provision of a relief road subject to a number of criteria, including:

*b) provision of replacement open space and sporting facilities elsewhere in Cullompton if these are affected.*



Policy DM24 states the following:

*Open space, sports and recreational buildings and land, including playing fields, will be protected from alternative development unless:*

- a) An assessment has been undertaken which demonstrates that the site is surplus to requirements, including requirements within the parish for alternative forms of open space, sports or recreational use; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, prior to the commencement of the development; or*
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Sport England also has its own stringent policies in respect to the loss of playing fields in the form of their Playing Fields Policy, within the Sport England 'Playing Fields Policy and Guidance Document'. As such, Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions. In this respect exception (E4) is relevant, stating:

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

This is similar to criterion b) of paragraph 97 of the NPPF. Paragraph 97 is as follows:

*97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Policy DM24 of the Mid Devon Local Plan 2013-2033 also states that:

*The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that*

*enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.*

As such, the primary reason for this application being submitted at this time is due to the requirement to relocate to a new site prior to works commencing that will remove the existing facilities. The existing cricket pitch is located within the route of the proposed Cullompton Town Centre Relief Road. Subject to planning permission being granted for the relief road (20/00876/MFUL), it is advised that the cricket facilities would not be impacted upon until Phase 2 of that development scheme, which comprises the completion of the middle section of the relief road, and would at this point also see the loss of the cricket pitch. These works are scheduled to commence around winter 2021, although the existing cricket pitch would be available for use during the 2022 season until mid-September 2022. The time critical elements are the need to satisfactorily secure replacement facilities for the cricket club, and also the fact that preparatory works on the new pitch need to begin 18 months prior to first competitive play. In order to do that planning permission needs to be granted, and groundworks carried out, to allow first seeding around spring 2021. It is for this reason that a hybrid application has been submitted, with full planning permission sought for the playing pitch and associated groundworks, as a result of the immediate need for a replacement pitch which is required to be playable at the earliest opportunity, and outline planning permission sought for the provision of the club house/pavilion, indoor training centre, outdoor practice nets, scorers hut, equipment store, parking and landscaping. The outline proposal is to establish the principle of development with all detailed matters, including access, to be reserved matters.

The site is in a countryside location where policy S14 of the Mid Devon Local Plan seeks to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Development is restricted to agricultural and other appropriate rural uses.

In this case, there have been a high number of comments received, with many letters supporting the relocation of the cricket club, and many objecting. Objections have been received in particular from local residents and business owners, Kentisbeare Parish Council, Kentisbeare Cricket Club and Devon CPRE. The concerns received relate to issues such as the appropriateness of the location, impact on the character and appearance of the area, highway safety, adverse impact on local amenities, flood risk, and biodiversity. Sport England have also advised that while they are in principle supportive of the relocation of Cullompton Cricket Club, they are unable to fully support the proposal as it stands as they have concerns about the location close to Kentisbeare Cricket Club, the robustness of the search for other sites closer to Cullompton, justification for providing two pitches as to meet exception policy E4, only one pitch need be provided with smaller single storey clubhouse and a lack of business case for the ancillary facilities. While strictly an objection to the concurrent Cullompton Town Centre Relief Road application, Sport England also have concerns that there is a lack of final detail in relation to quality, location, management and maintenance prior to the loss of the existing pitch, to meet the requirements of exception policy E4.

The above matters will be discussed further in the following sections.

In considering first the principle of development at this location, it is fully acknowledged that Cullompton Cricket Club will need to vacate their current site, as a direct result of the proposed Cullompton Town Centre Relief Road route passing through the Cricket Club's existing site. As such, the Cricket Club have undertaken a process to identify and evaluate potential relocation sites with an area of search extending to around 3km of the current ground, thereby capturing all locations that would be closer than this application site. The main locational factors considered as part of the search included site gradient, site size and shape, environmental factors such as flood

risk, electrical transmission lines, noise, accessibility to the adopted highway network and water supply, heritage landscape and ecology impact and deliverability in terms of timing and land availability. Regard has also been given to planning policy, corporate policy and parish boundaries.

In considering alternative sites, 14 locations, including the application site, were identified. One of these was to the west of the M5, with all others being located to the east. A detailed assessment of the sites is contained within the submitted Planning, Design and Access Statement, with each site considered against the criteria identified above. Several of the more appropriate sites were within the East Cullompton allocation area. These were ruled out as Local Plan policy CU7 requires comprehensive master planning of the proposed development within the allocated area, public consultation and the adoption of the masterplan as a supplementary planning document (SPD) before any development takes place. Other sites have been ruled out due to there being no willing landowner, with them preferring to promote their land for residential development in connection with the prospective Culm Garden Village, with these sites being located within the wider Garden Village Area of exploration, which extends beyond the established East Cullompton allocation boundary. The other sites identified have been ruled out by virtue of not being able to accommodate two pitches, having poor links to the local road network, the presence of high voltage electricity transmission lines, unsuitable gradients, the increased likelihood of having to interfere with existing landscape features, such as hedgerows within the site, or at the roadside when providing access.

In assessing the other identified sites, the application site emerged as the most appropriate, with all other being ruled out for a variety of reasons based on the locational factors identified above. In particular it is noted that several of the more appropriate sites were within the East Cullompton allocation area, which is unable to be developed until detailed master planning has been carried out. While it is acknowledged that a site within this area may be preferable, time is a major constraint in bringing forward both this application and the Cullompton Town Centre Relief Road application.

Sport England have pointed out that there is no need for two pitches to be provided in order to meet the requirements of exception policy E4. This is duly noted, however this is a unique opportunity to allow Cullompton Cricket Club to not only deliver the replacement facilities needed to address the policy requirements of the National Planning Policy Framework, the Mid Devon Local Plan and Sport England, but to also allow the opportunity to accommodate their longer term expansion aspirations. The Cricket Club is currently restricted by its location, with a pitch and facilities that are substandard, and also in a location affected by flooding and disturbance from passing trains. The club has several teams and is expanding. The proposed additional facilities will enable the club to expand further, as well as providing an opportunity for Devon County Cricket Club to play some fixtures here in the future. Notwithstanding recent levels of growth in housing and population within Cullompton and other allocations, it is noted that the East Cullompton allocation alone targets the provision of 1,750 dwellings within the Local Plan period up to 2033, with a further 850 dwellings at least projected beyond the plan period. It should also be noted that the East Cullompton allocation is proposed to form the first phase of the Culm Garden Village development proposals. The full extent of Culm Garden Village is yet to be comprehensively allocated, however the long-term plans include the delivery of up to 5,000 sustainable homes, employment, shops, schools, healthcare facilities and leisure opportunities. The application site is located within the Garden Village area of search, and could potentially be located within or at least adjoining the expanded Garden Village area. This increased housing and associated population of Cullompton, which includes the East Cullompton allocation, and potential wider Culm Garden Village, extends close to the application site. The enhanced cricket club facilities would also support increased demand for sporting facilities as result of this recent and projected housing and population growth in and around Cullompton. Such increase in population also has the potential to

support the Kentisbeare Cricket Club and other sports clubs in and around Cullompton. The same also applies in respect to the concerns raised in regard to the impact on other institutions nearby such as Kentisbeare Village Hall and village public houses. While this does introduce a new facility in the area, the projected increase in population would potentially lead to increased demand for these existing facilities too.

Concerns have been raised about the loss of best and most versatile agricultural land. Natural England's classification maps for the South West show that the site has been assessed as Grade 3, although this does not distinguish between land that falls within 3a and 3b, with 3a classed as being best and most versatile (BMV) land. The applicant has advised that in 1997, the Ministry of Agriculture, Fisheries and Food (MAFF), undertook a semi-detailed survey of agricultural land around Cullompton and Willand, which covered many of the sites shortlisted for the proposed development. This did not however extend as far eastwards as the application site or some of the other nearby sites considered. With the exception of one site, all the site surveyed at the time were assessed as being Grade 3a or higher. Part of one site was assessed as Grade 3b, which is moderate quality agricultural land, and not classed as best and most versatile, however this was discounted on the basis of poor accessibility and lack of availability at this time. As such, there are a lack of other more suitable sites identified, and none within a lower agricultural land classification that would avoid the loss of some of the best and most versatile agricultural land. While the loss of the agricultural site is not desirable it is considered that the lack of available alternatives, and the wider benefits associated with the development outweigh the harm.

Overall, despite the concerns raised about the location, and its justification, this proposal is considered to be a unique opportunity for the existing club to modernise, remain viable and continue to be available for the benefit of Cullompton and its projected enlargement. While the site is currently not well served by public transport, it does have good links to the M5, Cullompton and other nearby settlements, as well as the East Cullompton allocation area. It is considered that the search for a new site has been suitably robust and while only one pitch may be required to meet Sport England's requirements, this opportunity is presented to provide facilities that not only meet these requirements but also go beyond improving access to local cricket facilities to the benefit of the local community. On balance, it is considered that the principle of relocating the cricket club in this location is acceptable.

Noting also the concerns in regard to the level of detail for the replacement facilities, this is very much as a result of the tight timeframes that need to be met in making and determining this application, and the relief road application. Importantly, it is considered that by granting planning permission for the essential groundworks, the other matters can be satisfactorily secured by an appropriately worded condition to ensure that the replacement cricket club facilities are provided to allow for uninterrupted use following the commencement of construction of the relief road, should planning application 20/00876/MFUL be granted consent.

Further information has since been provided to Sport England by the applicant, which seeks to address their concerns and overcome the current objection. Further details have also been provided in the form of illustrative details of a pavilion that would meet the standards within England Cricket Board Guidance Note TS5 for Pavilions and Clubhouses. While this information is for illustrative purposes only and the final detail is still reserved, it does demonstrate that subject to appropriate conditions, an appropriate standard clubhouse may be provided to provide an equivalent replacement to the current facilities.

Sport England has considered the additional detail and while not the full details of a deliverable scheme that was hoped for, note that this site has been put forward for the replacement cricket site. From this information, Sport England is of the view that providing the link between this application, and the relief road application (20/00876/MFUL) can be secured, this would broadly

meet exceptions policy E4. A legal agreement would be the preferred mechanism, however the use of a Grampian condition would be accepted to ensure that no works are carried out that would lead to the loss of the Cricket Club site until the replacement facilities are made operational. The format of this agreement/wording of a suitable condition is a matter to be dealt with in respect to the relief road application however. In respect to this application however, while Sport England still have some concerns in respect to the location and site search, matters which have been addressed in more detail above, they do not object to this proposal, with conditions suggested should planning permission be granted.

In considering the principle of the development, assessment has been carried out in particular reference to the aforementioned policies CU19 and DM24 of the Mid Devon Local Plan 2013-2033, National Planning Policy Framework (NPPF) paragraph 97 and Sport England exception policy E4.

While it is noted that policy CU19 requires the replacement of sporting facilities affected by the route of the proposed Cullompton Town Centre Relief Road, to be provided elsewhere in Cullompton, it is considered that the information submitted in support of this application appropriately demonstrates the lack of alternative sites in closer proximity to the Town, taking into account the time constraints associated with finding a replacement site for Cullompton Cricket Club. Having carried out a comprehensive assessment of alternative sites, it is considered that the proposed location is acceptable in principle, notwithstanding consideration of other site specific constraints, which will be discussed further below.

The proposed development is therefore considered to be appropriately located, and provide the required replacement sports facilities that would be lost by the construction of the relief road, thereby complying with the requirements of Local Plan policies CU19 and DM4, Sport England exception policy E4, and the aims and objectives of the NPPF.

### **Visual Impact and Heritage Context**

Policy DM1 of the Mid Devon Local Plan 2013-2033 requires designs of new development to be of high quality, demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Development should make a positive contribution to local character, creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

Policy S1 of the Local Plan Review requires good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place. The policy seeks to protect landscapes, visual quality and biodiversity.

The application site is relatively low lying agricultural land in arable use. The site is enclosed by existing hedgerows and mature trees. The local area is generally characterised by agricultural land with sporadic development in the form of occasional residential development and farmsteads. There is also Kingsford Business Park, a large industrial site located approximately 300 metres to the north west of the application site. The village of Kentisbeare is a little over 1km to the east. The application is accompanied by a Landscape and Visual Impact Assessment, including a number of longer views, which take into account a number of significant viewpoints, including the Blackdown Hills Area of Outstanding Natural Beauty, which is approximately 3km to the east of the site, and heritage assets in the local area, such as grade I listed Wood Barton and Bradfield House.

In considering the visual impact of the proposal, it is important to consider that the vast majority of the site will be taken up by the two proposed cricket pitches, which will have a low impact on the

surrounding area. These will be laid to grass, with the greatest impact as a result of the proposed clubhouse/pavilion, indoor cricket centre and car park. The other proposed facilities such as the scorers hut, outdoor nets and equipment store would have a limited impact.

The works required to provide the pitches require earthworks to level off the existing ground to enable seeding to take place. The site currently has a relatively gentle slope however some levelling is still required. Sections have been provided indicating the works proposed, which are relatively low impact with the levels changed ranging from excavation and filling up to a maximum of 500mm in places, with the majority of change more in the region of 200mm. These works will have a limited impact on the surrounding landscape.

The other proposals covered by the outline application have the potential for greater impact, particularly with the clubhouse/pavilion and indoor cricket centre likely to be two storey buildings. Notwithstanding this subject to final design, which would be fully assessed at reserved matters stage, it is considered that an appropriately sensitively designed scheme could be achieved without an unacceptable impact on the local character. The built form comprising the pavilion, indoor cricket centre and car park are closely located to the west of the site where they would be largely contained by existing hedgerow and trees surrounding the reservoirs to the northwest corner of the site. The Landscape and Visual Impact Assessment concludes that direct views are afforded from only very local viewpoints such as Horn Road and Long Drag, to the north. Views from the latter would mainly be restricted to the upper storey and roof of the proposed buildings. There are filtered views from the grade I listed Wood Barton, and medium and long range views, including those from the Blackdown Hills AONB are all obscured by intervening vegetation and undulating landscape. As such, the impact of the development is considered to be localised. With the retention of existing hedges and trees, and the additional tree and hedge planting to mitigate against close range impacts and to enclose the proposed car park, it is considered that the proposed development would integrate into the local landscape without causing an unacceptable impact. The integration of the proposal into the local landscape will be helped by the careful consideration of the materials to be used for the construction of the buildings and the finish of the car park, matters that would be dealt with in detail as part of the later reserved matters application.

Concern has been raised about the need for extensive lighting, however it has been confirmed that the only lighting required would be standard security lighting to serve the pavilion and indoor cricket centre, and low level bollard type lighting within the car park area. No flood lighting or similar high impact lighting is required. Subject to the agreement of final details, it is not anticipated that the levels of lighting proposed would be harmful to the local environment. It is however also considered appropriate to remove permitted development rights for additional lighting beyond that indicated, allowing consideration to be given to any future proposals that may lead to additional light spill as a result of this development. The Police Designing Out Crime Officer has commented on the proposal, in respect to the design. These comments are more relevant to the detailed design stage, however will be useful for the applicant to consider should outline permission be granted.

Reference is also made to the availability of space within the site to accommodate a hockey pitch, 4 tennis courts and a petanque court. It is noted that this may be a future aspiration of the Cricket Club, and would need to be the subject of a planning application which would be assessed on its merits. Granting this permission would by no way set any precedent that such other development would be acceptable.

As noted earlier, there are some heritage assets of note in the general area, including grade I listed Wood Barton, which is located approximately 450 metres to the north of the site,

grade I listed Bradfield House, which is approximately 1.5km to the north, and Bradfield House Park and Gardens, which are non-designated heritage assets. As such consideration will have to be given to the impact that the development will have on the significance of these heritage assets.

The starting point for the considering development which affects a listed building or its setting is Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a statutory duty on Local Planning Authorities to *'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Paragraphs 189-192 of the NPPF sets out the framework for decision making in planning applications relating to heritage assets. Paragraph 192 advises that "in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

Paragraphs 193-196 of the NPPF go on to highlight the relevant policies for considering the potential impacts on significance of heritage assets as follows:

*Considering potential impact:*

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

Policy S9 of the Mid Devon Local Plan, includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.” Policy DM25 also states that “*heritage assets and their setting which are irreplaceable resources accordingly the Council will:*

- a) *Apply a presumption in favour of preservation in situ in respect of the most important heritage assets*
- b) *Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.*
- c) *Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.*
- d) *Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use; and*
- e) *Require developers to make a proportionate but sympathetic assessment of the impact on setting and thereby the significance of heritage asset(s)”*

In assessing the impact of the development, against the aforementioned local and national policy requirements, the proposal is considered to be acceptable. The application is supported by a Heritage Statement, which assesses the significance of these heritage assets, and the impact of the proposed development on their significance. In conclusion, it is suggested that there would be no harm to the significance of these heritage assets as a result of the development. It is noted that parts of the proposed development will be partially visible on the periphery of filtered seasonal views from Wood Barton, which is the nearest designated heritage asset to the application site, however it is still concluded that the site does not contribute to this assets significance and the limited views are not considered to result in harm to the significance of Wood Barton.

The proposal has been considered by Historic England, and the Council’s Conservation Officer, who has previously visited the site. In commenting, Historic England refer to the planned expansion of Cullompton in the direction of the site, and the two designated heritage assets, Bradfield House and Wood Barton, noting that there is already a risk of creeping urbanisation starting to erode local character, and that any other development which could intensify that impact, or extend close to Wood Barton or Bradfield House may be highly undesirable. It is however advised that Historic England’s comments are based on a desk-based assessment only and that no site visit has been made. Historic England note that the Council’s Conservation Officer is likely



be able to visit the site and have the opportunity to make a more direct impact assessment, and be able to contribute more detailed comments, which should be carefully taken account of. Historic England do comment that the direct visual impact on the heritage assets would be quite limited as a intervening distance, landscape and indicative siting, although the use of high level flood lighting would be undesirable, if required. There are however concerns raised about indirect impact as a result of increased intensification of the use associated with county cricket matches, functions and events, as well as the potential provision of additional sports facilities within the site. This in particular would have the potential to carry a significant risk of further erosion of the rural character of the site. It is further questioned why a more strategic approach hasn't been taken in factoring in the need for these facilities within the Culm Garden Village proposals for the East Cullompton allocation. It is requested that these concerns be considered in assessing the application.

These areas of concern are noted and have been given consideration in the assessment of the proposal. Several of these are issues that have also been considered in relation to the general impact on the wider area, such as a lack of need for floodlighting and that the suggested ability to provide additional sports facilities are not part of this proposal. The increase in intensification is noted, however there are measures that may be taken such as limiting the hours of operation, and imposing limits on noise levels. The controls that are may be put in place may not be necessary, depending on the final design of the pavilion and facilities provided. It is considered appropriate to deal with these measures following consideration of the final details at reserved matters. As discussed earlier, it is considered appropriate to remove permitted development rights for additional lighting beyond that indicated as part of this application. It is therefore considered that appropriate measures can be put in place to avoid indirect harmful impacts on the significance of the heritage assets.

The Council's Conservation Officer has visited the site and assessed the impact of the development. The Conservation Officer has also previously visited both of the grade I listed buildings. Following assessment of the site, it is the view of the Conservation Officer that there would be no harm to the setting of the listed buildings, although they do also acknowledge that it is important to retain control of lighting, with permitted development rights removed for lighting, along with other permitted development rights along the northern boundary of the site. Overall, the Conservation Officer is satisfied with the proposals and raises no objections, as the significance of the nearby heritage assets will not be affected. He has commented as follows:

*"You will be aware that the proposal has been assessed regarding its possible impacts on the setting of the nearby grade I and grade 2 listed buildings.*

*The starting point for the consideration of applications which affect the setting of a listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66).*

*Case Law requires that this is to be given considerable weight and importance in the decision making balance.*

*The National Planning Policy Framework (NPPF) 2019 says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should be consulted and the building assessed using appropriate expertise where necessary (para 189). When considering the*

*impact of development, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Where the proposal will lead to less than substantial harm, the harm should be judged against the public benefit, of the proposal including, where appropriate, securing its optimum viable use (para 196)*

*The NPPF (para 192) also requires that in determining applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.*

*Policy DM25 of the Local Plan Review 2013-2033 states*

*Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:*

- a) Apply a presumption in favour of preserving or enhancing all heritage assets and their settings;*
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;*
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or the requirements of the National Planning Policy Framework are met;*
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this, harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and*
- e) Require developers to make a proportionate but systematic assessment of the impact on the setting and thereby the significance of heritage asset(s)*

*I have visited the site and have previously been to both grade I listed buildings.*

*I am in agreement with the heritage assessment that there would be no harm to the setting of listed buildings on the basis of the application submitted. It will be important though to retain control of lighting on the site, and it there are any permitted development rights that come with this carrying out of this consent that we look to control development on the northern boundary of the site closest to the road”.*

*In respect to archaeology, the County Historic Environment Team have advised that the site is within an area of archaeological potential to the east of the Roman settlement at Cullompton and*

to the west of an area of known Roman iron ore extraction. As the works involve cut and fill to create the level playing field, there is the potential to expose and destroy archaeological deposits associated with the known Romano-British and medieval industrial activity. The information initially submitted was insufficient to enable an understanding of the significance of the heritage assets within the application area or the impact on these heritage assets as a result of the proposed development. Additional information in the form of an archaeological geophysical survey was requested. This expectation was anticipated by the applicant, however the survey works were unable to be carried out until the potato crop in the field had been harvested. This has been done recently with the geophysical survey now completed. This has since been submitted to the Historic Environment Officer, who requested that further trenches be excavated as the survey failed to detect former field boundaries. Whilst it was acknowledged that the site may have been archaeologically sterile as a result of agricultural activity, the excavation of trenches was requested in order to identify whether the geophysical survey has worked. The requested archaeological investigations have now been carried out and inspected by the Historic Environment Officer, who has confirmed that the remaining archaeology on site is not of such significance that further mitigation is required. As a result, they have confirmed that they would like to withdraw their initial objection and have no further comments to make.

In considering the proposed development against the relevant policies contained within the Mid Devon Local Plan and the NPPF, and in line with the Local Planning Authorities duty in respect to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development is acceptable and with the imposition of appropriate conditions, will not lead to any demonstrable harm to the significance of the nearby designated heritage assets.

## **Highways Issues**

Policy DM3 of the Local Plan requires development to ensure safe access to the transport network. Policy DM5 requires that new development to provide appropriate levels of parking, taking into account the availability of public transport, and the type, mix and use of the development.

The application is supported by a Transport Statement and Travel Plan Statement. As identified within the Transport Statement, an ATC survey was carried out to establish road speeds and inform the visibility splay requirements for a new access. Access is reserved for detailed design stage, however it has been established that visibility splays of 99 metres to the south and 90 metres to the north will be required. An illustrative plan has been submitted to demonstrate that these splays are achievable at reserved matters. Notwithstanding the results of the ATC survey, it is advised that full visibility splays of 2.4 metres by 215 metres in both direction, to reflect the 60mph speed limit on Horn Road, are achievable with minimal impact on surrounding vegetation and hedgerows.

The proposed access is indicated to be a simple priority junction with access forming a 9.5 metre wide carriageway for the first 10 metres, reducing down to 5.5m with 2 metre footway on either side. A car park providing a total of 119 spaces, 97 in the main car park and a further 22 within an adjacent overflow area, is proposed. This assumes that 27 parking spaces will be required to accord with the space standards identified in Local Plan policy DM5 in relation to D2 uses, should two cricket matches be held at the same time. The additional spaces are proposed to ensure that there is sufficient parking to accommodate spectators or occasional conferencing/social events, and to future proof the site in respect to other facilities. The ATC survey has been carried out on the basis of a worst case scenario, where the entire car park fills and empties within a one hour period.

Concerns have been raised in respect to highway safety with increased use of Horn Road and the junction with the A373 due to the proposed development. It is suggested that Horn Road is narrow and in poor condition. There are also concerns about the appropriateness of the ATC survey due to the time that it was carried out, being conducted between 30<sup>th</sup> July and 5<sup>th</sup> August 2020. Notwithstanding these concerns, the Highway Authority has considered the proposal and concurs with the conclusions of the submitted Transport Assessment. It is considered that it has been satisfactorily demonstrated that safe and suitable access can be provided and that there would be sufficient parking space to ensure that parking on the road would not occur. The Highway Authority is satisfied that the proposal is acceptable and would not have a severe impact on the local highway network. Conditions are however requested in relation to the provision of the access, surface water drainage to ensure that surface water does not drain onto the highway, and for the provision of a Construction Management Plan.

In respect to the provision of access, this is considered appropriate to provide prior to the commencement of the elements proposed under the outline element of this planning application. The works required to carry out the earthworks will be less intensive than those associated with the construction of the pavilion, cricket centre and car park. It is also noted that it is not proposed to provide the access as part of the proposed works associated with the preparation of the pitch, with access for construction traffic, emergency services, etc., able to be provided via the existing agricultural field access.

Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policies DM3 and DM5 of the Mid Devon Local Plan.

### **Noise and Other Impact on Residential Amenity**

Policy DM2 e) states that new development should be create *“visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses...”*

Concerns have been raised in respect to the potential for noise and other disturbance as a result of the increased levels of activity on the site, should planning permission be granted. Generally speaking, it is not considered that the use of the site for the cricket club would have a particularly unacceptable impact on the amenities of local residents, however it is acknowledged that there is the potential for the pavilion to be used to accommodate other events, which may generate increased noise through use of the building itself, associated plant such as air conditioning units, and through additional vehicle using the car park. While the site is located in an open countryside location, there are several local residential properties in the local vicinity. The nearest property is approximately 120 metres to the north west of the site, on the west side of Horn Road. There are other residential properties further to the south along Horn Road, and off Dead Lane and Long Drag. The village of Kentisbeare is a little over 1km to the east.

The Council's Public Health Team have not raised any concerns about the impact of the development, however it is appreciated that if uncontrolled, there is the potential for adverse impacts. As such, as discussed in relation to the indirect impacts of the development on local heritage assets, there are number of measures that could be imposed on the use of the site and buildings, specifically restricting the hours of operation of the site, controlling the use of amplified music, and ensuring that any plant or music is inaudible from outside of the site. These matters are able to be controlled by conditions imposed on this planning permission. At the time of writing this report, the final wording needs to be agreed with the applicant and the Council's Environmental Protection Team. An update will therefore be given to Members with the finalised wording.

In order to reduce the impact during the construction period, it is considered reasonable to condition a Construction Environmental Management Plan, which will include details of construction practices and measures to be implemented to minimise the creation and impact of noise, vibration, dust, etc.

Subject to the imposition of appropriate conditions designed to limit the impact that the use of the site will have on local amenity, the proposed development is considered to accord with the requirements of policy DM2 of the Mid Devon Local Plan.

### **Flooding and Drainage**

Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available.

The site is located within Flood Risk Zone 1, although land within Flood Risk Zone 3 does border the site to the north. Notwithstanding this, the Environment Agency have noted the proposal and made no further comment.

The application is supported by a flood risk assessment and drainage strategy, which identifies that infiltration methods are unlikely to be feasible. It is therefore proposed to provide onsite attenuation measures to ensure that surface water is stored on site and released back into the surrounding watercourses at a controlled rate. In this case, a network of trapped gullies, pipes and SuDS features to collect surface water runoff from impermeable areas, is proposed. Notwithstanding the identified reprofiling works required in respect to the provision of new cricket pitches, there is not expected to be any change from the existing greenfield run off rates, with these remaining as existing.

The Lead Local Flood Authority (LLFA) initially raised an objection to the scheme, with further information sought in respect to the implementation of sustainable drainage systems, infiltration testing, the detail of proposed impermeable areas, position of existing ditches and details of exceedance pathways and overland flow routes. Further information has since been provided to the satisfaction of the LLFA, who have now withdrawn their objection subject to the imposition of a pre-commencement drainage condition, which has been agreed by the applicant. While final details will be required, it has been demonstrated that appropriate provision for the disposal of surface water can be provided, without leading to an increase in the risk of flooding beyond the site, thereby according with the policy requirements of DM1 of the Mid Devon Local Plan

### **Ecology and Biodiversity**

The application is supported by a preliminary ecology appraisal. The site was assessed to be likely to be used by bats, dormouse, reptiles, amphibians and breeding birds due to the site characteristics, which comprise mainly arable farmland bordered with hedgerow, with a river to the northern boundary and two large irrigation reservoirs beyond the site to the north west.

Due to the intensively managed nature of the arable land, the majority of the site is assessed as being of low ecological value. The adjoining habitats, such as the hedgerow, river and reservoirs have been assessed. The hedgerows are assessed as having moderate value for dormice, with the species likely to be present. The hedgerows, and some identified mature trees and the adjoining river are identified as holding high value for roosting and commuting bats. Similarly the hedgerows and mature trees are of high value to a range of invertebrates.

The arable field offered some suitable foraging habitats for birds, with nesting opportunities in the hedgerows. Otters have been identified within the river. The banks of the river were considered to offer suitable habitat for water voles, although no evidence of this species was found. Otherwise the site is identified as holding low value for reptiles.

Mammal holes are present to the south east, of the site, although no evidence of badgers was found. A survey in the previous year did not identify any badgers using these holes.

The report concludes that the conversion of the land from arable to grassland is unlikely to significantly impact upon mammals on site, although it is recommended that additional surveys are undertaken for badgers to support a later reserved matters application. The creation of a new access onto Horn Road does have the potential to impact on dormice, with additional surveys required to establish the presence or absence of the species prior to any clearance works. Despite their presence to the north of the site, no further surveys are required in relation to otters. The habitat favoured by bats is to be retained, as such the main impacts would relate to increased light spill on the boundaries of the development. Further surveys are required to provide sufficient data to inform the mitigation strategy. Similarly bird nesting habitat will not be impacted upon, other than possibly as a result of providing the access, although the harm would be limited by using precautionary working methods and timing of works to avoid bird nesting season. While the arable farmland was assessed to be of low value to amphibians, the habitats on the northern boundary offer suitable opportunities for dispersing and hibernating great crested newts. Further surveys are recommended to determine the potential for presence of great crested newts. No adverse impact was expected in relation to invertebrates, with the creation of amenity grassland increasing the value of the site for these species.

In addition to the recommendations for further survey work, the report recommends that habitat enhancements are created in the form of a 30 metre wide wildlife corridor to the north of the site, creation of amenity grassland, the creation of a new 180 metre long hedgerow linking existing hedges to the north east and south of the site, enclosing the existing open side of the site to the south east, and the removal of the identified invasive plants. The recommendations also include precautionary measures to avoid committing any offence in relation to protected species, should any be found during construction. The results of the requested surveys will inform the final mitigation measures on site. In respect to dormice, the surveys will establish the presence or absence within the affected hedgerows prior to any clearance works. The high quality habitat used by bats is to be retained, however the surveys would establish the presence of roosting opportunities within mature trees around the site, allowing suitable mitigation to be provided to avoid light spill that may affect these potential roosting features. The other surveys relate to checking for the presence of badgers within the site and Great Crested Newt presence within the area, with assessment of all accessible ponds within 500 metres of the site.

With the exception of the loss of approximately 10 metres of hedgerow to provide the proposed vehicular access to the site, which would affect any dormice found in that section, the proposal will maintain the existing habitats around the site. There is sufficient information provided in support of this application to establish that existing species populations can be appropriately protected and enhanced.

Comments received, including those from Devon CPRE, question the appropriateness of a decision being made without the surveys required having first been carried out, and also the need to for a DEFRA calculation to calculate biodiversity net gain. In respect to the latter point, the need to apply a biodiversity net gain is currently guidance not mandatory until the Environment Act is passed but is recognised within para 170(d) of the NPPF Nonetheless, with only the proposed vehicular access impacting upon the site hedgerow, it is clear that the provision of the suggested 30 metre buffer and addition 180 metres of native species hedgerow would lead to substantial

biodiversity enhancements. Similarly, the conclusions of the Preliminary Ecological Appraisal are sufficient to satisfactorily reassure the Local Planning Authority that the impacts on local ecology will be able to be appropriately minimised, or in the limited cases where it cannot be avoided, such as in the creation of a new access, there is sufficient opportunity to provide appropriate mitigation. The surveys would be required to inform the final details of this mitigation and can be conditioned to be part of the reserved matters.

In respect to the matters to be considered under the full permission, those being the earthworks in relation to the new pitches, these works will be carried out within the intensively managed arable land only, avoiding the habitats on its periphery. It has been confirmed that there is no need to provide any new access to allow these works to take place, with the existing agricultural access being able to be used. It is however considered appropriate to impose a condition requiring tree and hedgerow protection measures to be agreed and put in place, in order to protect the habitats themselves, and any protected species within during construction works. As covered by the recommendations section of the Preliminary Ecological Appraisal, a condition requiring that the recommended precautionary measures be complied with, is proposed, along with the submission of the specific details of mitigation and biodiversity enhancement measures to comply with the recommendations of the report and in order for the proposal to comply with policy DM9 of the Mid Devon Local Plan.

A tree survey and constraints report has been submitted, identifying the trees around the site, their quality and root protection zones. In this case, the earthworks are outside of the root protection zone and away from the boundary features. The report will also be helpful in informing elements of the reserved matter details such as the creation of the access. As things stand, the presence of trees within and around the site is not viewed as a constraint to the development proposed.

In addition, two invasive species (Japanese knotweed and Himalayan balsam) have been identified. The report contains recommendations for the removal of these species and this can be dealt with by condition.

## **Summary**

It has been clearly demonstrated that there is a need to relocate Cullompton Cricket Club, in order to facilitate the construction of the proposed Cullompton Town Centre Relief Road, while ensuring that provision of replacement sports facilities are provided in line with Sport England exception policy E4, Local Plan policies CU19 and DM24, and paragraph 97 of the NPPF. Notwithstanding concerns raised, it is considered that it has been satisfactorily demonstrated that this site is the only location that is both available and deliverable, in the necessary timeframe, and acceptable in planning terms. Despite the distance from Cullompton, and the location within the Parish of Kentisbeare, it is considered to have reasonable access to the town and allocated development sites, as well as other nearby settlements.

Furthermore, subject to final detailed design, it has been demonstrated that the proposals will not lead to any unacceptable impact on the local character of the area, which would not be outweighed by the benefits associated with the development. It would not lead to harm to the significance of nearby heritage assets including archaeological features, would not lead to any increased risk of localised flooding, would not lead to the net loss of biodiversity or harm to local ecology, would not have a severe impact on the local highway network and would not lead to unacceptable harm to the residential amenity of nearby residents.

As such, it is considered that the proposed development is acceptable and it is recommended that Member's resolve to approve full planning permission for the layout and proposed earthworks

related to the provision of two new cricket pitches, and outline permission for the provision of a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking.

## **REASON FOR RECOMMENDING APPROVAL**

The proposed development comprising full planning permission for the layout and proposed earthworks related to the provision of two new cricket pitches, and outline permission for the provision of a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking, in relation to the relocation of Cullompton Cricket Club is considered to be acceptable in this location. It is considered that the development could be carried out, subject to detail, without causing demonstrable harm to the character of the area, the significance of local heritage assets, highway safety, local amenity and ecology, and without increasing the risk of flooding. As such, it is considered that the proposed development satisfactorily accords with policies S1, S9, S14, DM1, DM3, DM4, DM5, DM23, DM24, DM25, DM26 and DM27 of the Mid Devon Local Plan 2013 and the National Planning Policy Framework.

## **CONDITIONS - FULL**

1. The development hereby permitted in respect to the layout and earthworks for the provision of two cricket pitches shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Site Location Plan 'CCC\_SLP\_001', Proposed and Existing Site Levels 'S20-082-001 Rev D5', Cross Sections 'S20-082-003 Rev P1' and Isopachytes Plan 'S20-082-003 Rev P1'.
3. No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
  - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.



4. The playing field/s and pitch/es shall be constructed and laid out in accordance with the approved plans and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), before the development hereby permitted is first brought into use.
5. No development shall commence until a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

## **CONDITIONS - OUTLINE**

6. Details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") in relation to the provision of a cricket pavilion, indoor cricket centre, scorers hut, outdoor cricket nets and parking to shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
7. Applications for the approval of reserved matters shall be made to the Local Planning Authority no later than two years from the date of this permission.
8. The development hereby permitted shall begin no later than one year from the date of approval of the last of the reserved matters to be approved.
9. The site hereby approved for development shall be as shown on the submitted Site Location Plan 'CCC\_SLP\_001'.
10. No development shall commence until details of the design and layout of the cricket pavilion has been submitted to and approved in writing by the Local Planning Authority. The details shall include how the pavilion complies with the standards set out in the relevant English Cricket Board guidance 'Pavilions and Clubhouses (TS5)', or any other relevant guidance which may be in force at the time. The development shall only be carried out in full accordance with the agreed details, which shall be retained in perpetuity.
11. Final details of ecological mitigation, compensation and enhancement measures detailed, and details of the removal of non-native invasive plants, in Section 8 (Recommendations) of the submitted *Preliminary Ecological Appraisal*) shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being first commenced. The approved scheme shall be implemented in accordance with the approved details occupied unless otherwise approved in writing by the Local Planning Authority.
12. No part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 15 metres

back from its junction with the public highway and a site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

13. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with DCC groundwater monitoring policy.
- (b) A detailed drainage design based upon the approved Flood Risk Assessment, dated 7 September 2020, and the results of the information submitted in relation to (a) above
- (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

#### **CONDITIONS - GENERAL**

14. Prior to the commencement of development (including any ground-works, heavy machinery entering site or the on-site storage of materials) on each relevant phase, tree protection details, to include the protection of trees and hedges, shall have first been submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, installation And Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

15. Provision shall be made for the disposal of surface water from the access so as to prevent its discharge onto the County Highway, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such approved scheme shall be installed prior to the access first being brought into use and shall thereafter be maintained at all times.
  
16. Prior to the commencement of development on each relevant phase a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
  
17. No means of external lighting or other external illumination shall be installed on any of the buildings hereby approved or operated on any part of the subject land, unless details of such

lighting has first been submitted to and approved in writing by the Local Planning Authority. Such approved details, once implemented shall not thereafter be altered without the prior written agreement of the Local Planning Authority.

18. No amplified or other music shall be played in the premises in such a way that it is audible beyond the boundary of the premises.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To ensure that the playing field is prepared to an adequate standard and is fit for purpose.
4. To ensure the quality of pitches is satisfactory before they are first brought into use.
5. To ensure the quality of pitches is satisfactory before they are first brought into use.
6. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
7. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
8. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
9. For the avoidance of doubt in the interests of proper planning.
10. To ensure that the cricket pavilion is of the satisfactory quality and to an adequate standard before it is first brought into use.
11. For the conservation and protection of legally protected species and for the enhancement of biodiversity.
12. 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
13. To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream.
14. To preserve the health, structure and amenity value of existing landscape features.

15. To ensure that the site is adequately drained, in the interests of public safety and to prevent damage to the highway.
16. To minimise the impact on the highway network and on nearby residential properties during the construction period.
17. In the interests of residential amenity and to safeguard the amenities and character of the area.
18. In the interests of residential amenity and to safeguard the amenities and character of the area.

## **INFORMATIVES**

1. In respect to condition 5, Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.
2. Mid Devon Licensing Team have recommended that the applicant contact them on 01884 255255 or at [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk), in respect to any need for a premises licence.

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

The Human Rights Act 1998 came into force on 2<sup>nd</sup> 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.

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included further discussion and negotiations to address issues raised. In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

Application No. 20/00876/MFUL

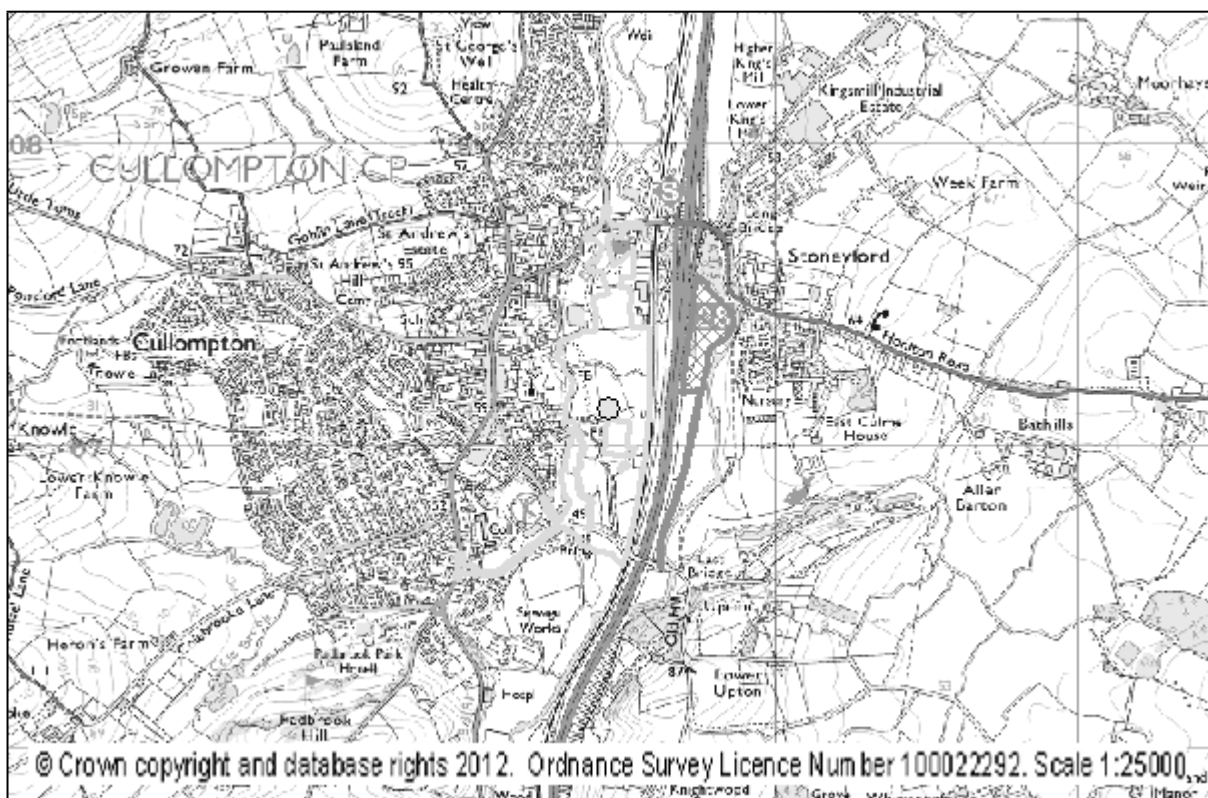
Grid Ref: 302456: 107324

Applicant: Dorothee Fitzsimmons, Devon County Council

Location: Land at NGR 302456 107324  
Cullompton  
Devon

Proposal: Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works

Date Valid: 19th June 2020



## **APPLICATION NO: 20/00876/MFUL**

### **RECOMMENDATION**

The application be approved subject to conditions

### **DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT**

Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works.

The application is made for the provision of a relief road to divert traffic currently passing through Cullompton town centre. It is primarily proposed to address existing traffic and transport problems within the town, and the associated impacts on air quality, environment and amenity.

The relief road would be 1350 metres long and would link into to the existing Station Road/Millennium Road roundabout to the north and Meadow Lane/Duke Street to the south. Its route would run to the east of Cullompton for the most part running alongside the railway and M5 corridor. It would incorporate land currently within the ownership of Tesco, land that is part of the Cullompton Community Association (CCA) fields and sports facilities, including those used by Cullompton football, cricket and bowls clubs, and agricultural land to the south. The site lies to the east of the Cullompton Conservation Area. It is also located within the floodplain of the River Culm and Spratford Stream and entirely within Environment Agency designated Flood Risk Zones 2 and 3, Flood Zone 2 being land having between a 1 in 100 to 1 in 1,000 annual probability of river flooding, and Flood Zone 3 being land having a 1 in 100 or greater probability of river flooding. Flood Zone 3 is split into 3a and 3b, the latter of which is classified as 'Functional Floodplain' and comprises land where water has to flow to be stores in times of flood. The Mid Devon Strategic Flood Risk Assessment (2014), advises that land in Flood Zone 3 should be considered to be 3b unless proven to be Flood Zone 3a following further work undertaken as part of a detailed site specific flood risk assessment, and in consultation with the Environment Agency. In this case, the site is considered to be within Flood Zone 3b.

The road would be 6.5m in width with a 2 metre wide footway (3 metre wide shared cycle/footway in places) and 2 metre grassed verge to the east. In addition to the construction of the road itself, the scheme would include other elements such as significant highway alterations and improvements to aid flow of traffic and encourage use of the relief road, provision of replacement and compensatory sports and recreational facilities, provision of flood relief and compensatory measures and biodiversity enhancements. The highway improvements include the following:

- A new 4 arm normal roundabout at the existing Station Road/ Millennium Road junction;
- A new connector road link to the existing mini roundabout that provides access to the Tesco superstore and garage;
- Provision of a new connector road towards the Longbridge Meadow Trading Estate including provision for a new access to the Market Place and Showman's sites to the north (currently accessed via the Weary Traveller Pub carpark);
- Provision of vehicular access to the proposed carpark for the Cullompton Rangers Football Club
- Provision of a vehicular access to the proposed carpark for the bowling club;
- Provision of a new priority junction with Duke Street to provide access off Old Hill, the existing Duke Street section between the CCA access and the Relief Road will be made pedestrian only;
- Provision of new 16m span bridge over the River Culm located south of the existing Duke Street First Bridge;

- Provision of a new priority junction located adjacent to the South West Water pumping station to provide access to the CCA (utilising existing Duke Street alignment);
- Connection to Meadow Lane with the priority of the Duke Street/Meadow Lane junction changed to promote Meadow Lane to the relief road the main through route;
- Creation of a one-way section of road along Duke Street between Rivermead and Chestnut
- Modifications to the Weary Traveller Pub car park and access;
- Boundary treatments and access improvements to Market Place and Showman's site; and
- Potential new access link to Longbridge Meadow Industrial Estate.

Should planning permission be granted, the scheme is proposed to be implemented in three phases, allowing for as little interruption to as possible to existing sports facilities, recreation and amenity land and to reduce the wider impacts on other local amenity, in particular as a result of the construction period. It is hoped that phase 1 works would be able to commence in winter 2021.

The application is accompanied by an Environmental Statement prepared under the Environmental Impact Assessment Regulations.

The scheme to provide a Cullompton Town Centre Relief Road has been subject to a successful bid by the Council to Housing England under the Housing Infrastructure Fund. Notwithstanding this, the application must be assessed and determined on its own planning merits.

## **APPLICANT'S SUPPORTING INFORMATION**

Planning Statement, Design and Access Statement  
 Transport Assessment  
 Lighting Feasibility Extents Report (Lighting Statement)  
 Drainage Strategy  
 Road Safety Audit  
 Agricultural assessment  
 Open Space Assessment  
 Sports Provision Assessment  
 Letter of Intent (Off-site compensation planting)  
 Environmental Statement  
 Existing and Proposed Plans and Drawings

## **ENVIRONMENTAL IMPACT ASSESSMENT**

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017, and has been assessed as being Environment Impact Assessment (EIA) development.

A Scoping Opinion was sought from the Local Planning Authority in May 2019. The subsequent Scoping Opinion identified what the Local Planning Authority considered should be included within the submitted Environmental Statement, taking into account the EIA Regulations, the nature and scale of the proposed development, the nature of the receiving environment, current best practice in the preparation of environmental statements, and responses from statutory consultees.

The accompanying Environmental Statement has been prepared with the Local Planning Authority's Scoping Opinion in mind and in accordance with the EIA Regulations. The Environmental Statement is available to view on the public planning file.



## **RELEVANT PLANNING HISTORY**

19/00839/SCR - CLOSED date 13th August 2019

Request for Scoping Opinion relating to the Cullompton Eastern Relief Road scheme

20/00876/MFUL - PCO date

Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works

## **OTHER RELATED APPLICATIONS**

20/01452/MOUT - PCO date Hybrid application for a new cricket facility consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket grounds

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan 2013-33**

S1 - Sustainable development priorities

S7 - Town centres

S8 - Infrastructure

S9 - Environment

S11 - Cullompton

S14 - Countryside

CU19 - Town Centre Relief Road

CU20 - Cullompton infrastructure

DM1 - High quality design

DM3 - Transport and air quality

DM4 - Pollution

DM24 - Protection of local green space and recreational land/buildings

DM25 - Development affecting heritage assets

DM26 - Green infrastructure in major development

### **Cullompton Neighbourhood Plan**

### **National Planning Policy Framework**

## **CONSULTATIONS**

### **CULLOMPTON TOWN COUNCIL** - 19th August 2020

The Town Council considered this planning application at their full Town Council meeting on 23 July 2020, the relevant extract from the minutes, which should be treated as the Town Council's response as statutory consultees is as follows:

#### 66. Cullompton Relief Road Planning Application

Consideration was given to the Planning Application 20/00876/MFUL for the provision of a new route connecting Station Road to Duke Street. Construction of a 1350m long, 6.5m wide relief road and associated works.

RESOLVED that in principle the Town Council supports the planning application for the relief road but with the following caveats:

Change of priority at Meadow Lane / Exeter Rd Junction; so that traffic going north on Exeter Road has a priority to turn into Meadow Lane; traffic going south from Aldi on Exeter Road must give way to traffic on Meadow Lane. Traffic coming south on the relief road should have priority turning into Exeter Rd to travel south;

There should be pedestrian refuges with bollards at both "T" pieces of that junction

There should be a PUFFIN crossing outside the leisure centre

There should be enhanced parking at the leisure centre

The provision of barriers to protect pedestrians and encourage them to use the crossings should be investigated

The principle of "replacement" land for the CCA is supported

There should be a pedestrian path out of CCA fields and there should be a crossing on that side of the road"

**BRADNINCH TOWN COUNCIL** - 20th July 2020

Support

**KENTISBEARE PARISH COUNCIL** - The Parish Council is fully supportive of the application, and is pleased to see that a lay by has been included for the Falcon bus.

**WILLAND PARISH COUNCIL** - Willand Parish Council have no objection to this application.

**HIGHWAY AUTHORITY** - 22 July 2020

This application is infrastructure that is required to allow development to come forward in Cullompton which is part of the Mid Devon Local Plan. The route of the this road has been designed by the Highway Authority's Engineering Design Group taking in to account the land form and topography and to ensure the minimal impact on the local area. The detailed design of street lighting and highway signage should be covered by the recommended conditions below.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

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

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

15/07/20

This information provided by DCC (*in relation to a Sensitivity Test at the Tesco store and filling station roundabout*) is sufficient for the Highway Authority to continue with the No Objections to the proposal as there will not be a severe impact on the Highway Network, and also an acceptable flows on the Tesco store and PFS. I also add that the Highway Authority would prefer the access on to the relief road from the Tesco PFS remain as proposed.

**HIGHWAYS ENGLAND** - 17 July 2020

Offer no objection.

Highways Act Section 175B is not relevant to this application

## **ENVIRONMENT AGENCY - 31/07/2020**

### **Environment Agency position**

We consider that the proposed development will only be acceptable if subsequent permission includes suitably worded conditions requiring detailed design to ensure the proposal is appropriate in terms of flood risk and ecology. Our recommended conditions and advice regarding flood risk, ecology and water quality are set out below.

#### **Condition - Agreement with Network Rail regarding flood risk to the railway**

Prior to any construction work commencing on site information must be submitted to demonstrate that the flood risk impacts to the railway line have been discussed with and accepted by Network Rail. If any additional flood alleviation works are required (e.g. additional flood culvert) they shall be agreed and built as part of the phase 1 works.

Reason: To ensure flood risks to the railway are accepted and addressed if necessary.

#### **Condition - Ditch at southern end of Longbridge Meadow Trading Estate**

Prior to any construction work commencing on the middle section of the relief road hereby permitted, the detailed design of the proposed and existing ditch adjacent to the southern end of the industrial estate must be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that potential increases in flood are appropriately managed.

#### **Condition - Design of structures in the floodplain and flood mitigation measures**

The development hereby permitted must not be commenced until such time as detail about new structures in the floodplain and the flood mitigation measures recommended in the flood risk assessment has been submitted to, and approved in writing by, the local planning authority. In particular the following detail will be required:

- design and location of any fencing and Devon Banks
- design of the culverts
- design of the floodplain compensation area
- design of the SuDS ponds
- design of the flood resistance and resilience measures

The details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes

#### **Condition - Road closure and traffic management measures**

The development hereby permitted must not be brought into operation until the flood risk traffic measures with regard to trigger levels based on the predictive flood warnings have been submitted to, and approved in writing by, the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and its future users

#### Advice - Flood risk

The submitted Flood Risk Assessment (FRA) is considered to be appropriate and a good representation of the flood risks to and from the proposed development. The FRA highlights a number of areas where more information/detail will be required prior to commencement of development.

#### Flood risk to the railway and motorway

We note that the FRA demonstrates an increase in flood depths on the railway during the larger storms, although the railway is already flooded. This change to flood risk needs to be discussed with Network Rail and the consequences agreed and resolved if necessary. The discussions should also involve Highways England (with regard to the M5 motorway) and pursue opportunities for partnership funding in this area to resolve the issues.

As we have discussed previously with the applicant this may require the installation of an additional flood risk culvert under Duke Street/Relief Road, to alleviate this south eastern corner of the floodplain.

These discussions and any agreement about further works that might be necessary should take place prior to determination. However, if that is not possible they should be secured by way of a planning condition.

#### Flood risk to Longbridge Meadow Trading Estate

There is a small increase in flood depths in the southern part of Longbridge Meadow Trading Estate. This may be due to the road turning toward the railway and the proposed changes to the existing ditch. Enhancements to the ditches (existing and proposed) or an additional flood culvert may be required, to allow the water to drain westward back towards the floodplain.

#### Boundary fences

The current proposed boundary fences around the football pitches, bowling green, alongside the relief road, around the play area, and alongside the public right of way need to be designed not to block flood flows or collect debris. This rules out chain link or wire mesh infill designs, which is the current proposed design.

The location and design of any new Devon Banks alongside the road will also need to be considered. This could act as significant obstruction to flows at some locations and may have to be replaced with suitable fencing.

We accept the need for the 'Stop Ball' fence alongside the road, this is parallel to flood flows, so should not cause an obstruction to flood flows.

#### Culverts

The detailed design of the culverts (flood culvert under the relief road and new bridge over the Spratford Mill stream) will need to be approved prior to construction. This includes the otter pass

requirements. This can be concurrent with the requirement to gain flood risk activities permits for these works.

#### Floodplain compensation works

The detailed design of the floodplain compensation works still need to be agreed, to ensure they operate correctly during flood conditions and include an allowance for wetland vegetation growth. This can be concurrent with the requirement to gain flood risk activities permits for these works.

#### SuDS ponds

The detailed design will need to approve before construction starts, to assess the impact on the floodplain and effect of the outfalls. This should be a joint approval with the Lead Local Flood Authority on the Overall SuDS design.

#### New and refurbished facilities including club houses

The detailed design of the flood resistance and resilience measures which are required for the proposed new and refurbished club houses and changing facilities need to be agreed prior to works commencing. This should be in line with the measures set out in the FRA.

#### Road closure and traffic management measures

The proposed flood risk traffic management measures appear to be acceptable. However, a linkage to the issuing of Environment Agency Flood Alerts in addition to any reactive procedures still needs to be agreed.

#### Mobile home site

We notice that there is a small increase in flood depth for a small part of the site during some larger storms, which does not increase flood risk to any property apart from a small area of the site. The design is proposing a solid Devon Bank around the south west corner of the site up to the new access to the showman site. We recommend that a gap is placed in the hedge to prevent flood water being blocked by the solid hedge. This could be either a 2m wide gap for the full height or a 'letter' box design along the bottom (2 gaps 1m by 0.3m deep).

#### Bowling club house

We also strongly recommend that bowling club house is raised to the same height as the pitch. The clubhouse can be on silts, and the minor loss of any flood storage, is unlikely to increase flood risk to others, given the major changes proposed and compensated for.

#### Advice - Ecology

##### Otter passes and fencing

We are pleased to see otter fences and an otter ledge incorporated into the culvert design but the drawing 'INDICATIVE STRUCTURE OVER SPRATFORD MILL STREAM' fails to include a design element for an otter pass under high flows. Paragraph 9.9.44 of the Environmental Statement states that 'Otter ledges have been included as part of the design of the culverts wherever possible (in all box culverts at the south of the site), with a minimum of 60cm headroom ensured during the 1:5 flood event. The proposed road bridge also provides dry passage and 60cm headroom for passage during high flows. These design measures will maintain safe passage under the road for Otter at all times of the year'.

There are many records of otter road casualties in this area when the river and ditches are too full for them to use the existing culverts and bridges, or the flow through them is too great. A 1 in 5 year event will be regularly exceeded so we would recommend that ledges are provided beneath the 2 bridges proposed in the development as well as for the culverts.

The Monitoring/Management details in paragraph 9.9.86 states that 'Otter fencing will be monitored and maintained (where necessary) on an annual basis to ensure it remains in good condition'. We recommend that otter ledges/passes should also be monitored and repaired as necessary.

You may consider it appropriate to secure these elements by way of a suitably worded planning condition.

#### Flood compensation areas on east side of M5

The plans show little detail for these areas other than as having lowered ground levels and with 'wetland/damp grass mix'. These areas provide a great opportunity to create interesting wetland habitats for biodiversity net gain on the site and it would seem that an opportunity is being missed here. Careful ground profiling to create a mosaic of wetland habitats and planting to create wet woodland areas would increase the value of these areas for wildlife and we would suggest that detailed plans are provided for comment in this area. Any concerns over lack of storage capacity or impeded conveyance could be addressed and we would welcome further dialogue to maximise the potential benefits that could be created in these areas.

#### Advice - Water quality

The Environment Statement (Volume 1, Chapter 10: Water Environment) identifies the magnitude of potential impacts on the quantity and quality of water supplies, mainly during construction stages.

The proposed plans, protocols and mitigation measures dealing with the site need to consider the risk of contamination and pollution to controlled waters during construction and operation stages. The risk assessment should confirm the location of any unlicensed private water supplies with reference to information held by the local authority.

We agree with the recommendation of the report to provide plans and mitigation measures to protect the controlled waters.

19/10/20

We have reviewed the comments from the applicant and advise that we have no comments to add to our previous response of 31 July 2020. We agree that the issues can be dealt with via the inclusion of our previously recommended conditions on any permission granted and will be fully resolved at the detailed design stage before the commencement of any works.

## LEAD LOCAL FLOOD AUTHORITY - 30th July 2020

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

We have liaised with Jacobs through our pre application service therefore have provided commentary on the proposals pre planning as per our pre application letter dated 1st May 2020, our ref: Cullompton Relief Road. We have also benefitted from a joint site visit with the Environment Agency. We have taken a pragmatic approach to the view of this application bearing in mind the nature of the proposals and the unique setting.

Although the applicant has stated that the FEH has been used in the design, as per s2.8.1 of the Drainage Statement, the Micro Drainage model outputs indicate that FSR has been used within the outputs submitted as appendices within the Drainage Strategy. The applicant should clarify this and update the report/ calculations if appropriate. The applicant should also submit the time area section of the model and storage structure details so the outputs can be fully reviewed.

The applicant should clarify how the runoff from catchment D will be treated prior to discharge into the Mill Leat.

We would encourage the applicant to re-grade the slopes of the ponds to be less than 1 in 3 if feasible to increase their amenity and landscape value. The applicant should clarify whether pond 1 and 2 have a 300 mm freeboard? If not, we would recommend that this should be incorporated into the design in line with best practice.

We would recommend that the design of the basins reviewed by a landscape officer.

3rd Sept 2020

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

1. 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.

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

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without



increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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

2. 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.

Reason: 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.

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

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

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

Observations:

Following my previous consultation response FRM/MD/00876/2020, dated 30th July 2020, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Email from Jacobs to Devon County Council in providing comments on my queries raised in my previous response
- Jacobs Cullompton Town Centre Relief Road Drainage Strategy Rev 4 5th August 2020

The applicant has changed the report to read that the FSR rainfall data was used during the design of the surface water drainage network. A vortex separator is now proposed to treat the runoff from catchment D which will ensure there is no detriment to water quality within the watercourses as a result of the new road.

The applicant has stated that unfortunately due to spatial restrictions the side slopes of the basins cannot be less than 1 in 3. Also both basins have the recommended freeboard of 300 mm above the design top water level.

In conclusion the above surface water drainage design will not lead to an increase in surface water flood risk. The runoff from the runoff has been divided into catchments and basins are proposed to

attenuate flows to restricted rates in line with best practice. The basins also provide additional benefits such as biodiversity, water quality improvements and amenity,

## **SPORT ENGLAND - 21st July 2020**

### **Sport England - Statutory Role and Policy**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

### **The Proposal and Impact on Playing Field**

There is no 'in date' Playing Pitch Strategy for Mid Devon although one is 'in development'.

In summary of the application there is a loss of cricket without replacement in accordance with policy. See NPPF para 97 and E4 below.

Football is affected by the proposal with replacement shown to be delivered.

Bowls is affected and moved within the application (to the cricket site).

### **Assessment against Sport England Policy/NPPF**

The NPPF (para 97) makes it clear that existing sports facilities (i.e. those which are used for sport, have been in the past or could be used in the future) should be protected unless specific conditions can be met. Fulfilling these conditions demands a proper understanding of the current and future needs and opportunities for sports facilities:

*97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: • all or any part of a playing field, or • land which has been used as a playing field and remains undeveloped, or • land allocated for use as a playing

field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

One of the five exceptions (E4) states:

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

This is very similar with criterion b) of para 97 of the NPPF.

Excerpts from our Playing Fields Policy [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy):

What details would Sport England expect an application to provide in order to meet with Exception 4?

57. Where a replacement area of playing field and associated facilities can be provided which are equivalent or better than the existing area of playing field and its facilities, it may be beneficial to sport to take this opportunity. Along with presenting the quantity (area) of the proposed replacement provision, Sport England will expect details to be submitted which clearly demonstrate that any proposed replacement area of playing field and ancillary facilities can be delivered (including to what timescale), the proposed access and management arrangements and how equivalent or better quality will be achieved and maintained.

What is meant by 'equivalent quality'?

58. A new area of playing field being laid out, drained, maintained and provided with the necessary ancillary facilities so as to have the same capability, functionality and flexibility as the existing area of playing field to accommodate playing pitches, matches, training sessions and other sporting activities.

59. The new area of playing field should be capable of providing playing pitches and producing playing characteristics, supported by all necessary ancillary facilities to the relevant standards, to allow the same level of competitive play to take place without requiring any additional maintenance input. For example, if a playing field includes a pitch which is used by a senior county league club, then to achieve the equivalent quality the replacement playing field must be capable of providing for this standard of play without any additional costs being incurred by users, when compared to use of the existing site. This requirement applies equally to the provision of ancillary facilities, such as changing rooms, car parking, fencing and artificial sports lighting.

How should equivalent quality be secured?

60. Details should be submitted with any application proposing replacement provision which include an assessment of the performance of the existing area of playing field, the programme of works (including pitch construction) for the creation of the proposed replacement area of playing field (to ensure it is developed to the required quality), along with a management and monitoring plan. The above details should be undertaken and developed by a suitably qualified and experienced sports turf consultant. Replacement areas of playing field and facilities should satisfy appropriate Sport England and national governing body of sport design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note (see Annex A), especially where the replacement area of playing field is being provided on the footprint of previous buildings, as is the case in many school redevelopments.

Sport England raised this issue of replacement cricket ground with the applicant and cricket club early in 2019. With the County Council in the Local Plan Relief Road document response dated October 2018.

Consideration and weight should also be given to the Council's own Local Plan policies that seek to protect open space, sport and recreation.

The Football Foundation (FF) on behalf of The FA and Devon FA advise that the site affected by the planning application:

#### Clubs & Teams

This site currently consists of the following football club/teams:

##### Adult

Cullompton Rangers FC Mens 1<sup>st</sup> Team (This team play in the National League System at Step 6)  
Cullompton Rangers FC Mens Reserves  
Cullompton Rangers FC Ladies 1<sup>st</sup> Team  
Exeter City FC Ladies 1st Team  
Rippon & Pinhoe FC Mens 1<sup>st</sup> Team

##### Youth

Cullompton Rangers FC U15  
Cullompton Rangers FC U13  
Cullompton Rangers FC U11

##### Mini

Cullompton Rangers FC U9

#### Current pitches

The site currently operates with 4 grass pitches with the following pitch dimensions/specification:

1 x stadia floodlit grass pitch (110mby70m)  
1 x junior floodlit 'training' grass pitch (90mby50m)

2 x junior adult grass pitch (90m by 50m)

The proposal suggests no impact to the existing stadia floodlit grass pitch or changing facilities. If this was to change The Football Foundation would need to be consulted as this pitch and changing facilities have received grant aid within the last 10 years, therefore would be tied into grant terms of conditions (full details can be provided on request).

The current adjacent junior floodlit adult grass 'training' pitch has been re-located and provided with floodlights. While the remaining junior adult pitches have been relocated adjacent to the relocated 'training' pitch.

### Turf Pitch Requirements

In relation to the re-located new turf grass pitches the following guidelines must be adhered to:

Design - Natural Turf Pitches should be designed by a RIPTA registered agronomist.

Construction –The construction of Natural Turf Pitches should be project managed or signed off by the same RIPTA registered agronomist that produced the design.

Quality – Pitches should pass a PQS test to a 'good' standard before they are used. The testing should be arranged via the FA Pitch Improvement Programme.

Maintenance - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design agronomist recommendations

### Pitch Dimensions and Run-Off Requirements

The following pitch dimensions and run-off guidelines must also be adhered to:

Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area)

Over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area)

A minimum safety run off 3m must be provided

Run off areas must be free from obstructions and of the same surface as the playing area.

The site operator must undertake a risk assessment to ensure the run off area are safe and do not pose a risk of injury to a player or spectator.

### Floodlights

The FA Guide to Floodlights booklet should be reviewed to ensure the correct guidelines are being adhered to for the floodlit 'training pitch', which should have a lux level of 120 (please note that this is different to the stadia pitch floodlight requirements). This booklet can be provided on request.

### Ancillary Facilities

The proposal discusses new changing room facilities at the site (To serve the 3 community pitches). No designs/drawings have been provided and The Football Foundation on behalf of The FA and Devon FA would like to see sight of these for comment. The following considerations should be taken into account:

- General - Changing pavilion designs appear to be in line with FA recommendation but should be checked against the Football Foundation Data Sheets for Changing Accommodation.

- Catering - Catering facilities should be considered to allow for income generation on site.
- Changing room toilets – A minimum of two w.c toilets, self-contained, per changing room.
- Spectator toilets / disabled toilets – should be separate from player toilets.
- Showers – A minimum of four shower heads plus a dry-off area of 8m2.
- Officials - officials' accommodation x 2 should be separate and self-contained with a shower and toilet facility of a minimum of 6m2
- Changing room size – changing rooms should be a minimum of 16 m2 (for grassroots football) and 18 m2 (for football in the National League System) of usable changing space (not including toilets and showers).

There appears to be no impact to Cullompton Rangers FC Mens 1<sup>st</sup> team ancillary facilities. As they play in the National League System they require specific requirements in relation to ancillary facilities, which can be found at the following link <http://www.thefa.com/get-involved/player/ground-grading> (Grade H). If these were to be amended, we again would like to see sight of any proposals.

### Management and Maintenance

- Is it proposed that Cullompton Rangers FC will operate the Stadia pitch, community grass pitches and ancillary facilities?
- Can a business plan be provided to demonstrate how the site will be managed in a sustainable manner?
- If they planned to manage the site, what this would look like? Would they look to re-structure the club to accommodate this? If so, what too? Will they incorporate as a club and become a Ltd Company?
- Will any financial support be provided to help with ongoing grass pitch maintenance at the proposed site?

The Football Foundation on behalf of The FA & Devon FA would like clarity on some of the questions/points above before fully supporting.

No comment has been received from the ECB in relation to cricket.

### Conclusion

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. The application raises some significant issues regarding cricket, its loss and 'missing' proposed replacement. Football raises some issues requiring clarity as detailed in this response.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the Planning Casework Unit.

In objecting to this statutory planning application, Sport England would make reference to the High Court decision to quash a planning consent for development adjoining the East Meon cricket ground in East Hampshire District (High Court Ref: Case No: CO/1894/2014). In summing up the case, the Inspector said: In my judgment, the officers and the Planning Committee failed to have proper regard to the representations of Sport England in its capacity as statutory consultee". Sport

England would therefore request that the local planning authority give due weight to the concerns raised by Sport England with regard to this proposal, given our status as a statutory consultee.

25th August 2020

Thank you for re-consulting Sport England on the above major road scheme application with additional information.

I have re-consulted with the FA and ECB and have had received the following comments:

ECB: The ECB objects to the scheme on the grounds that there is no identified site for the replacement cricket pitch/facilities.

FA: The FA reviewed the information and have contacted the applicants for clarification as they read back over the documentation from the initial application and spotted that the sports assessment referred the 2 x informal pitches as 9v9 pitches, where the design layout has them as 11v11 youth (u13/14).

In respect of the comments of the ECB, I am in agreement and would refer you to the Cannock Chase Stadium Appeal - Call in APP/X3405/V/08/1202903, which I have attached. Paragraph 41 the Secretary of State emphasizes the need to identify the suitable replacement site and a suitable time frame. Currently this application does not reference any replacement facility.

In respect of the comments of the FF, they wanted clarification that the pitches are in fact 11v11 youth (as per design layout) as some of the very initial conversations took place before the current officer was in post. To date they have not received a response from the applicants.

#### Bowling Green

Sport England omitted to comment on the bowling green in our previous comments for which I apologise. The bowling green should not have a ramp or steps to access it for the following reasons: the games are tended to be played by retired people and it is not great having additional obstacles in the way to get to their game. Also there is an issue of maintenance required, especially in the autumn and wet weather.

The current green does not appear to have this access arrangements, therefore the replacement green needs to be equal in terms of access. This would need to be revisited - it appears the levels can be adjusted to ensure users have neither ramps or steps to access the bowling green.

#### Conclusion

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy nor with Paragraph 97 of the NPPF.

In objecting to this statutory planning application, Sport England would make reference to the High Court decision to quash a planning consent for development adjoining the East Meon cricket ground in East Hampshire District (High Court Ref: Case No: CO/1894/2014). In summing up the case, the Inspector said: In my judgment, the officers and the Planning Committee failed to have proper regard to the representations of Sport England in its capacity as statutory consultee". Sport England would therefore request that the local planning authority give due weight to the concerns raised by Sport England with regard to this proposal, given our status as a statutory consultee.

#### Potential Way forward

In order to resolve Sport England's objection, the applicant should address the following matters:

- . The location of replacement cricket facilities needs to be identified and a planning application submitted and approved prior to the determination of this application. Then cricket facility needs to be made operational prior to work commencing on the current cricket site. This would meet exception E4 of Sport England's Playing Fields Policy and accord with paragraph 97 of the NPPF.
- . Clarification needs to be provided in respect of the comments raised by the FF above.
- . The bowling green design revisited to omit ramps or steps to access it as per the existing bowling green.

Sport England would be pleased to review the objection with a view to potentially considering withdrawing it when we receive further information as set out in the bulleted points above.

In providing the further information, Sport England would ask that the applicant submits this to the Local Planning Authority and not to Sport England directly. That way it forms part of the planning application submission and its associated audit trail. The Local Planning Authority can then consult Sport England on receipt of this information.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact me at the address below.

28<sup>th</sup> October 2020

Thank you for re-consulting Sport England on the above major road scheme application with additional information regarding bowls and football.



We have re-consulted with the Football Foundation who advise on behalf of the FA/Devon FA and have had received the following comments:

Football Foundation:

In summary bulletin point 2 & 4 remain unconfirmed see below:

#### Management and Maintenance

1. Is it proposed that Cullompton Rangers FC will operate the Stadia pitch, community grass pitches and ancillary facilities? *This has now been answered. Football Club will operate the Stadia Pitch & Floodlit training pitch. The 2 x Youth 11v11 pitches will be operated by the Cullompton Community Association (CCA).*
2. Can a business plan be provided to demonstrate how the site will be managed in a sustainable manner? **This has not been provided and would remain a recommendation.**
3. If they plan to manage the site, what this would look like? Would they look to re-structure the club to accommodate this? If so, what too? Will they incorporate as a club and become a Ltd Company? *This has been answered. Operation as per bulletin 1.*
4. Will any financial support be provided to help with ongoing grass pitch maintenance at the proposed site? **No indicative figures have been provided**
5. Applicant to confirm 4 x pitch dimensions. *This has been answered. 2x Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area), 2x Over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area)*

The proposal suggests no impact to the existing stadia floodlit grass pitch or changing facilities. If this was to change The Football Foundation would need to be consulted as this pitch and changing facilities have received grant aid within the last 10 years, therefore would be tied into grant terms of conditions (full details can be provided on request).

For the 2 x grass pitches being operated by Cullompton Community Association (CCA) we would like a community use agreement in place which is agreed with Sport England and Devon County FA in line with the intended usage levels of the facility.

Bowling Green

Sport England notes the agent's comments. This issue has been adequately addressed.

Loss of Cricket Pitch

In this detailed application (ref 20/00876/MFUL), the loss of cricket pitch issue has always referred to a linked planning application (recently submitted by the cricket club). Replacement cricket

facility at Horn Lane planning ref: 20/01452/MOUT has now been considered by both Sport England and the ECB.

For Sport England to withdraw its objection to this major application, in addition to satisfying the comments from football, Sport England needs the proposed replacement cricket facility to clearly demonstrate meeting exception E4 and the NPPF:

E4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing_fields_policy)

NPPF 97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The detailed comments to the linked application reference 20/01452/MOUT are located within the response (attached). In summary, **Sport England is unable to fully support the application ref 20/01452/MOUT**. Sport England raises concern to the proposed cricket ground in relation to the strategic need and scale. Concern is also raised regarding location and its impact on the existing cricket club at Kentisbeare. Importantly, the linked planning application falls short in providing the necessary details to secure a replacement playing field facility to adequately demonstrate meeting E4 of the Playing Fields Policy and in turn the NPPF.

Conclusion

In light of the above, Sport England continues to **object** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy nor with Paragraph 97 of the NPPF.

In objecting to this statutory planning application, Sport England would make reference to the High Court decision to quash a planning consent for development adjoining the East Meon cricket

ground in East Hampshire District (High Court Ref: Case No: CO/1894/2014). In summing up the case, the Inspector said: In my judgment, the officers and the Planning Committee failed to have proper regard to the representations of Sport England in its capacity as statutory consultee". Sport England would therefore request that the local planning authority give due weight to the concerns raised by Sport England with regard to this proposal, given our status as a statutory consultee.

## Potential Way Forward

In order to resolve Sport England's objection, the applicant should address the following matters:

- Full details (not outline consent) of the replacement single cricket pitch including pitch construction, ancillary provision (single storey pavilion and 2 lane nets system) need to be submitted and approved prior to the determination of this application. The cricket facility needs to be made operational prior to work for the relief road commencing on the current cricket site. A section 106 planning obligation should be used to secure the replacement provision including timings. This would meet exception E4 of Sport England's Playing Fields Policy and accord with paragraph 97 of the NPPF.
- Clarification also needs to be provided in respect of the comments raised by the FF above.

Sport England would be pleased to review the objection with a view to potentially considering withdrawing it when we receive further information as set out above.

17/12/20

Many thanks for seeking Sport England's further input into the planning application for a Relief Road for Cullompton (ref: 20/00876/MFUL) and the new/replacement cricket facility at Horn Lane (ref: 20/01452/MOUT).

Sport England is supportive of the Relief Road proposal providing community sport is not adversely affected. That has always been our position. We have worked positively and collaboratively with the County Council and have reached an agreeable position on the Relief Road application ref: 20/00876/MFUL regarding the sports of football and bowls. There are a couple of outstanding football points that the agent has agreed can be delivered via planning condition.

We have provided detailed comments to Horn Lane as the proposed 'replacement' cricket pitch (see email dated 28 October 2020). We wish to work with the community sport clubs to ensure that they get the support they need. Sport England do not want to see the Relief Road built and no replacement cricket facility operational prior to loss.

Sport England now responds to the latest information received from the Cricket Club re Horn Lane, emails dated 13, 23 and 26 November 2020.

For Sport England to withdraw the objection to the Relief Road application ref: 20/00876/MFUL one of the five exceptions needs to be demonstrated. We are looking at the exception regarding replacement provision, or E4 as its widely known:

*E4 The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

E4 is explained in greater detail in the Playing Fields Policy [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing_fields_policy) The explanatory text for E4 covers issues such as *What details would Sport England expect an application to provide in order to meet Exception E4, What is meant by 'equivalent quality' & how to secure, What is a 'suitable location', What is meant by 'management arrangements' etc.* These are long standing clarifications of what is required on schemes of this nature. E4 is very similar to the requirements in para 97 of the NPPF regarding replacement sports facilities.

In our three previous responses to the Relief Road application, Sport England has raised concern that E4 and the NPPF has not been met. We sought the views of the National Governing Bodies for Sport (NGBs) for football and cricket. Whilst the NGBs can respond to the application direct, we have a Memorandum of Understanding (MoU) with them to include their comments within the Sport England response.

After the second response (dated 25<sup>th</sup> August) the Horn Lane 'replacement cricket' application came forward for consideration. This was assessed in the response dated 28<sup>th</sup> October 2020. Whilst acknowledging the Horn Lane proposal could be good for community sport we raised concern over a number of issues leading to a response of "*we are unable to fully support this application*". We recommended a number of planning conditions to be included in a decision notice in the event of the Council resolving to grant planning permission.

The cricket club have added to their planning application (ref: 20/01452/MOUT) further detail to the potential construction of the cricket pitches in the TGMS Feasibility Report sent to Sport England on the 23 November 2020. It is, however, not a full design specification for the cricket pitch. The club indicate that this would be secured as a planning condition. This detail would need to be generated swiftly and agreed to enable pitch construction to start in April 2021 (for play starting April 2023).

The cricket club sent through an illustrative two story design of a major pavilion on 26<sup>th</sup> November. These were not full details of a deliverable scheme as requested by Sport England. Whilst we appreciate that this will be developed in a modular way, a simple single story design could have been submitted for planning approval.

The cricket club indicate a planning agreement (s106) will be forthcoming. No details have been reviewed.

The England & Wales Cricket Board (ECB)

We have re-consulted the ECB to review the additional information. They advise that whilst noting the additional information and feedback provided, the ECB's original response remains unchanged. The ECB is supportive of the proposed relocation and content that Sport England will follow its Policy Exception E4 assessments in this regard.

On the location, the ECB should mention it visited two sites on the 20<sup>th</sup> March 2019, one of which was Horn Road and the other a nearby location that has been discounted. It cannot comment on the other locations in the planning application as these have not been visited by the ECB.

### Our Reassessment

We have reconsidered the proposal in light of the applicants and ECB comments. It is our view that the Relief Road application must be linked in planning terms to the replacement cricket pitch at Horn Lane. Our recommendation would be using a legal agreement given the complexities involved. There are a lot of issues to be worked out to demonstrate that the 'deliverable' replacement playing field scheme meets the requirements of E4 in relation to quality, quantity, management and prior to loss etc.

The replacement single cricket pitch will need to be operational for use by April 2023. No development on the Relief Road should take place on the existing cricket site until the replacement site is operational to allow for continuity of use. The club will need to play the 2022 season at their current site with a proposed move to the replacement site for the start of the 2023 season.

### How this impacts the Relief Road application

Notwithstanding outstanding concerns regarding Horn Lane in light of scale of the proposed development, absence of strategic need, impact on an existing cricket club and site search, Horn Lane has been put forward as the replacement cricket site for the cricket site lost to the Relief Road.

From the information available, providing the 'link' between the two applications is to be secured by legal agreement, we could be satisfied that the proposal broadly meets one of the exceptions of the above policy as set out in E4.

In the event that a legal agreement (the preferred mechanism given the complexities) is not forthcoming the 'back stop position' would be to use a Grampian condition on the Relief Road application:

### Condition

*The development hereby permitted shall not be commenced until the playing field/sports facility permitted by planning permission 20/01452/MOUT dated xx has been implemented and made available for use.*

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy \*\*.*

The application (ref: 20/01452/OUT) at Horn Lane will need to be granted planning permission prior to the determination of the Relief Road application. If no decision is immediately forthcoming or Horn Lane is refused planning permission, then E4 / the NPPF cannot be demonstrated and Sport England's OBJECTION to the Relief Road would remain.

If the Relief Road is minded for approval without planning permission in place for a deliverable scheme of a replacement cricket facility then, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the Relief Road application would then be referred to the Secretary of State, via the Planning Casework Unit (PCU).

If you wish to amend the wording of the Grampian condition for 20/00876/MFUL please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. Sport England would like to review the proposed conditions relevant to our comments.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact the undersigned at the address below. We look forward to continuing to work with the County Council and District Council prior to the determination of the applications.

#### **NETWORK RAIL - 31st July 2020**

Thank you for your email dated 29 June 2020 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

Below I give additional comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

## **DRAINAGE**

Soakaways / attenuation ponds / septic tanks etc., as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

## **HISTORIC ENGLAND - 4 August 2020 (letter d.29 July 2020)**

### **Summary**

Historic England considers measures to address the impact of heavy traffic on the character and condition of the designated heritage assets in Cullompton town centre desirable. We welcome the adjustments to the route alignment subsequent to EIA stage from a heritage perspective. There remain 3 aspects of the proposals where additional discussion and potentially additional information would assist in identifying the most sensitive solution in historic environment terms (lighting, landscaping and associated development). We would welcome the opportunity to assist your authority further in respect of these elements of detailing jointly with your Conservation Officer.

### **Historic England Advice**

The proposals comprise the construction of a Cullompton Town Centre Relief Road comprising a new 1350 metre road connecting Station Road to Duke Street and associated works. Historic England provided early pre-application advice to Mid Devon District Council in 2018 during the route selection process and subsequently provided further advice at EIA Scoping stage in June 2019. We are pleased to engage further on this scheme as an integral part of the strategy to address the 'at risk' status of the Conservation Area in Cullompton on our Heritage At Risk Register.

### **Significance of Designated Heritage Assets**

Historic England's advice below focuses on the potential impact of the proposed relief road on the significance the Grade I listed Parish Church of St Andrew and the Cullompton Conservation Area derive from the Cullompton Community Association Fields. We will refer to these throughout as the town meadows in relation to their particular significance in this regard. In relation to the approach to assessment and treatment of archaeological (and palaeoenvironmental) remains and Grade II listed buildings we refer you to the advice from your archaeological adviser at Devon County Council and recommend that you are guided by those recommendations. Should the specialist advice of Historic England's South West Science Advisor be of assistance in relation to the

palaeoenvironmental potential of the site, however, we would be pleased to provide additional collaborative support.

The Parish Church of St Andrew is a Grade I listed building (NHLE 1306902) reflecting its exceptional architectural and historic interest at a national level. It is generally regarded as one of the finest parish churches in the West Country, and nationally. The nave and both north and south aisles probably date to the first half of the 15th century, with construction of the remainder of the church continuing from the second quarter of the 16th through to the middle of that century. However the origins of the foundation are much earlier. A church has stood on the site since Saxon times. Following the Norman Conquest it belonged to Battle Abbey in Sussex, then to the Priory of St Nicholas at Exeter who were the Patrons until the Dissolution of the Monasteries in 1536. The church was once dedicated to St Mary as patron saint but a change of name took place in the 15th century when it was dedicated to St Andrew. St Andrew's is sited on the eastern side of the town, within the Cullompton Conservation Area. The church is visible from within the CAF and is a prominent landmark in views toward the town. No visualisations have been provided of the church from within the CAF although a sense of the experience gained from this part of the town can be appreciated from submitted Viewpoint 5 in Technical Appendix 8.1 and from Photograph 11 in the Cultural Heritage Assessment.

Impacts on the Cullompton Conservation Area have potential to affect other designated heritage assets within its boundary even if they are less likely to be directly affected by the visual impact of the proposed relief road within their settings. In order to understand and evaluate the impacts on significance of the designated heritage assets affected, we have previously advised that it will be essential for the contribution made to that significance by the open grassland known as The Meadow along the mill stream to the east of the town to be assessed and described in an appropriate level of detail. We have therefore been pleased to see this undertaken in the submitted Cultural Heritage Assessment which provides an understanding of the significance of the retained flood plain pasture along the eastern boundary of the town and following the line of the former historic mills on the Spratford mill stream. These can be seen clearly in the first edition Ordnance Survey historic mapping (188) as reproduced in Figure 6 of the Cultural Heritage Assessment.

This natural pasture flood plain character is distinctive and contributes positively to the character and appearance and setting of the Conservation Area and our understanding of the history of the town and its economy. The natural character of the meadows acts as an important buffer for the town which helps preserve the character and appearance of the conservation area including from within its setting and which forms part of the setting of the designated heritage assets within the town which are experienced from the meadows, in particular St Andrew's Parish Church.

#### Impact of Proposed Development

In Historic England's view this development is likely to have an impact upon a number of designated heritage assets in Cullompton. Some of these impacts will be positive once a reduction in traffic through the town centre is achieved. Our assessment of this result of the proposals is included below within our position statement.



We welcome strongly the alterations made to the alignment since our previous engagement. The close alignment of the route to the railway and the M5 represents in historic environment terms in our opinion the best solution to minimising impacts on assets within the town. We are pleased to see that in the northern section it is aligned as far to the east as possible. This means that as much as possible of the natural flood plain in the town meadows can be retained. We consider this an improvement on previous versions of this route which involved a larger land take in this area. Similarly in the south we welcome the identification of a means to reduce impacts on the Grade II listed bridge. In relation to this designated heritage asset we advise that you refer to and are guided by the detailed advice of your own Conservation Officer.

We also welcome the detailing of the proposed construction which retains the road close to existing ground level for the majority of the route in comparison with earlier versions of the scheme. This will similarly assist in reducing the visual impacts on designated heritage assets within the town.

In Historic England's opinion 3 aspects of the development (lighting, landscaping and associated development) with specific reference to their impact on designated heritage assets require further clarification and discussion, potentially with additional supporting information. These are as follows and our advice regarding the scope of potential additional information is set out below:

#### Lighting

We note the submitted detailing regarding the proposed lighting for the road scheme. The unlit section at the northern end of the town meadows is welcomed in relation to our comments regarding the significance of the natural character of these fields.

However, some of the adjustments to the locations of existing lighting may have an impact on the experience of the town meadows and the experience of the heritage assets in the town gained from this area. We note that heritage considerations are not included in the Lighting Feasibility report in addition to ecological. Chapter 7 of the Environmental Statement indicates that it is considered that there will be a potential increase in light pollution. It concludes that mitigation planting will address potential increases in impacts from lighting but does not appear to specifically address the lighting proposed for higher level such as that surrounding the proposed adult football pitch. Consequently there is no clear indication in the submission about how the need to mitigate impacts on the historic environment has been taken into account in line with our previous advice.

It would therefore be helpful to discuss this aspect of the proposals in further detail to ensure that your authority has sufficient information in relation to the potential impacts on cultural heritage to inform your decision and appropriately balance these issues against those such as highway safety and provision of recreational facilities.

#### Landscaping

We welcome reference to cultural heritage on the Green Infrastructure plans. They recognise the contribution of the tree line to the character and appearance of the Mill Leat Character Area of the Cullompton Conservation Area. However other aspects are focused on the contribution of tree lines and belts in screening views between the town and the railway/M5 corridor. Whilst this is valid we would recommend that an additional element is also taken into consideration - the

character of the existing green space and its contribution as a naturalised transition between the urban landscape of the town to the more urbanised green space for formal recreational activities.

As indicated above the line of mills and associated mill stream on the eastern edge of Cullompton is a defining characteristic of the historic boundary line of the town. The existing character is increasingly modified to the east across the Community Association Fields with the introduction of sporting facilities. We consider it important to retain the natural character of the town meadows.

In the north of the development site, where, for example, the visual relationship with St Andrew's is most clearly experienced, we would advocate for limiting proposals within the landscaping plan that would erode the natural character of the meadows. Consequently we would value additional clarification and discussion regarding the impact that the proposed informal grass playing fields (west of the adult football pitch) may have. It is not clear to us on the basis of the submitted information what landscaping might be required in this location and how this might affect the natural character of the meadows.

In addition the character of the mitigation landscaping, planting and screening may have a harmful impact in its own right. We consider this should be detailed carefully to assist in managing the transition in character between the natural and the urbanised parts of the town meadows and Cullompton Association Fields.

#### Associated Development

We acknowledge the need to accommodate those facilities that currently lie across the proposed route of the road elsewhere across the site. As described above the recreational facilities have become part of the character of the fields to the east of Cullompton. However, in line with our advice regarding the importance of managing the transition of character sensitively we consider that some aspects of the re-accommodation of facilities would benefit from additional conversation to identify if the impacts from a heritage perspective might be reduced.

We would note that an experience of views of the town and St Andrew's is gained from the road but also particularly from the railway line. This is illustrated by Viewpoint 5 in Technical Appendix 8.1. We have not been able to identify from the submitted information whether any of the proposed new associated development might affect any of the views obtained from the railway, but advise that this should be considered since it will be particularly visible from such vantage points.

In general the focus in the visual assessments is on the road corridor itself. As a result the potential visual effects of the movement of some of the more urbanised features associated with sporting and recreational facilities are not clear to us from the submitted information. We would therefore consider further discussion regarding the identification of viewpoints within which the scheme will be seen in the context of the historic environment and within the settings of designated heritage assets would be valuable. This would be in the interest of ensuring that those viewpoints are representative of the experience of the historic environment gained from the eastern side of Cullompton.

We have highlighted previously the potential that kinetic views or 360 views from individual locations where particular visual relationships can best be experienced might be of assistance. It may be therefore that additional visualisations would be of assistance in providing the clarification

needed to ensure that impacts on the historic environment are avoided across these wider proposals associated with the road scheme. We would value the opportunity for joint discussion in this regard.

#### Planning Policy Context

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)).

As designated heritage assets of the highest significance [NPPF 194b] and an irreplaceable resource [NPPF 184] your authority must ensure you are able to make a robust assessment of the potential impacts of the proposed development on the significance of the Grade I listed Church of St Andrew (and other designated heritage assets including the Cullompton Conservation Area [NPPF 190]. The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation with greater weight the more important the asset should be irrespective of the level of harm caused [NPPF 193]. An understanding of their significance and the contribution made to that significance by the part of their settings comprised by the development site [NPPF 189; 194] is essential. In such cases implementing the staged approach to assessment set out in GPA 3 on The Setting of Heritage Assets will ensure the assessment meets the requirements of the NPPF for conservation decisions to be based on a proportionate assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting. Any harm to the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification [NPPF 194]. In all cases where development will lead to harm to designated heritage assets, the NPPF places the onus on the determining body to rigorously test the public benefits against the level of harm caused [NPPF 195 & 196].

In relation to the wider impacts for the designated heritage assets in the town centre in the event traffic is successfully removed from Fore Street, in your planning balance your authority should also take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Similarly you should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality [NPPF 192].

#### Historic England's Position

Historic England's position reflects the fact that we have for some time remained in discussion with Mid Devon District Council regarding the desirability of developing mechanisms to assist in addressing those issues responsible for the Cullompton Conservation Area being on the national Heritage At Risk Register.

We have highlighted the importance of working collaboratively to draw in the potential benefit that large scale housing provision in the local area can make as part of a unified and holistic vision for

the town. We have stressed the importance of ensuring that heritage reinforces this strategic approach to economic regeneration and revitalisation of the town centre.

As part of the decision making process regarding the relief road we therefore consider that the potential to improve the performance of the town centre and enhance its profile and attractiveness should be considered a key factor. Initiatives which can complement such improvements should, in our opinion, also be integrated with the wider objectives to be met by large scale development in the local area. In our view the heavy traffic is one of the main factors responsible for the current condition of the Conservation Area. The diversion of traffic away from Fore Street therefore has considerable potential to contribute positively to addressing this situation for the town's designated heritage assets and by extension for the benefit of the local community.

We welcome the most recent detailing of the route alignment and consider that this both reduces the likely impacts from the perspective of designated heritage assets in comparison with the preferred route at EIA stage, and increases the potential to retain as much of the character of the town meadows as possible. Given the meadows' contribution to the significance of the assets within the town from their settings this is positive.

Nonetheless we consider there is potential to reduce the impacts further by careful consideration of the planning of the associated development focused on the provision of sports facilities and proposed approach to landscaping. We would value the opportunity to discuss the areas of concern set out above with you, jointly with your own conservation adviser, in the interests of the scheme.

#### Recommendation

Historic England has no objection to the proposed development on heritage grounds and considers measures to address the impact of heavy traffic on the fabric, character and condition of the designated heritage assets in Cullompton town centre desirable.

Nonetheless we have some remaining concerns focused on specific elements of the associated development and landscaping proposals. Consequently 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 paragraphs 190, 193 and 194 of the NPPF. In making your determination your authority must be satisfied that all opportunities to avoid and minimise impacts on the historic environment, in particular designated heritage assets, have been designed into the scheme [NPPF 190].

We would recommend that your authority arrange for further joint discussion on the detailing of the landscaping and recreational facility proposals in order to find the most sensitive approach to meeting the requirements of all parties within the town who make use of the town meadows. We would value the opportunity to contribute to that discussion and assist in finding solutions to address our remaining concerns as outlined in our advice above.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

17/11/2020

Thank you for your letter of 16 October 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

#### Previous Advice

Historic England previously provided advice to your authority on 29 July 2020. We recommend that the letter below is read in conjunction with that earlier advice.

We requested the opportunity for additional information and further discussion in conjunction with your Conservation Officer on three remaining aspects of the proposals: lighting, landscaping and associated development. We made this request to assist in identifying the most appropriate approach to the design of these elements of the scheme, given the sensitivity of the surrounding historic environment.

Our advice focused in particular, although not exclusively, on the experience of the Grade I listed Church of St Andrew gained from within the meadows on the edge of the Cullompton Conservation Area.

As previously, Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)).

#### Additional Information

The applicant has submitted an addendum to the Cultural Heritage Statement and Environmental Impact Assessment (EIA) Chapter in response to the issues we previously highlighted. This provides a more detailed explanation of the requirements and constraints related to the floodlit adult grass football pitch. It also contains further discussion of the proposed mitigation in relation to visual impacts within the setting of the Grade I listed Church of St Andrew.

In addition it includes a new set of visualisations from the north east corner of the proposed adult football pitch in the direction of the Church of St Andrew to the west (Viewpoint 13). This is provided for comparison in particular with the photomontages from Viewpoint 2 in the original application documentation. The photomontage was produced to assist in the assessment of visual impact on the experience of the Grade I listed building, the effectiveness of the proposed mitigation landscaping on those visual impacts, and to identify whether any impacts might be minimised further.

A further baseline image of a view towards the church tower from the informal playing fields in the meadows has also been provided (Visualisation 14).

Historic England's final comments in relation to the minimisation of effects on the historic environment as addressed by this additional information are set out below.

a) Lighting

Historic England welcomes the additional consideration of how the impact of the lighting columns in views towards the Church of St Andrew might be minimised. We agree with the recommendation that, if possible, the height of the columns be reduced to between 6-8m. We consider that this will help to reduce the visual challenge of the lighting columns to the prominence of the Grade I listed church tower in those views in which they are seen together in close proximity.

We therefore welcome the commitment in the addendum to consider the height further under appropriate conditions, with reference to the requirements of Sport England and others. We would recommend that your authority is guided by your Conservation Officer in relation to the detail of any such condition.

b) Landscaping

Historic England welcomes the additional explanation of the approach to landscaping around the adult grass football pitch and its potential impact.

Our advice previously was that the planting should achieve as naturalistic a character at maturity as possible, with specific reference to and drawing upon existing and former historic boundaries within the meadows.

We have no objection to the western boundary being linear in form. Our concerns related to the formality of the representation of this boundary in the submitted masterplan. In the absence of further detail this did not appear to reflect the character of the surrounding historic environment. We are reassured by the representation of the boundary at year 15 in Viewpoint 13 that the proposed approach is in line with our advice.

We recommend that your authority consider how to ensure the delivery of a planting scheme that will achieve the high quality necessary to mitigate the impacts on the sensitive surrounding historic environment, guided by your Conservation Officer and landscape adviser.

We note that the 2m high fence surrounding the pitch is described as having been designed to be 'visually recessive'. In the absence of further detail we recommend that you are similarly guided by your Conservation Officer and landscape adviser in relation to the detailing and delivery of a visually recessive effect to this element of the scheme.

### c) Associated Development

Historic England notes that the addendum indicates that consideration was given to other potential locations for the replacement adult grass football pitch. It states that based on environmental, social and practical factors, no viable alternatives were identified that would provide the required club facilities whilst minimising potential impacts and land-take within the meadows.

We had previously indicated we were concerned by the additional encroachment of formalised facilities into the more natural area of the town meadows in the northern part of the site. This was due to the resulting change in character and visual intrusion within the setting of the Grade I listed church. However, if your authority is satisfied that no alternative location can be identified, we confirm we have no objection on heritage grounds subject to the delivery of an appropriately high quality landscaping and mitigation scheme as set out above under a) and b).

### Historic England's Position

Historic England's overall position remains unchanged as set out in detail in our letter of 29 July 2020. This is as a result of our continued engagement with Mid Devon District Council regarding the desirability of developing mechanisms to assist in addressing those issues responsible for the Cullompton Conservation Area being on the national Heritage At Risk Register.

As part of the decision making process regarding the relief road we consider that the potential to improve the performance of the town centre and enhance its profile and attractiveness should be considered a key factor. In our view the heavy traffic is one of the main factors responsible for the current condition of the Conservation Area. The diversion of traffic away from Fore Street therefore has considerable potential to contribute positively to addressing this situation for the town's designated heritage assets and by extension for the benefit of the local community. We would consider this a public benefit in heritage terms [NPPF 192, 196].

We have welcomed the opportunity for further discussion on the detailing of the scheme and those aspects where a modest level of harm (less than substantial) would be caused to the significance of designated heritage assets.

We consider that the additional discussion has highlighted ways in which that harm could be further minimised through detailed design in line with the policies of the NPPF [NPPF 190]. We hope that it has also assisted your authority in identifying ways in which the particular contribution of the character of the meadows to the significance of the designated heritage assets of the Conservation Area and Grade I listed Church of St Andrew can be appropriately safeguarded. We refer you to the advice of your Conservation Officer and landscape adviser in relation to how you might secure such safeguards under condition.

### Recommendation

Historic England has no objection to the application on heritage grounds and considers measures to address the impact of heavy traffic on the fabric, character and condition of the designated heritage assets in Cullompton town centre desirable.

We consider that, subject to the application of appropriate conditions to secure delivery of a high quality approach to landscaping and detailed design and explore potential for further minimisation of harm [NPPF 190], our previous concerns in relation to specific elements of the scheme have been satisfactorily addressed. We recommend that you are guided by your Conservation Officer and landscape adviser in relation to the detail of how a high quality approach will be secured.

In so doing this will also address your statutory duty when determining this application to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess (section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990).

Your authority should take these representations into account in determining the application.

#### **HISTORIC ENVIRONMENT TEAM - 21st July 2020**

The proposed new relief road is sited in an area of high archaeological potential relating to the Roman and medieval settlement of Cullompton. The area also has the potential to hold palaeoenvironmental evidence associated with the settlement, historic land use around the settlement and the broader environmental context of the settlement. Groundworks associated with the construction of the relief road therefore have the potential to expose and destroy archaeological, artefactual and palaeoenvironmental deposits. Archaeological assessment and geophysical survey results have identified areas of particular archaeological potential and I agree with the recommendations for further mitigation contained in the submitted Cultural Heritage Statement. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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



#### Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

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

I would envisage a suitable programme of mitigation taking the form of a staged programme of archaeological work including trial trenching along the northern part of the route, evaluation of features identified in the submitted geophysical survey, monitoring, recording and sampling of any deep excavations for palaeoenvironmental deposits and monitoring and recording of excavations on the west side of Spratford Mill Stream. The evaluation and monitoring may identify the need for further mitigation that may include targeted open area archaeological excavation in advance of permitted groundworks and/or archaeological monitoring and recording during construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

**DEVON, CORNWALL & DORSET POLICE** - Re Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works - 17th July 2020

Thank you for this application, Police have no objections in principle to this proposal from a crime, disorder and community safety perspective. I have forwarded the application onto the Police Road Casualty Reduction Officers (RCRO) for their consideration and will submit any comments received in due course.

The inclusion of existing and proposed pedestrian and cycle paths within the scheme is noted. Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods. Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety.

Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). If footpaths are also to be designated as an

emergency access route they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

In general, planting next to a footpath should be arranged with the lowest growing specimens adjacent to the path, and larger shrubs and trees planted towards the rear. Planting immediately abutting the path should be avoided as shrubs and trees may grow over the path, creating pinch points, places of concealment and unnecessary maintenance.

Seating can either be a valuable amenity or a focus for anti-social behaviour. Therefore, the following specific points should be considered:

- . How long and wide is the footpath? Who is most likely to be using the footpath? For example, is it likely to be used by disabled and/or older people who may require resting places? Can it be made more/less attractive and inclusive to certain groups of users by the way it is designed?
- . Is the footpath required simply as a means for travelling from one place to another without stopping?
- . Is it the intention to encourage stopping and social interaction at particular points along the footpath?
- . Would seating encourage anti-social behaviour or attract inappropriate loiterers such as drinkers or drug users?
- . Consider the type of furniture to be used, for example, is vandal resistant seating necessary, benches or single chairs/stools.
- . If the pedestrian/cycle paths are intended for 24hour use, will they be lit in accordance with BS 5489-1:2013.

Where the completion of a footpath will be delayed because of phased development or long term planning policy, it may be best to safeguard the land required for the footpath link, but fence it off and not actually construct the path until such time as the full connection can be made. This will avoid in the short to medium term the creation of an underused and possibly isolated movement route.

The proposed provision of bowls, cricket and football clubs as part of the scheme is noted. Whilst there is some brief detail provided, for example, proposed boundary treatments and the FA and ECB respectively pitch and practice area requirements, there are at this time no details of the proposed club house and storage facilities. Will these be the subject of a further application should this proposal proceed?

With this future development in mind, consideration should be given to the inclusion of the following current standards.

External door sets to PAS 24:2016 or LPS 1175 Issue 7 SR2 or STS 201 or STS 202 BR2.

All ground floor and easily accessible glazing should incorporate one pane of laminated glass to a minimum thickness of 6.8mm or glass successfully tested to BS EN 356:2000 Glass in building. Security glazing-resistance to manual attack to category P1A.

Grilles and shutters can provide additional protection to both internal and external doors and windows. The minimum standard for such products, when required, is certification to

- . LPS 1175: Issue 7 Security Rating 1 or

. STS 202: Issue 3, Burglary Rating 1

Monitored intruder alarm

The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

It is recommend that any installed CCTV system also covers the car park and external public areas. This would not only help deter crime but could also be very useful in terms of crime investigation. The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution.

Store rooms must be provide secure storage for cleaning equipment and fluids, many of which are flammable and possibly toxic.

Thought should be given to providing a secure mail delivery option for the times when the building is closed to help prevent possible arson attack.

Secure storage for play and sports equipment, including seasonal storage for goalposts etc., should, where possible, be provided within the main building. Initial generous storage provision should help to avoid future need for additional outbuildings which are more vulnerable to attack.

**NATURAL ENGLAND** - 16 July 2020

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites and landscapes.

## **REPRESENTATIONS**

16 items of correspondence have been received at the time of writing this report. 10 comments have been received raising objections, 2 are in support and 4 contain general observations. Among the correspondence received, comments have been received on behalf of Tesco, Cullompton Community College, Cullompton Rangers FC, Cullompton Community Fields Association and Cullompton Cricket Club. The comments are in-depth and have been fully considered however the main points raised are summarised below:

### Objection

- There will be adverse impacts on local green space, specifically the CCA fields
- Ability of Meadow Lane and Duke Street to handle traffic
- Concerns around Meadow Lane/Exeter Road traffic
- Concerns as to whether the relief road will actually ease congestion, it may attract M5 traffic from other areas
- Impact on the environment – investment in public transport would be better
- Road safety due to the location in a community with many children, including school playing fields, Cullompton Community College, a sports centre and skate park. The provision of one zebra crossing is not considered enough

- It is requested that a safer crossing than a zebra crossing is provided to access Cullompton Community College playing fields, particularly noting the school's plans for future expansion
- Air quality impacts
- Noise pollution
- Residents of Dukes Mead and Meadow Lane would be particularly affected. Residents of Dukes Mead should be equally protected from noise
- Concerns about increased risk of flooding
- Will the car parks be available to the public? Disabled users often need to drive to the CCA fields and park to use the facilities
- Access to football club should be for football club use only and concerns over haul route as it may impact on access to rear of FC for maintenance and trade deliveries
- The benefits to Cullompton Football Club are dependent on the CCA signing up to a revised lease. It is expected that DCC would negotiate a new lease on behalf of the football club.
- Safer access to bus stops required
- Not good use for public money
- Cullompton would be better served by a new M5 junction between Cullompton and Exeter, a curbing of Cullompton housing development and enforced parking restrictions in Cullompton High Street.
- CCA fields should be returned to level, usable and safe level for hosting activities and events
- Amendments are suggested to the proposed one way system along Duke Street
- Permission cannot be granted until appropriate replacement facilities for Cullompton Cricket Club are provided. The current application to relocate the cricket club is strongly opposed so there are no guarantees that the replacement facilities will be provided
- It is felt that insufficient traffic modelling has been carried out in relation to the new access into Tesco from the relief road and for the existing Station Road access roundabout. Also that turning movements in the vicinity of the site are not properly set out in the traffic flow diagrams
- Concerns about the proximity and suitability of the proposed junction to the existing Tesco filling station from a safety and capacity perspective have not been justified. The design of the new junction is considered to have the potential to deliver a greater level of disbenefits than benefits, which may also negatively affect Tesco's trading position. Tesco ask that the junction be improved, otherwise they would rather see it omitted from the scheme
- The Environmental Statement is missing a specific Transport and Traffic Chapter
- The proposal will lead to much of Tesco's land being sterilised and unable to be used by Tesco in the future. Tesco were unaware until very close to submission that so much land would be required
- The use of Plot 111\_1 for compensatory public space land will remove the current landowner's ability to provide winter sheep grazing. Alternative land has been offered

## Support

- Whilst the CCA fields are lost, these are to be relocated
- Cullompton needs the relief road

The following representations has also been received from MDDC Councillors Wilce and Woollatt, which state the following:

### **CLLR A WILCE - Cullompton North Ward - 22nd July 2020**

I reiterate the points made in my submission (details below), in particular, that the planning process for this road has given priority and preferential treatment to users of sports facilities, with no regard to the majority of other users of the CCA fields.

In doing so, I repeat my assertion that Cullompton is not well served with adult, green, public open space. Despite a huge amount of housebuilding over recent years, no significant open space has been provided to accompany it and the pressure upon what we have currently, i.e. the CCA Fields, will only increase, especially if priority is not given to the provision of additional public, green open space as part of any new developments and in particular, the Culm Garden Village proposals.

SEE: Reference: 19/00839/SCR Screening/Scoping Opinion, registered 22/05/2019

Address: Land at NGR 302492 107155 Cullompton Devon

Description: Request for Scoping Opinion relating to the Cullompton Eastern Relief Road scheme

It has been stated in many MDDC documents that the relief road has been an 'aspiration for the town (of Cullompton) for many years', but there is no evidence whatsoever to show that the majority of residents actually want one, the response to the route 'consultation' being very low when compared to the number of residents.

I have never said that nothing ought to be done, but I have always said that the motorway junction should be the priority and I was elected on that basis. It should be noted that, at the last election, 3 of the 4 District Councillors elected for Cullompton were elected who were opposed to the relief road going through the CCA Fields.

The argument in favour of the relief road was always previously made by MDDC solely on the basis of air pollution, but bizarrely, no consideration has ever been given to the positive impacts of the introduction of electric cars, increased working from home, etc. In my view, the consultation process was manipulated so as to achieve the desired result of the previous administration (indeed, a route option was proposed that had already been discounted by the Head of Planning) - namely, to build more houses so as to get the new homes bonus payments from the Government.

The stated desire of the Council to protect green open space has been slaughtered on the Altar of Mammon.

I write to object to OBJECT to the Application above on the following basis:

1 MDDC Head of Planning has previously said that the relief road would have 'little or no impact' on health and wellbeing, other than to improve air quality, with no study ever having been conducted. Most notably, no health and wellbeing assessment has been submitted, despite the CCA Fields having proved to be invaluable to the physical and mental wellbeing of the residents of Cullompton, during the current COVID19 crisis.

2 The Application does not provide for uninterrupted use of public, green open space (as is provided to sporting facilities) despite those persons being the majority users of the CCA Fields.

Note:WL02 Cullompton Neighbourhood Plan

(vii) include a management plan in relation to arrangements for the continued use of sports facilities and recreation spaces during construction

3 That, with the construction of the haul road for the new football pitch (which was not consulted upon and does not appear to be compensated for), even more public, green open space will be taken during the construction phase, with further long-term and significant damage to the natural environment.

4 The proposed compensatory land, while (coincidentally?) being exactly the same gross area of land being taken, is not of the same or better amenity value, as required in planning conditions. It is linear in form and separated from the main open space, whereas the land being taken, is not.

a) The Applicant states that:

"Each acquired parcel of land helps provide connectivity and continuity of use as open space and will maximise the single uninterrupted area of recreation land provided by the CCA Fields in their current location."

In doing so, the Applicant has ignored the presence of the significant obstacle to pedestrians caused by a watercourse (the millstream). CCA land can currently be traversed from and to, almost any point and yet Plots 111\_1 and 107\_1 can only be accessed from either end, unlike the current CCA land.

This does not therefore compensate for the loss of amenity that the current land being taken, provides.

b) Plot 119\_1 is so small as to have almost no amenity value whatsoever for public use, unlike the current CCA land. This does not therefore compensate for the loss of amenity that the current land being taken, provides.

c) Plot 102\_1 is almost inaccessible and part of it (3074m sq.) is totally inaccessible, unlike the current CCA land. This does not therefore compensate for the loss of amenity that the current land being taken, provides.

Note:WL02 Cullompton Neighbourhood Plan

(viii) replace any recreation space lost with equivalent or better elsewhere, to be vested in the community

5 The Applicant is proposing to take land unnecessarily. The CCA Trustees have voted (as part of their consideration of the TCRR), to keep only ONE informal football pitch, which would negate the need to realign the Oak Avenue across the middle and reduce the amount of land take. Despite Cullompton Rangers Football Club having no issue with this, this has been ignored by Devon CC.

The Applicant has stated to me and to the CCA, that the Sports England Policies on playing fields cannot be overruled, but have not provided any evidence to support that assertion. My understanding is that Sport England can simply oppose an application, nothing more, and that it is up to THIS planning authority to consider that opposition, IF one is submitted.

6 The CCA, the largest landowner affected by the Application is a registered charity whose membership consists of all Cullompton residents, with the CCA Fields being the charity's single

largest asset. The Charity Commission and Charities Act 2011 requires that any decision made by charity trustees (such as whether or not to agree to the proposed 'land swap') must be demonstrated to be in the charity's best interests and advises that a consultation should be held with members before reaching a decision. Such a decision, if it has even been taken, has not been demonstrated to charity members and no member consultation has been held. The alternative would be to proceed by Compulsory Purchase.

If this planning application is approved, I ask the Planning Committee to consider imposing the following CONDITIONS:

- 1 That a health and well-being assessment is undertaken.
- 2 That all paths providing pedestrian/cycle access through or across the CCA Fields must be adopted by the County Council and maintained at its expense (with the condition that there will be no public right of way by motor vehicles at any time in the future).
- 3 That 'haul roads' and compounds do not negatively impact upon any users of the CCA Fields, or users of the sports facilities, and that any environmental impact caused by them is entirely remediated
- 4 That no work is to commence on the road until replacement open space of the same or better amenity (not being sporting land) has been provided.
- 5 That additional pedestrian access is provided across the millstream from the children's play area, to the land on the other side.
- 6 That a similar area running alongside the Leat Path and the Millstream public footpaths, all the way through to Duke Street, shall be maintained at public expense ad infinitum. (MDDC currently has a lease over the land alongside the Leat Path (the Riverside Walk), the area being maintained by them as a community asset in recognition of there being no Municipal Park in Cullompton, unlike the other Mid Devon Towns.)
- 7 That the requirements of the Charities Act 2011 are complied with; and in addition an appropriate consultation to be held of CCA members, i.e. all Cullompton adult residents (not just electors), paid for by the Applicant.
- 8 The Applicant will install an acoustic barrier to reduce current levels of road noise, with no increase in noise pollution levels from the proposed new road. (It is my understanding that noise barriers were a condition of building the M5 alongside Cullompton, which was not met.)
- 9 Environmental conditions to be imposed which restrict the amount of light pollution to residents caused by a) the new road and b) the new football pitch.

**CLLR MRS NIKKI WOOLLATT - Cullompton North Ward - 6th August 2020**

I concur with the comments made by my fellow ward member Cllr Ashley Wilce so will not repeat those.

I have the following additional concerns:

You stated in the response to the consultation that multiple crossings on Meadow Lane would be considered. I can only see one, a zebra crossing to link CCC to playing fields. The location of this proposed zebra crossing is on a straight stretch of road, already known for speeding motorists and traffic does not always stop as it should at zebra crossings. There has already been one fatality due to this on a zebra crossing in Cullompton. A puffin crossing would be far more appropriate for this location to enable the school students to reach the playing fields safely and pedestrians from the southern side to reach the school and sports centre. Further additional crossings should be provided, possibly near the area adjacent Water Meadow where pavement is being removed to enable safe crossing in that area and/or near the sports centre. Also there should be a safe

crossing point to link the footway/cycleway from the new area of open space behind Chestnut Avenue across Duke Street to join the footway/cycleway on Meadow Lane.

3m footway/cycleway should extend to end of Meadow Lane and into Exeter Road to enable adequate width to the front entrance of the school.

Noise reduction and pollution mitigation measures need to be put in place in Meadow Lane to protect the residents and school from the effects of increased traffic. Proposed footway in CCA does not include central section of existing footway. Current footway construction is not suitable for year round use for pedestrians. This will be a favoured route to school for many and should be able to be traversed in all weathers without the need for wellington boots! To encourage active travel all footways and cycleways within CCA area and along mill leat should be constructed and upgraded to be suitable for use in all weathers and adopted and maintained by DCC.

Location for the proposed 2 informal playing fields is inappropriate as orientated with the goal ends near the footpath, it will be an accident waiting to happen with balls being kicked towards the path used by pedestrians and cyclists. Also, two pitches take up way too much of the open space currently enjoyed by residents and dog walkers, and would restrict the usable space for large community events such as the Town Fayre. The space being compensated the other side of the water course, whilst welcome, doesn't mitigate the loss of the large space for community events. I would prefer to see ONE informal field with goals orientated away from conflict with users of the footpath.

Noise reduction measures are needed along the entire stretch through CCA area to Station Road, not just the minimal stretches currently indicated.

I would ask that if this planning application is approved, that Planning Committee consider imposing CONDITIONS relating to the items above along with those that Cllr Wilce requested in his representation.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

### **Principle of Development**

The delivery of a town centre relief road is a long-standing proposal, which is an integral part of the development strategy for Cullompton, with the purpose of addressing existing transport problems within the town centre and their impact on air quality, the environment and amenity, as well as unlocking road capacity to enable delivery of the first 500 homes at Culm Garden Village, subject to final master planning. Policy CU19 of the Mid Devon Local Plan, specifically covers the delivery of the town centre relief road. Within the supporting text for this policy, it is noted that the provision of a new road to the east of Cullompton is essential if the objectives of traffic relief, air quality improvement, and the associated town centre enhancement, are to be achieved.

Cullompton town centre is a designated Air Quality Management Area. The adoption and implementation of an Air Quality Action Plan, where an authority has designated one or more Air Quality Management Areas, is a statutory requirement under Part IV of the Environment Act 1995 for Local Air Quality Management (LAQM regime). Under the regime, Local Authorities have a duty to pursue measures which are designed to improve air quality. The Council's Air Quality Action



Plan includes the delivery of a Cullompton town centre relief road as an air quality mitigation measure. The provision of a relief road would in the short-term reduce traffic in the town centre, improving air quality, and reduce traffic queuing in the morning peak on Station Road towards the M5 junction, which extend back into the town centre, as a result of traffic leaving the town, and queues in the evening peak from the north-bound off slip, which extend back onto the motorway, due to traffic entering the town.

As an additional benefit, the provision of a relief road would potentially aid the delivery of some of the development proposals identified within the Mid Devon Local Plan 2013-2033. There are existing capacity issues relating to Junction 28 of the M5 and its ability to accommodate additional traffic movements associated with planned developments. These will ultimately need to be improved by strategic motorway junction improvement, however in the shorter term, the delivery of a relief road would reduce pressure on the motorway junction, with the road capacity provided.

It is also noted that Cullompton Conservation Area is on the National 'At Risk' register, due in part to the volume and heavy nature of the traffic which passes through it. Mid Devon District Council has recently secured funding from Historic England to help regenerate Cullompton town centre through the High Streets Heritage Action Zone (HAZ) programme. The reduction in levels of traffic passing through the town centre is considered to be an important part of improving the historic realm, aiding plans to restore and enhance the local character of the high street area.

The provision of a town centre relief road is identified in policy CU19 of the Mid Devon Local Plan 2013-2033, which is as follows:

*Policy CU19*

*A relief road, providing traffic relief to the town centre, will be provided subject to the following:*

- a) Public consultation exercise before the route of the road is determined;*
- b) Provision of replacement open space and sporting facilities elsewhere in Cullompton if these are affected;*
- c) Provision of a shared use foot and cycleway;*
- d) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network on the affected alignment and linking to the surrounding countryside. Appropriate noise measures to mitigate the effects from the relief road including the provision of landscaping and*
- e) Archaeological investigation and appropriate mitigation.*

Policy S11 of the Local Plan (Cullompton) also identifies the need for there to be significant improvements to the town's infrastructure and connectivity, including the need to continue measures to support the implementation of the Cullompton Air Quality Action Plan, which includes the construction of new highway links to relieve the town centre.

On the basis that the proposed development meets the aims and objectives of the aforementioned Development Plan policies, it is considered to be generally acceptable in principle. The proposal will of course need to be assessed against other site specific considerations, which will be discussed further in the following sections.

It is also relevant that the Cullompton Neighbourhood Plan is in the process of coming forward. This has now been through independent examination and following receipt and publication of the Examiner's report, is now ready to proceed to a Referendum. As such, the Neighbourhood Plan carries significant weight in decision making in so far as it is material to the application. There are specific policies contained within the emerging Neighbourhood Plan of relevance to this proposal.

## **Visual Impact and Heritage Context**

Policy DM1 of the Mid Devon Local Plan 2013-2033 (the Local Plan) requires designs of new development to be of high quality, demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Development should make a positive contribution to local character, creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

Policy S1 of the Local Plan requires good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place. The policy seeks to protect landscapes, visual quality and biodiversity.

The site comprises land between the eastern edge of the town centre and the railway/M5 motorway corridor. It is relatively flat, forming part of the floodplain for the River Culm, and is made up of land within the CCA fields and adjoining grassed fields, some in agricultural use. This land is predominantly sub-divided by tree lined hedgerows and watercourses and interspersed by small plantations or copses and occasional individual trees. To the west part of the CCA fields, located centrally within the site are the existing formal sporting facilities used by Cullompton Cricket Club, Football Club and Bowls Club, comprising football pitches (2 formal and 2 informal), cricket pitch, bowls green, clubhouses and car parks. A small memorial tree plantation, Jubilee Wood, is to the north of the playing fields.

In considering the visual and landscape impacts of the proposed development, the main long term impacts will be the road itself and the necessary infrastructure such as signage etc., the replacement and relocation of some of the sports and recreational facilities within the CCA Fields area, and addition of additional footpaths and cycleways. Floodplain compensation works are also proposed on existing pasture land to the east of the M5.

As a starting point, there needs to be an understanding of the reasons of why the site was chosen. This follows pre-application discussion with key statutory consultees and local public consultation. The most suitable options were considered to the west, nearer the developed town edge, and further to the east of the M5. Other locations around Cullompton were also considered, however they were not considered to offer the benefits that a relief road to the east of the town centre achieve. Following consultation, the current route was chosen as it was located to ensure that the new road would be convenient to road users, as well as being sited to enable the best possible integration with the existing railway/motorway corridor features and allowing existing landscape features such as hedges and trees to be largely retained.

This approach is supported in policy CU19 of the Local Plan, which seeks to include measures to protect and enhance trees, hedgerows and other environmental features, which contribute to the character and biodiversity, maintaining a wildlife network on the affected alignment and linking to the surrounding countryside.

Reference is made within the Cullompton Neighbourhood Plan, in respect to the plans for the provision of a relief road through the CCA Fields, with a specific policy (WL02) included to introduce additional safeguard and considerations. Amongst the criteria considered in this policy are the need to ensure that the relief road is suitably landscaped and screened to minimise disturbance to users of the CCA Fields, and have regard to the most sensitive ecological areas and habitats, including proposals to mitigate any loss of harm to the natural environment.

The application is supported by an assessment of the visual impact in the submitted Landscape and Visual Impact Assessment document. This gives a detailed assessment of the site and its visual and landscape characteristics, views from outside of the application site and impacts of the development both in the construction and operational phases.

In considering the impact, it is clear that there will be some harm to the landscape as a result of the provision of the relief road, however it is considered that it has been sited in the best possible location, relating well to the railway and motorway routes to the east. The road would remain close to existing ground levels for the majority of its route, with sections raised higher on an embankment towards the southern end of the route. At its very highest, the embankment would be approximately 3 metres higher than land to the south of Duke Street, which is naturally lower than the road and CCA Fields land to the north. The final scheme will be seen most prominently within the CCA Fields, with limited views from other locations. The proposal does include a comprehensive scheme of landscape mitigation and enhancement measures. These will include retention of as much of the existing vegetation as possible, appropriate protection of retained landscape features during construction, and re-instatement of land and vegetation affected by construction works such as the temporary provision of haul roads and construction compounds, new native tree, shrub, hedge and grass planting, and the provision of new Devon banks. While it is clear that it will take time for new planting measures to be effective, there is a clear strategy for landscape mitigation and enhancement that over time is considered appropriate to ensure that the visual impacts are kept to a minimum and will not have an overriding negative impact when weighed up against the benefits of the scheme.

Similarly, appropriate landscape enhancements are able to be incorporated into the floodplain mitigation works proposed on the eastern side of the M5, to ensure that there is no unacceptable harm.

In addition to the general visual impacts, consideration has to be given to the heritage context. The site lies to the east of the town centre and the Cullompton Conservation Area. Parts of the conservation area extend up to the western edge of the CCA Fields. The conservation area also contains several listed buildings and important non-listed buildings. Of the identified listed buildings, grade II listed Nork House and Old Chimes back onto the mill leat (Spratford Stream) to the east of the CCA Fields, with the grade I listed St Andrews Church not much further to the east of those. Towards the south of route of the proposed road is First Bridge a grade II listed bridge on Old Hill, which crosses Spratford Stream. This bridge is proposed to remain in situ, with the route of the road passing to the south, with a new bridge to be constructed over Spratford Stream.

Noting the presence of these nearby heritage assets, consideration will have to be given to the impact that the development will have on the significance of these heritage assets.

Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The starting point for the considering development which affects a listed building or its setting is Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a statutory duty on Local Planning Authorities to *'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Paragraphs 189-192 of the NPPF sets out the framework for decision making in planning applications relating to heritage assets. Paragraph 192 advises that “in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

Paragraphs 193-196 of the NPPF go on to highlight the relevant policies for considering the potential impacts on significance of heritage assets as follows:

*Considering potential impact:*

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- c) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- d) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- e) the nature of the heritage asset prevents all reasonable uses of the site; and*
- f) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- g) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- h) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

Policy S9 of the Mid Devon Local Plan, Policy S9 of the Mid Devon Local Plan, includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.” Policy DM25 also states that “*heritage assets and their setting which are irreplaceable resources accordingly the Council will:*

- f) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets*
- g) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.*
- h) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.*
- i) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use; and*
- j) Require developers to make a proportionate but sympathetic assessment of the impact on setting and thereby the significance of heritage asset(s)”*

The application is supported by a Cultural Assessment, which has been updated following initial consideration by Historic England and the Council’s Conservation Officer, where additional information was requested, particularly in respect to the impact of the scheme on St Andrews Church and the conservation area. Historic England have commented with particular reference to the significance of the grade I listed building and conservation area, while they advise that the District Council’s Conservation Officer and County Historic Environment Officer will assess the impact on grade II listed buildings and archaeology respectively. The impact on local archaeology will be considered later.

In consideration of the impact, Historic England note that the natural character of the site, particularly the meadow land to the east, acts as an important buffer for the town centre, helping to preserve the character and appearance of the conservation area. It also forms part of the setting of designated heritage assets within the town, as experienced from the meadows, in particular St Andrews Church. In terms of location, Historic England welcome the siting, with its close alignment to the railway and M5, and associated retention of much of the town meadows within the flood plan, adjoining the conservation area. It is also noted that the relief road would remain close to existing ground levels for most of its route, further reducing its impact. In their initial comments, Historic England did raise some concerns in relation to the impact of higher level lighting such as that surrounding the relocated adult football pitch and the impact of the location of this pitch, which results in the proposed informal football pitches being located further westward than their current position. The requirements in respect to replacement sports provision are discussed in more detail in the relevant section below, however there is a need to provide a replacement to Cullompton Football Club’s second pitch, which is currently located directly to the east of the main ground, and is within the route of the relief road. It is inevitable that the replacement pitch would be more visually prominent than it is at present, however it is sited in the most suitable and low impact position to the west of the CCA Fields and as in close proximity to the existing ground as possible. Further information was also requested in respect to viewpoints within the CCA fields area, as much of the initial visual assessment focussed on the road corridor. Following discussion between

the planning officer, Historic England and the Council's Conservation Officer, further detail was provided in respect to these matters, with Historic England able to update their comments.

In their updated comments, Historic England note that the height of any lighting columns for the football pitch would be able to be limited to between 6-8 metres in height, helping to reducing the visual challenge to the prominence of the grade I listed St Andrews church tower, where these views are seen in close proximity. It is further noted that a better explanation of the approach to landscaping around the proposed replacement adult football pitch and its potential impact, has allowed Historic England to be reassured by the potential mitigation arrangements along the western boundary of this feature, subject to final detailed landscaping proposals being agreed by condition. Similarly, it is acknowledged that there may be no satisfactory alternatives for the provision of the new adult pitch.

In confirming their position, Historic England raise no objection to the proposal, subject to appropriate conditioning to achieve a high quality approach to landscaping and minimising harm. In consideration of the more harmful elements of the scheme discussed above, Historic England are of the view that these would lead to a modest level of harm (less than substantial) to the significance of the identified designated heritage assets. In support of the scheme, it is however noted that the proposal would have a positive impact on the town centre by reducing traffic, with a potential to improve the town centre performance and enhance its profile and attractiveness. The improvements expected would include less pollution in the air, the creation of a more pleasant environment and lessening the potential of damage to buildings within the High Street, as a result of particulate build up on the building surfaces and damage resulting from high vehicle levels, including heavy goods vehicles, passing by. This is particularly pertinent noting the High Street's Heritage Action Zone (HAZ) status and the fact that the conservation area has been placed on the National 'At Risk' register.

The Conservation Officer concurs with the view of Historic England, adding further comment in relation to the grade II listed heritage assets and the setting of the conservation area. He has commented as follows:

*"You will recall that we have spoken about my thoughts informally and I have attended a meeting with the applicant and also been in direct discussion with Historic England.*

*You will be aware the Historic England area statutory consultee on certain matters and their comments will relate to those areas. I will not look at those matters to avoid unnecessary duplication, but I am happy to say that I agree with the comments made by Historic England. You will note that they concentrate on the views from and to the Grade I listed St Andrews Parish Church.*

*This proposed new road has potential impacts on the setting of listed buildings and the conservation area.*

*Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The setting of conservation areas is dealt with in the NPPF.*

*The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of*

*preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66).*

*The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrefutable. It can only be outweighed by material considerations powerful enough to do so.*

*The NPPF 2019 says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should be consulted and the building assessed using appropriate expertise where necessary (para 189).*

*When considering the impact of development, **great** weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Where the proposal will lead to less than substantial harm, the harm should be judged against the public benefit, of the proposal including, where appropriate, securing its optimum viable use (para 196)*

*The NPPF (para 192) also requires that in determining applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.*

*This approach is reinforced by policy DM25 of the adopted Mid Devon Local Plan and it requires development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. It also goes on to state that where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit.*

*The conservation area is bounded on eastern edge by the mill leat between Middle Mill and the garden to the south of Old Chimes on Gravel Walk. The setting is one of open grass area, now an informal recreation area, but likely formally water meadows. The flooding of this area is the most likely reason why the land has not been developed. The open nature of the area is significance to the setting the conservation area.*

*There are two fields adjacent to the conservation area. In the northern field the road comes thought the northern boundary and curves towards the railway line. Planting is proposed to shield the conservation area from the presence of, and movement on, the road from the conservation area. Naturalistic planting will be used. There will be a movement of the planting towards the conservation area, but there is a significant area left of the field. Provided the planting is well done, there will be a negligible to no impact on the setting of the conservation area.*

*In the field to the south a new football pitch is proposed. This will have lighting, a fence and a straight line of planting. I feel this is likely to be more intrusive with the introduction of lighting columns, light, and a fence with a consequent loss of informal field. I would assess this as a negligible to minor adverse effect with slight harm to the setting of the conservation area. Here, as Historic England say, in considering your overall balance you should consider what other locations have been considered and why the harm is justified, along with more naturalistic planting and details of the fence, lighting, and lighting times.*

*Other listed buildings include Nork House and Old Chimes on Gravel Walk whose gardens come down to the mill leat. The Old Vicarage is an important unlisted building and its grounds extend to the mill leat. These buildings are not visible form the road to the east, but the care from the south around First Bridge. They are immediately adjacent to the church which is also visible from the south. There is no impact on the setting of these listed buildings from the south.*

*Considering the views from these buildings looking east. There would be no view of the proposals from the buildings. There may be some views from the bottom of the gardens or from further up. I would assess these to have a similar impact on the setting of the conservation area. You should consider the balance as above.*

*First Bridge is a listed bridge over the mill leat (Spratford Stream). It is listed as*

*Road bridge over river. 1839, probably by James Green, the County Surveyor. Single-span bridge with three cast-iron girders in form of segmental arches with open spandrels, supporting cast-iron deck plates and cast-iron parapet railings. Sandstone ashlar abutments with raised piers and strings. First Bridge spans Spratford Stream, a tributary of the River Culm. It was built after the former bridge was destroyed in floods.*

*This bridge stands in open fields and it context is quite and rural. This is significant to the understanding of the bridge and its history. The proposed road sweeps round to the east and south with a new junction to the west. The road is raised above ground level as a bridge over the field and road. The context of this bridge will be lost with a modern bridge adjacent to it and visible from it, and noise, movement and lighting will be introduced into its context. The setting will be significantly modified and I would assess the level of harm to be Moderate adverse.*



*You will be aware of the case law that I have referred to in passing and the need for any planning decision to clearly and demonstrably balance the harm to heritage against the public benefits.*

*You will be aware that Cullompton Conservation Area is on the National 'At Risk' register, due in part to the volume and heavy nature of the traffic which passes through it. It is clear to me that the provision of this road, with traffic signposted to use it, will reduce the volume and nature of the traffic passing through the historic core and this will benefit the wider conservation area and other heritage assets within it. There may well be other public benefits which you will put into the balance."*

In respect to dwelling houses to the west of the mill leat, and the conservation area, it is considered that there would be negligible to no impact provided the proposed mitigation planting is provided. There will be a greater impact on First Bridge, which currently stands in open fields in a quiet, rural context. The setting will be significantly modified by the presence of the new road and bridge, along with associated noise, movement and light. This harm is assessed to be moderate adverse. Again, the benefits to the conservation area as a result of a reduction in volume and nature of traffic passing through the historic core has been identified and it is considered that these overall benefits outweigh the moderate adverse harm to the setting of the First Bridge. Both Historic England and the Conservation Officer have highlighted the requirement under paragraph 196 of the NPPF, that where the proposal will lead to less than substantial harm, the harm should be judged against the public benefit, of the proposal including, where appropriate, securing its optimum viable use. The statutory duties in relation to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act also requires that when a Local Planning Authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. The finding of harm gives rise to a strong presumption against planning permission being granted, and can only be outweighed by material considerations powerful enough to do so. In considering the proposal against these, it is considered that certain elements of the scheme, such as the relocation of some of the sports facilities, associated flood lighting would have a modest level of harm, while the impact on the grade II First Bridge is adjudged to be moderate adverse. While the harm is identified as being less than significant, the requirement to judge this harm against the public benefit is present. In doing so, it is noted that the relief road would bring about public benefits in terms of easing of traffic within the town centre, which would include air quality improvements. In respect to impact on the heritage assets themselves, these benefits also have the potential to benefit the wider conservation area and heritage assets within it, as a result of the aforementioned reduction in town centre traffic, associated improvement of the town centre performance and enhancement of its profile and attractiveness. The provision of the relief road, and the associated reduction in traffic, will play an important role in improving the historic town centre realm as part of the High Streets HAZ programme and reversing the further decline of the conservation area, which is highlighted by its inclusion on the National 'At Risk' register. In applying this requirement, it is considered that the public benefits would outweigh the identified less than significant harm. In this respect, the proposals are considered to be acceptable and accord with the policy DM25 of the Mid Devon Local Plan, and the requirements of the NPPF.

In addition to the above heritage assets, the site is located within an area of high archaeological potential relating to the Roman and medieval settlement of Cullompton. The area also has the

potential to hold palaeoenvironmental evidence associated with the settlement, historic land use around the settlement and the broader environmental context of the settlement. Groundworks associated with the construction of the relief road therefore have the potential to expose and destroy archaeological, artefactual and palaeoenvironmental deposits. In support of the application, the Cultural Assessment contains results of archaeological assessment and geophysical survey carried out prior to submission of the application, which have identified areas of particular archaeological potential. Recommendations for further mitigation, in the form of additional archaeological investigation prior to commencement have been identified within the Cultural Assessment. The County Historic Environment Officer is in agreement with the proposed recommendations and has requested a condition be imposed for the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. Subject to the imposition of such a condition, the proposal is not considered to have an unacceptable impact on local archaeology.

### **Highways Issues**

In addition to the creation of the relief road itself, the proposal includes a number of other associated highway improvement works. These include the provision of the following:

- A new 4 arm normal roundabout at the existing Station Road/ Millennium Road junction;
- A new connector road link to the existing mini roundabout that provides access to the Tesco superstore and garage;
- Provision of a new connector road towards the Longbridge Meadow Trading Estate including provision for a new access to the Market Place and Showman's sites to the north (currently accessed via the Weary Traveller Pub carpark);
- Provision of vehicular access to a new proposed carpark for the Cullompton Rangers Football Club
- Provision of a vehicular access to the proposed carpark for the bowling club;
- Provision of a new priority junction with Duke Street to provide access off Old Hill, with the existing Duke Street section between the CCA access and the Relief Road will be made pedestrian only;
- Provision of a new priority junction located adjacent to the South West Water pumping station to provide access to the CCA (utilising existing Duke Street alignment);
- Connection to Meadow Lane with the priority of the Duke Street/Meadow Lane junction changed to promote Meadow Lane to the relief road the main through route;
- Creation of a one-way section of road along Duke Street between Rivermead and Chestnut Avenue;
- Widening of the Exeter Road/Meadow Lane priority junction combined with parking restrictions to ensure the junction can accommodate the increased flow of larger vehicles;

- Potential new access link to Longbridge Meadow Industrial Estate

The application is supported by a Transport Assessment and Road Safety Audit. The Transport Assessment contains supporting information such as details of traffic surveys, traffic and junction modelling, assessment of highway safety and consideration of the design of the road and the associated highway improvements. Overall, it is concluded that the scheme will result in an overall positive impact on the local transport network in and around Cullompton. There will be minimal impact on public transport. The removal of traffic through Cullompton town centre and the provision and upgrading of pedestrian and cycling routes is also considered to be beneficial to pedestrians and cyclists.

The Highway Authority has raised no objections to the scheme from a highway safety perspective, noting that the road and associated improvements had been designed by the Highway Authority's Engineering Design Group. Subject to the imposition of a standard detailed design condition, and the securing of a pre-commencement Construction and Management Plan, no objections are raised.

There have been some comments received, raising concerns about certain elements of the highway design. These include consideration of changes to the priority of proposed junctions, particularly that of Meadow Lane and Exeter Road, the arrangement of the one way system in Duke Street, and the formation of several of the pedestrian crossings. In particular, it has been suggested that a zebra crossing proposed to allow access to Cullompton Community College's playing fields should be replaced by a puffin crossing for safety reasons. Comments have also been received on behalf of Tesco, in relation to traffic modelling, turning movement figures, and the lack of Transport and Traffic chapter in the Environmental Statement.

In respect to the above concerns, further information has been provided. In respect to the concern about crossing points, it is confirmed that the final design has been designed with the school in mind and as required for a 30mph road, and is in line with the recommendations of the safety audit. To further clarify, the proposed zebra crossing would give priority to pedestrians wishing to cross, and obliges motorists to stop once pedestrians have indicated their intent to cross, while a puffin crossing is light controlled requiring motorist to stop once the lights turn red. With specific consideration to the comments about the playing field crossing point, a further pedestrian count and speed surveys were commissioned. The results of these, along with the predicted future growth of the Cullompton Community College were considered as part of further information submitted. In carrying out this further assessment, it was concluded that a zebra crossing was still the best solution in this location. The main identified reasons were that the priority for pedestrians is well observed, particularly in locations such as this where speeds are appropriate and visibility is good. When using a zebra crossing, pedestrians should only have to wait for a very short period of time to cross the road. Consequently, with signalled crossings, waiting pedestrians may ignore the signals and cross when the lights are green. In the site specific circumstances, there will also be occasions when large groups of pedestrians, such as a full class of children accessing the playing fields, will need to cross the road. A zebra crossing will give ongoing priority to these pedestrians, while a signalised crossing could change back to green before all the pedestrians have been able to cross. Finally it is suggested that a zebras crossing can look more attractive than a traffic light crossing, which would include more lighting and have an increased urbanising impact.

In respect to the comments made by Tesco, these have been responded to by the applicant. In addition an accompanying highway information document has been submitted compiling the various highway related matters that have been addressed elsewhere in the Environmental

Statement. After further consideration, the Highway Officer did not wish to raise any further comment at that point.

Further correspondence has since been received on behalf of Tesco, reiterating their most significant concern in respect to highway safety and capacity. The main concerns relates to the design of the relief road junction and its connection to the existing Tesco store/petrol filling station roundabout. Tesco are concerned that the junction spacing of around 30 metres is unsuitable from both a safety and capacity perspective. It is advised that when considering developer-led schemes, the Highway Authority has insisted on greater spacing regardless of whether only limited queueing was forecast or where a Road Safety Audit raised no issues. Tesco has consistently requested that the design be amended to address this issue. Notwithstanding this, the Highway Authority have confirmed that the proposed arrangement is acceptable. While not desirable, it has been suggested by the applicant that the junction could be omitted. Tesco has advised that this is not the approach that they would wish to take, however wish to see the redesign of the junction

In the latest comments received on the 2<sup>nd</sup> of December, the request is again made to redesign the junction. Failing that however, Tesco, has asked that a sensitivity test is undertaken to prove that the junction arrangement will work adequately during Friday PM peak (17:00 to 18:00) and a Saturday peak. If neither of these options are carried out, Tesco has requested that the junction be omitted, which is the alternative option that was given to them by DCC. Clearly, the final option of omission would require an amendment to the scheme and likely additional consideration of the transport implication. This does not technically mean that planning permission for the submitted scheme cannot be granted, however there is the reality that the proposals may not be able to be implemented. Again this is not considered to be grounds to refuse permission, however the prospect would remain that there would be a need to submit a revised design, adding to the time frames for commencement/completion of the scheme. Notwithstanding this, a sensitivity test has been carried out between the Tesco Filling Station and the new proposed junction, as requested by Tesco. This involves carrying out modelling of traffic movements at peak times, with additional flows added to consider worse case scenarios. The results of this testing have indicated that both junctions would remain under capacity in the future scenario modelled. A second sensitivity test was also carried out to consider the scenario should the proposed junction from the relief road to the Tesco roundabout be omitted. The results of this concluded that there would be an increase in almost 700 vehicles through the town centre, mainly as a result of some residents from the south of Cullompton still using the High Street and Station Road to access Tesco, rather than using the relief road. While this would not be ideal as the objective for the new relief road would be to reduce traffic through the town centre, this additional 700 vehicles would still be considerably less than the existing traffic flow, which is currently about 10,000 cars a day. Following the outcome of this testing, the Highway Officer has commented advising the proposal would not have a severe impact on highway safety and that there would be acceptable flows on the Tesco store and petrol filling station. As such, the Highway Authority still has no objection to the proposed development. . At the time of writing this report, no comment has been received on behalf of Tesco in relation to this sensitivity testing.

An update will be provided to Members.

### **Sports, Playing Fields Provision and Recreation**

One of the main impacts of the chosen route of the proposed relief road is that it would pass over land within the CCA Fields, leading to the loss of informal recreational land and open space, and passing through the football club's second adult pitch, the bowls clubhouse and green and the cricket pitch. The area of effective open space taken from the CCA Fields as a result of the Relief Road, landscape mitigation and the replacement football pitch required for Cullompton Rangers

Football Club amounts to 2.9135ha (7.1994 acres). In line with local and national planning policy requirements, Sport England policy and the emerging Cullompton Neighbourhood Plan, there is a requirement to provide equivalent or better replacements for the recreational space lost.

Policy CU19 (Town Centre Relief Road) of the Mid Devon Local Plan supports the provision of a relief road subject to a number of criteria, including:

*b) provision of replacement open space and sporting facilities elsewhere in Cullompton if these are affected.*

Policy DM24 states the following:

*Open space, sports and recreational buildings and land, including playing fields, will be protected from alternative development unless:*

- a) An assessment has been undertaken which demonstrates that the site is surplus to requirements, including requirements within the parish for alternative forms of open space, sports or recreational use; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, prior to the commencement of the development; or*
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Sport England also has its own stringent policies in respect to the loss of playing fields in the form of their Playing Fields Policy, within the Sport England 'Playing Fields Policy and Guidance Document'. As such, Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions. In this respect exception (E4) is relevant, stating:

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

This is similar to criterion b) of paragraph 97 of the NPPF. Paragraph 97 is as follows:

*97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Policy DM24 of the Mid Devon Local Plan 2013-2033 also states that:

*The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.*

Policy WL02 of the emerging Cullompton Neighbourhood Plan includes the following provisions:

*Any proposals to develop part of the CCA Fields to provide a relief road for Cullompton should:*

- Seek to maximise the single uninterrupted area of recreational land to be retained as the CCA Fields in their current location, ensuring that the remaining area of CCA Fields is capable of being used for a variety of recreational purposes in a safe manner.*
- Replace any recreation space lost with equivalent or better provision elsewhere in Cullompton, to be vested in the community.*
- Maintain as far as possible the continued use of sports facilities and recreation spaces during construction.*

In acknowledgement of the need to provide the necessary replacement land, the proposal includes provision for the replacement of these lost facilities. These proposals are detailed in the submitted Open Space Statement and Sports Pitches Provision document. In this, additional open land adjoining the CCA Fields has been identified to provide an equivalent provision for CCA Fields land lost, in terms of both quantity and quality. This includes land to the north and land to the west of the current CCA Fields, backing onto the developed edge of Cullompton to the west and east of Spratford Stream. Replacement football and bowls facilities, including a new bowling green, clubhouse and car park are proposed to be provided on site. Details of the clubhouse would be subject to separate approval of the final details. The lost cricket pitch is unable to be accommodated on site, however a new site has been identified off Horn Road to the east of Cullompton, just inside the parish of Kentisbeare. The merits of that particular scheme are being considered with the concurrent application 20/01452/MOUT.

Firstly in respect to the replacement CCA Fields land, concerns have been raised by Cullompton Town Council, Ward Members and some members of the public. Among the concerns a question about the appropriateness of the replacement land, with suggestions made that this is not of equivalent or better provision, the disruption of the continued use of the open space during construction and the manner of construction and ongoing maintenance of informal shared footpath and cycleway linking the new land to existing pedestrian and cycle links. In particular, it has been highlighted that some of the identified replacement land is linear in form and separated from the main open space of the current CCA Fields by Spratford Stream, with this land only able to be accessed from either end as opposed to the current CCA Fields, which are currently able to be traversed from and to, almost any point. Other land is cited as being inaccessible or too small to have almost no amenity value.

While these concerns are noted, the Open Space Statement includes detailed analysis of the land to be lost and replaced. This confirms that not only will an equal amount of land be provided, this will be equally advantageous to the public. While the configuration will be different to the existing arrangements, the land all relates well to the existing CCA Fields and will be accessible to the public, including wheelchair users and prams/pushchairs. The report does acknowledge that there is currently an unrestricted open space at the heart of the CCA Fields that will be lost to the disadvantage of the public, should an appropriate replacement parcel of land not be able to be acquired. A parcel of land with an area of 0.8246 hectares (2.038 acres) has however been identified to the north. This land is currently unused grassland to the west of Tesco with no public access at present. This not only adjoins the CCA Fields, but would provide a large open area which the capacity and capability of hosting activities and events currently enjoyed on the CCA Fields. Following a request submitted on behalf of the Cullompton Community Association, the applicant has confirmed that this land would be appropriately finished to ensure that it would be suitable for events. A condition to this effect has been requested, by the Cullompton Community Associations, with this able to be considered as part of the wider landscaping arrangements. In terms of the quality of the land, the proposals include wildlife and habitat enhancements to the new land either side of Spratford Stream. In particular, the newly acquired area to the west of Spratford Stream would provide new access to pedestrians and cyclists, with the existing landscape enhanced with wildflower meadow, native scrub and wetland planting along the river corridor. This high quality amenity space, is considered to be of at least, if not better amenity value than existing.

In respect to concerns about the size of some of the parcels of land, it is suggested that one parcel, plot 102\_1, comprising a site area of 0.3074ha to the east of Spratford Stream, would be inaccessible. This parcel is separated into two plots, one being 0.2803 ha in size, and the other only 271 square metres (0.0271ha). The larger area is currently an enclosed field with no public access, however informal pedestrian links are to be provided, with enhance wildlife habitat provided. This area would be fully accessible from the adjoining CCA Fields and offer an enclosed, tranquil setting for users. This would be experienced in a different way compared to the existing CCA Fields, however would comprise a high quality amenity space. The smaller part of this plot would be more isolated to the south of Duke Street, between there and the proposed route of the relief road, however this is a small parcel of land that would be occupied by landscaping features, offering visual benefit to the periphery of the CCA Fields. There are similarly landscaped areas to the north eastern edge of the existing land that do not provide open space at present, which will be lost as they are located within the route of the relief road. Another portion of land, identified as plot 119\_1 in the Open Space Statement, is referred to in the objections as being so small as to have almost no amenity value. While this particular parcel is small and will be experienced in a different manner to some of the existing CCA Fields, it will still offer good useable space that will be able to be enjoyed by users of the CCA Fields.

Overall, it is considered that the replacement land offering is appropriate, providing enhanced green infrastructure and a positive environmental resource in the long-term. While it is regrettable that there will be some impact on the ongoing use of all of this recreational land during the construction phase, this will be temporary and kept as short as possible, with the land returned following construction. Certain elements, such as the haul roads would be provided until the middle section of the relief road is completed, after which these are able to be removed and the

relief road used as the main route for construction traffic. This disruption is inevitable and there will be safety issue to consider during construction, however the required construction management plan will seek to reduce the impact.

In regard to the loss/replacement of playing fields and sports provision, Sport England has responded. It is broadly supportive of the proposals, however there are some areas of concern that have led to an objection being lodged. Some of the areas of concern have been successfully addressed, however the remaining issue relate to the football and cricket provision.

In respect to football, a business plan has been requested to ensure that the site will be managed in a sustainable manner and also clarification has been sought as to whether any financial support will be provided to help with ongoing grass pitch maintenance noting there will be some increased maintenance costs associated with the new adult pitch. In response, no business plan has been provided, however the applicant has expressed their commitment to provide some financial support to the club. An exact figure is not available at this point though, as there would need to be further discussions with the club. Rough costs are known, however the final maintenance and machinery costs would need to be informed following an assessment of the new pitch. In order to provide reassurance to Sport England, it is felt that a suitably worded condition providing for a scheme of maintenance could be agreed.

In consideration of the loss of the cricket facilities, it is noted that these are proposed to be replaced by the scheme currently under consideration as part of planning application 20/01452/MOUT. This is a hybrid application consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket pitches. If granted, this would allow the works to start soon on the preparation of the replacement pitch. This element of the scheme is extremely time critical as preparatory works on the new pitch need to begin 18 months prior to first competitive play. Should planning permission being granted for the relief road, it is advised that the cricket facilities would not be impacted upon until Phase 2, which comprises the completion of the middle section of the relief road, and at this point would see the loss of the cricket pitch. In respect to timings, the existing cricket pitch would remain available for use during the 2022 season until mid-September 2022. This would allow time for the replacement pitch to be prepared and seeded in time for the anticipated first play at the start of the 2023 season. The grant of outline permission for the new cricket pavilion would then be finalised at reserved matters.

Initially, Sport England raised objections to this proposal and also advised that it was unable to support applicant 20/01452/MOUT. In addition to some concerns regarding the strategic need and scale, and its location and impact on the existing cricket club at Kentisbeare, Sport England was of the view that the scheme submitted as part of this concurrent application falls short in providing the necessary details to secure a replacement playing field facility that would accord with exception policy E4. In order to address the issues relating to the cricket facilities, Sport England considered it necessary that full details of the replacement cricket pitch construction and ancillary provision, comprising at least a single storey pavilion and 2 lanes nets system), be submitted and approved prior to determination of the relief road application. Additionally, a section 106 agreement is requested to secure the replacement provision and timings to ensure that the replacement cricket facility is available prior to the existing site being lost.

Despite the initial objection raised by Sport England, the Local Planning Authority are of the view that by granting planning permission 20/01452/MOUT for the essential groundworks, the other matters can be satisfactorily secured by an appropriately worded condition to ensure that the replacement cricket club facilities are provided to allow for uninterrupted use following the



commencement of construction of the relief road, thereby satisfying the requirements of Local Plan policy DM24, paragraph 97 of the NPPF and exception policy E4 of Sport England's Playing Field Policy. Ideally, the Local Planning Authority would also wish to see full details prepared, however the timings of the overall scheme are such that doing so would potentially jeopardise delivery of the relief road scheme. It is for this reason that a hybrid application has been submitted (20/01452/MOUT) in relation to the replacement Cricket Club facilities elsewhere, with full planning permission sought for the playing pitch and associated groundworks, as a result of the immediate need for a replacement pitch which is required to be playable at the earliest opportunity, and outline planning permission sought for the provision of the club house/pavilion, indoor training centre, outdoor practice nets, scorers hut, equipment store, parking and landscaping. The outline proposal would establish the principle of development with all detailed matters, including access, to be reserved matters.

In order to seek to address the Sport England concerns and overcome the initial objection, in respect to the replacement Cricket Club facilities, further information was provided to Sport England in respect to 20/01452/MOUT. This further information included detail of the potential construction of the cricket pitches and illustrative details of a pavilion that would meet the standards within England Cricket Board Guidance Note TS5 for Pavilions and Clubhouses. While the clubhouse details are illustrative only and the final detail would still be reserved, it does demonstrate that subject to appropriate conditions, an appropriate standard clubhouse, and replacement pitch, may be provided to provide an equivalent replacement to the current facilities.

Sport England has considered the additional detail and while not the full details of a deliverable scheme that was hoped for, note that a site has been put forward for the replacement cricket site. From this information, Sport England is of the view that providing the link between the two applications can be secured, this would broadly meet exceptions policy E4. A legal agreement would be the preferred mechanism, however the use of a Grampian condition would be accepted to ensure that no works are carried out that would lead to the loss of the Cricket Club site until the replacement facilities are made operational. Wording has been suggested for a pre-commencement condition. This would have to be reviewed, and likely amended as works on the relief road would have to commence earlier than the point at which the Cricket Club site would be affected. Sport England has advised that they do not object to amendments to the wording of conditions, as long as the conditions have the same outcome. They do however request that they are involved in any amendments. As such, at the time of writing this report, further negotiations will need to take place between the Council, the applicant and Sport England to ensure that the final conditions are appropriately worded to meet all party's requirements. Members will be given an update on the final wording of the proposed conditions.

Sport England has added that the removal of the objection to the relief road application (20/00876/MFUL), is also dependent on concurrent application 20/01452/MOUT have first been granted planning permission. Should this not happen, then the objection to this planning application would remain as the requirements of exception policy E4 and the NPPF would not have been met. Should this scenario occur, and Members resolve to approve planning permission for the relief road, it would then be necessary to refer this application to the National Planning Casework Unit under the Town and Country Planning (Consultation (England) Direction 2009, for a decision as to whether the Secretary of State wishes to call in that application. Notwithstanding this however, the Local Planning Authority are content that providing application 20/01452/MOUT is granted planning permission first, and appropriate conditions are agreed, the requirements of Local Plan policy DM24, the NPPF and exception policy E4 will be met.

## **Noise and Vibration/Air Quality/Residential Amenity**

Policy DM2 e) of the Mid Devon Local Plan states that new development should create “*visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses...*”

Policy DM4 states that “*applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.*”

Policy CU19 d) states “*measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network on the affected alignment and linking to the surrounding countryside. Appropriate noise measures to mitigate the effects from the relief road including the provision of landscaping.*”

Consideration has been given to the impacts resulting from noise and vibration and impact as a result of air quality arising as a result of the development. The proposal will lead to reduction in traffic levels through the town centre, however there would be increased vehicular movements along the built up areas of the route, such as Meadow Lane.

The Noise and Vibration Assessment accompanying the application considers the potential effects of the proposed development. The report sets out the predicted differences in noise levels between a scenario in 2023, the predicted year of opening of the relief road, reflecting the existing route network without any new road constructions or new links in the study area i.e. the situation should the relief road not be constructed, and scenarios in 2023 and 2038, should the proposed relief road and modifications to existing road network be completed. The 2023 scenario relates to predicted noise levels following opening of the relief road, and 2038 scenario reflecting predicted future levels in this year.

In respect to the long-term predicted noise changes, 1874 residential properties and 22 other noise sensitive receptors, are predicted to have daytime noise increases, while 543 residential properties and 5 other receptors would have predicted decreases in noise level. Of these identified properties, 176 (171 dwellings and 5 others) would receive at least a 3dB increase in noise levels, which would amount to a perceivable change, and 134 (133 dwellings and 2 others) would have a perceivable decrease in noise levels. The Noise and Vibration Assessment then goes on to consider the significance of the impact of operational noise, considering noise receptors that would show either significant adverse or significant beneficial changes. As a result, it is predicted that 168 properties will benefit from significant beneficial changes, comprising a reduction in noise, as a result of large scale traffic reduction in the town centre. The relief road operational noise level SOAEL (Significant Observed Adverse Effect Level) for daytime impact is 68dB, this being the level that at which significant adverse effect on health and quality of life can be detected. Of the 168 properties that would see a significant beneficial change, 43 of these properties are currently shown to be effected by noise levels in excess the SOAEL daytime impact level of 68dB, and therefore suffering from significant adverse effects on health and quality of life. The reduction in noise levels for these properties would see them brought to levels comfortably below SOAEL.

53 receptors (51 dwellings, Cullompton Community College and Cullompton Skatepark) are identified at locations around Meadow Lane, where there would be a significant adverse change in noise levels as a result of increased noise associated with traffic growth, however the predicted

noise values are shown to be below the SOAEL daytime impact level of 68 dB, therefore these properties are shown not to be exposed to noise levels that would be considered to have a significant adverse effect on health and quality of life. Notwithstanding this, the scheme does propose mitigation to reduce the adverse impact further. Acoustic barrier provision has been identified in the form of acoustic fencing for the worst impacted properties in the Meadow Lane area. Additional mitigation is also proposed in the form of new 1.2m Devon hedge earthwork banking along sections of the road.

Noise surveys to support the assessment were due to be undertaken in March and April 2020. Due to the restrictions in place in regard to COVID-19, The Institute of Acoustics along with the Association of Noise consultants released a joint guidance on undertaking baseline noise surveys. The guidance essentially states that due to the tight limitations on travel and changes to operating patterns of industrial and commercial premises, onsite noise surveys would not be representative of typical baseline sound levels within the study area. The guidance goes on to suggest for transport schemes, there will need to be a reliance on predicted sound levels to describe baseline conditions, but these should be undertaken with the same professional diligence as traditional reports. The Noise and Vibration Assessment has been carried out in accordance with the guidance, and following discussions with the Council's Environmental Protection Officer. In commenting prior to submission of the application, the Environmental Protection Officer was supportive of this approach. As a result, baseline noise surveys, along with the validation of modelled noise levels will be required, which will be controlled by condition and requested as supplementary information at a later date. This date will need to be agreed with each party to ensure that any measurements undertaken do represent a typical baseline condition. The detailed site noise surveys will be able to take place when traffic flows allow a more representative assessment of typical conditions. These will then be able to inform the mitigation measures.

In comments received in respect to consideration of the application, requests have been made for more properties to be protected. The applicant has agreed that additional noise mitigation will be able to be considered, where required, following completion of the detailed noise assessment.

No significant impact is expected as a result of the construction phase, however the impact will be able to be managed by the implementation of 'Best Practicable Means' (BPM) methodologies, identified within the Noise and Vibration Assessment.

Air pollution from the completed relief road and the road network nearby has been predicted in the opening year (2023), with Nitrogen Dioxide (NO<sub>2</sub>) levels predicted at a number of receptors throughout Cullompton, with comparisons made between the Do Minimum scenario, reflecting the existing route network without any new road constructions or new link, and the scenario where the relief road has been provided. These levels are also considered in comparison to a predicted 2018 baseline model. The cumulative effects of proposed and consented residential developments have also been considered in this assessment.

Overall, 954 receptors are predicted to experience at least a small improvement in air quality, with 340 expected to experience a small worsening. To clarify however, this worsening relates to the predicted concentrations of Nitrogen Dioxide (NO<sub>2</sub>) expected to be experienced in some locations in 2023, as a result of the relief road being provided than if it was not. This is as a result of local traffic flows increasing along Meadow Lane and at the junctions at each end of the road. It is important to note however that exposure limits would remain well within acceptable limits, and well below the national air quality annual mean value of 40 µg/m<sup>3</sup>. It is further noted that in almost all cases, the predicted 2023 NO<sub>2</sub> levels will be less than the 2018 baseline. On the few occasions where there is a predicted increase above the 2018 baseline figures, these are also within acceptable limits.

The predicted improvements are focussed in the town centre area, where pollution levels have exceeded maximum national air quality objective values. The Air Quality Management Area for Cullompton, which was declared in 2006, was based on monitored Nitrogen Dioxide (NO<sub>2</sub>) levels exceeding the 40 µg/m<sup>3</sup> annual mean value. The reduction in NO<sub>2</sub> concentrations with town centre receptors achieves one of the key stated aims of the relief road scheme.

Within the CCA fields, air pollution effects on habitats are not predicted to be significant.

A high risk of dust creation during the construction phase is identified as the most significant potential impact on air quality, however mitigation measures will be able to be implemented to eliminate significant risk. A construction environmental management plan (CEMP) will be conditioned to mitigate against the adverse impacts of construction. A monitoring plan is also required to ensure that measures included in the CEMP are effective and that residual effects are not significant.

Taking into account the predicted impacts of the scheme, particularly in respect to noise and air quality, the proposal is considered to be acceptable according with Local Plan policies DM2, DM4 and CU19.

## **Flooding and Drainage**

Policy DM1 of the Mid Devon Local Plan requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available.

Policy S9 also requires that the provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk by applying a sequential test where appropriate, and avoiding an increase in flood risk elsewhere.

The proposal is located in Flood Zone 3, within the floodplain of the River Culm and Spratford Stream. The proposed road will cross Spratford Stream, as well as several floodplain drainage ditches. It would be constructed at existing ground levels and in parts on an embankment at higher level than the existing ground levels.

When considering development in medium (Flood Zone 2) and high risk (Flood Zone 3) flood areas, the general approach is to seek to provide development within lower risk areas, such as Flood Zone 1 initially. Where this is not possible, development in higher risk areas may be permitted in certain circumstances. In the flood risk vulnerability and flood zone compatibility tables contained with Government Planning Practice Guidance (Flood Risk and Coastal Change), it is advised that development such as this, which is classified as 'essential transport infrastructure', may be provided in Flood Risk Zone 3 (3a and 3b), though there is a requirement to apply the 'Sequential Test' and 'Exception Test'. It is important to note that it is for the Local Planning Authority to apply these tests and assess the suitability of the scheme in that regard.

The Sequential Test seeks to establish whether there are more suitable sites in lower flood risk areas to provide the development. In this case, it has already been established that in planning the potential routes of the relief road, the only two suitable sites were to the east of the town, and the west of the motorway/railway corridor, as other options to the west of the town, or the east of the motorway would not deliver the required benefits in respect to reduction in traffic using Cullompton town centre. The two most suitable routes, the one that is the subject of this application, and the other, which would have been located closer to the edge of the conservation area to the west, are

both within Flood Zone 3. In this case it is considered that the Sequential Test is passed, as no suitable site is available in areas of lower flood risk, i.e. within Flood Zones 1 or 2.

In regard to the Exception Test, the requirement is set out in paragraph 160 of the NPPF, as follows:

*The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Paragraph 161 of the NPPF requires that both of the above elements of the Exception Test should be satisfied. In this considering the Exception Test, the benefits of the development proposal have been established, particularly in respect to the reduction of traffic through Cullompton town centre, with its associated improvements to air quality and to the historic realm. The relief road is also essential in unlocking the further growth potential of Cullompton. As discussed in further detail below, the proposed development will include replacement storage capacity within the floodplain to replace that lost to the relief road and is not considered to lead to an increase in flood risk elsewhere. Precautions will also be taken to ensure that the road and its users will remain safe. For these reasons, it is considered that both elements of the Exception Test are satisfactorily addressed.

The scheme is supported by a Flood Risk Assessment and detailed Drainage Strategy. The drainage strategy includes proposals for positive surface water drainage, incorporating SuDS features, including attenuation ponds and highway ditches, with protective measures to enable the retention and clean-up of any contaminated surface water. Surface water runoff from the drainage scheme would be limited to the respective greenfield runoff rates.

The scheme also includes a number of culverts which have been incorporated into the scheme to allow floodwaters to still move around the floodplain and minimise disruption to the current drainage regime.

As a consequence of the proposal, approximately 10,500 cubic metres of storage is expected to be removed from the floodplain. This is however proposed to be mitigated by compensatory measures in the form of a flood compensation area to be provided on the east side of the M5. This would comprise of two separate sections in close proximity to the riverbank to mimic the natural flood conditions as closely as possible and to minimise the impact on the landscape setting. It is not proposed to include any structures and would be designed in order to be self-draining. The proposed compensation areas will provide approximately 9,900 cubic metres of storage, which is slightly less than the area lost, however this has been agreed in conjunction with the Environment Agency, following hydraulic modelling, which has demonstrated that this would have a negligible impact.

Notwithstanding the measures to be put in place, flooding is still predicted to occur to the south of the scheme, in times of exceptional river flooding. This has been factored into the design and the future operation of the road and can be addressed by making sure that appropriate measures will be put in place to provide suitable warnings and restrictions on road usage, with protocols for road closures and diversions agreed to manage this residual risk, on the occasions that these are

required A Flood Warning and Emergency Plan will be written and agreed with the Emergency Planning team at Devon County Council to ensure no risk to the safety of road users.

The Environment Agency and the Lead Local Flood Authority have given detailed consideration to the proposal and following the provision of additional information, are satisfied with the submitted drainage strategy subject to the imposition of conditions in respect to the final drainage scheme and compensatory measures. The Environment Agency have made recommendations in respect to the design of some of the structures and flood mitigation measures within the floodplain in respect to flood risk and ecology. These recommendations will be incorporated into the detailed design stage prior to commencement.

During the construction phase, the need for groundworks may result in the opening of pollution pathways to groundwater and surface waterbodies. Such risk can be reduced by the application of appropriate mitigation measures, including the use of best practice in construction.

Overall, while final details will be required, it has been demonstrated to the satisfaction of the Environment Agency and the Lead Local Flood Authority that appropriate provision for the disposal of surface water can be provided, subject to the final detailed design being agreed before commencement of works.

## **Ecology and Biodiversity**

The sustainable development priorities identified in policy S1 of the Mid Devon Local Plan include minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites.

Policy CU19 d) states *“Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network on the affected alignment and linking to the surrounding countryside. Appropriate noise measures to mitigate the effects from the relief road including the provision of landscaping”*.

Policy DM26 states that *“major development proposals must demonstrate that green infrastructure will be incorporated within the site as follows:*

- a) Biodiversity mitigation, resulting in a net gain in biodiversity;*
- b) Flood and water resource management;*
- c) Green corridors and public rights of way to link the site to the wider GI network, provide walking and cycling opportunities and avoid habitat fragmentation; and*
- d) New green infrastructure such as the creation of native woodland where possible.”*

A biodiversity chapter within the submitted Environmental Statement considers the effects of the scheme on biodiversity in relation to the construction and operational phases of the proposed development. Consideration is given to the impact on habitats within the site boundary, and to protect any notable species. An assessment has been made of the suitability of habitats for certain species, as well as investigations to identify the presence of certain species.

Following evaluation of each ecological resource/receptor in terms of its value, it has been concluded that there are unlikely to be any impact on great crested newts, badgers, invertebrates, water vole or white-clawed crayfish.

Several habitats, including priority habitats, are present within the site, supporting legally protected species including seven species of Bat, Hazel Dormouse, Slow Worm, Common Lizard and Otter. These species were found to be using the site for breeding and/or foraging and commuting during targeted surveys.

In order to limit impact on local ecology as much as possible, the alignment of the road has been designed to be as close to the eastern boundary of the site as is possible, which will minimise the effect of habitat loss and fragmentation. Larger blocks of woodland, mature trees and long stretches of hedgerow will be retained wherever possible. Any habitat that needs to be removed will be replaced and additional planting and enhancement are proposed, in order to provide an overall net gain in habitat available. The mitigation package included in respect to the operation of the scheme is designed to minimise impacts on the species that live in and use the area. This includes the implementation of a sensitive lighting plan and maintaining connectivity throughout the site. The main measures proposed per species are summarised below:

- Bats: Connectivity throughout the site is to be maintained by re-planting removed areas of habitat in key commuting and foraging locations. A sensitive lighting plan will be implemented to reduce disturbance impacts of artificial lighting on bats. Hedgerows, scrub and woodland are proposed to be planted adjacent to the road, where possible, to provide screening from the rest of the site and to minimise impacts of light pollution. Vegetation is proposed to be planted around the culverts to further enhance these areas as a dark commuting corridor, maximising their potential use and reduce road collisions. Vegetation along Spratford Mill Stream will also be enhanced to provide a dark linear feature for commuting and to encourage bats along the watercourse and under the new road bridge.
- Fish: Surface water run-off will be collected and discharged to highways ditches that will attenuate and treat drainage before entering Spratford Mill Stream.
- Hazel Dormouse: The use of a sensitive lighting regime to mitigate against potential long-term effects of light disturbance. Some habitat, such as part of the northern hedgerow adjacent to Tesco, would be severed by the road, with sections remaining on the east side. This hedgerow is identified as being sub-optimal and therefore unlikely to contain large numbers of Dormouse, resulting from its proximity to the industrial estate and high light levels from Tesco. In order to avoid isolation of any Dormouse present however, additional hedgerow and scrub habitat would be created along the east of the road, linking to the proposed small culverts and larger box culverts at the south of the site, and the existing culvert under the railway line and M5 motorway.
- Otter: The use of a sensitive lighting regime to mitigate against potential long-term effects of light disturbance. The inclusion of otter ledges as part of the design of the culverts wherever possible. The proposed road bridge would also provide dry passage and 60cm headroom for passage during high flows, maintaining safe passage under the road for Otter at all times of the year. The installation of otter fencing will be installed along the road for 100m from all culverts and watercourses to ensure Otters cannot enter the carriageway, thereby reducing the risk of killing/injury.
- Hedgehogs: The proposed Otter fencing will provide a barrier to Hedgehog movement across the road for approximately 800m on the west side and 950m on the east side of the road, reducing risk of road collisions. Devon banks and other hedgerows/vegetation will provide commuting features throughout the site, encouraging Hedgehogs to remain on the western side of the road. Culverts and the new road bridge will be able to provide safe

passage under the road. The combination of these mitigation features therefore reduces the potential impact from road collisions.

- Reptiles: In-built design features including underpasses (pipe and box culverts) are present along the road throughout and the road bridge at the south of the site will allow dry passage, allowing for the movement of reptiles underneath the road while operational. The additional Otter fencing which will guide movement towards these features, limiting the risk of road mortalities and effects of fragmentation.

In addition to the mitigation measures to be provided on-site, compensatory and enhancement measures for the permanent loss of habitats will be undertaken off-site. A Landscape and Ecology Management Plan (LEMP) required by condition, will detail the mitigation, compensation, enhancement and biodiversity net gain measures that will be implemented and their management in the long-term, during operation of the scheme. These include the on-site replacement (mitigation) of removed habitats, including single trees, hedgerows, woodland, semi-improved and improved grassland, scrub, and amenity grassland, the enhancement of off-site habitats, including improved grassland, scrub, hedgerows and woodland within the CCA fields; and additional creation of suitable habitat off-site (the CCA fields and elsewhere in mid-Devon) for overall net gain in biodiversity. The ongoing monitoring of the mitigation, compensation, enhancement and biodiversity net gain measures, will be required to ensure their effectiveness, details of which will need to be included within the LEMP. As such the proposal is considered to meet the requirements of Local Plan policies S1, CU19 and DM26. Furthermore, the opportunity to minimise impacts on and providing net gains for biodiversity is recognised within paragraph 170(d) of the NPPF. In this case, while not a mandatory requirement, a biodiversity net gain of 10% is predicted, taking into account the proposed mitigation, compensation and enhancement measures.

During construction, precautionary measures will be adopted to avoid committing any offence in relation to protected species, should any be found during construction.

While the scheme will result in the loss of some habitat that supports the identified species, there will be overall gains in the biodiversity value of the site through implementation of biodiversity net gain of habitats on- and off-site, meeting the requirements of the NPPF and Local Plan policy. Overall, it is considered that the proposal would accord with the relevant policies and considerations relating to minimising the impacts on biodiversity, protection and enhancement of species populations and linking habitats and the maintenance of the affected wildlife network.

In addition, two invasive species (Japanese knotweed and Himalayan balsam) have been identified. The report contains recommendations for the removal of these species. The final details can be dealt with by condition.

## **EIA Considerations**

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017, and has been assessed as being EIA development. As such, the application was accompanied by an Environmental Statement.

In assessing development in the context of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, there is a requirement to reach a reasoned conclusion on



the significant effects of the proposed development on the environment, taking into account the examination of the submitted environmental information.

In considering the assessment contained within the Environmental Statement it is agreed that there would for the most part be no potential significant effects as a result of the proposed development. The areas where more significant environmental effects were identified related to landscape, noise and vibration, population and human health and climate change.

The identified significant landscape impacts include the visual impacts associated with construction of the relief road. In the longer term, these would be limited to the visual effect on footpath users to the south of the CCA Fields. There would however be significant residual benefits associated with the enhancement of the land adjoining Spratford Stream.

There would be significant adverse effect on the receptors identified in the Meadow Lane area, as a result of increased noise and vibration. It was however advised that the increase in noise levels would be below Significant Observed Adverse Effect Level (SOAEL). This impact would also be further mitigated by the introduction of noise attenuation measures. In comparison, there would be significant beneficial effects for a larger number of receptors across the town centre.

In respect to population and human health, it has been assessed that there would be significant residual beneficial effects in respect to acceptability of residential and commercial/business land and premises, and community land and assets, during operation of the relief road.

Overall, while there are significant adverse effects, there are equally significant beneficial effects, some of which outweigh the identified harm. Notwithstanding that, the identified significant adverse effects are localised and not considered to represent a wider unacceptable impact on the environment. In the context of the EIA Regulations, the proposed development is considered to be acceptable.

## **Summary**

The proposed development, comprising a detailed scheme for the construction of a Cullompton Town Centre Relief Road, is considered to be generally acceptable, meeting the requirements of policy CU19 of the Mid Devon Local Plan 2013-2033.

The proposal would lead to some adverse impacts such as the loss of existing sports facilities and recreational land, some harm to the significance of local heritage assets, loss of existing biodiversity and an increase in disturbance to some residents where traffic levels would be increased, however this needs to be balanced against the benefits of the scheme.

The adverse impacts will be lessened through direct mitigation measures as required. These measures include the replacement of the lost recreational facilities with equivalent or greater provision, provision of enhanced landscaping and biodiversity features, installation of noise attenuation features and careful consideration of the finishes of permanent structures and lighting.

The scheme will also provide additional benefits such as the reduction in traffic through the town centre, which will lead to improved air quality and residential amenity for a larger number of properties. The easing of traffic within the town centre, has the potential to benefit the wider conservation area and heritage assets within it, particularly when noting the inclusion of Cullompton Conservation Area on the National 'At Risk' register, and the town centre's HAZ status.

To conclude, the delivery of the relief road would meet a long-standing community aspiration for Cullompton. It is considered that any minor adverse temporary impacts will be outweighed by the long-term operational benefits to Cullompton's population in terms of improved accessibility and air quality.

## **REASON FOR RECOMMENDING APPROVAL**

The proposed development comprising the construction of a town centre relief road for Cullompton is considered to be acceptable in this location. It is considered that the development could be carried out without an unacceptable impact on the character of the area, highway safety, local amenity and ecology, and without increasing the risk of flooding. In considering the identified non-substantial harm to the significance of local heritage assets, this has been appropriately justified with weight given to the public benefits associated with the scheme. The areas of informal open space and recreational land, and playing fields and associated facilities will be replaced by alternative provision that is equivalent or better. It is considered that where required, the replacement provision can be satisfactorily secured by appropriately worded conditions. Furthermore, the proposal is not considered to lead to unacceptable impact on the environment, having been assessed in line with the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, the proposed development satisfactorily accords with policies S1, S9, S11, CU19, DM1, DM3, DM4, DM5, DM23, DM24, DM25 and DM26 of the Mid Devon Local Plan 2013-2033, the Cullompton Neighbourhood Plan, Sport England exception policy E4 and the National Planning Policy Framework.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless where superseded by any of the following conditions, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the commencement of development on each relevant phase, a Construction Environmental Management Plan (CEMP) shall be 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 inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/locations where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic;
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from site preparation, groundwork and the construction phases;
- (p) the submission of a Surface Water Management Plan detailing the management processes and procedures that will be employed to control, mitigate and monitor contamination of surface water during the construction phase/s;
- (q) mitigation measures to protect nature conservation interests and ensure that there are no significant impacts to important ecological receptors/resources present on site during construction, as set out in within the Ecological Impact Assessment by Biodiversity chapter of the submitted Environmental Statement.

4. Prior to the commencement of the development, final details of noise mitigation to protect the amenities of local residents most impacted by increased noise levels as a result of the construction of the relief road shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented and thereafter retained. These mitigation measures will need to be informed by the provision of supplementary information including the carrying out of baseline noise surveys and validation of modelled noise levels. The date that the required noise surveys are carried out will need to be agreed with each party to ensure that any measurements undertaken do represent a typical baseline condition.
5. Prior to the commencement of development on each relevant phase, a contaminated land contingency scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to deal with any contamination discovered or arising during development and should address the immediate protection of the environment, including watercourses and groundwater, and should ensure public safety. The approved scheme shall be implemented at the commencement of the development and shall thereafter maintained until the development is completed.
6. The proposed road, cycleways, footways, footpaths, verges, junctions, signage, 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. Prior to any construction work commencing on site information must be submitted to demonstrate that the flood risk impacts to the railway line have been discussed with and accepted by Network Rail. If any additional flood alleviation works are required (e.g. additional flood culvert) they shall be agreed and built as part of the phase 1 works.
8. Prior to any construction work commencing on the middle section of the relief road hereby permitted, the detailed design of the proposed and existing ditch adjacent to the southern end of the Longbridge Meadow Trading Estate must be submitted to, and approved in writing by, the Local Planning Authority.
9. The development hereby permitted must not be commenced until such time as detail about new structures in the floodplain and the flood mitigation measures recommended in the flood risk assessment has been submitted to, and approved in writing by, the Local Planning Authority. In particular the following detail will be required:
  - design and location of any fencing and Devon Banks
  - design of the culverts
  - design of the floodplain compensation area
  - design of the SuDs ponds
  - design of the flood resistance and resilience measures

The details shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

10. The development hereby permitted must not be brought into operation until the flood risk traffic measures with regard to trigger levels based on the predictive flood warnings have been submitted to, and approved in writing by, the local planning authority. The flood risk measures shall be implemented in accordance with the approved details and thereafter retained and maintained.
11. 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.
12. 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.

13. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
14. The development hereby permitted shall not commence until a detailed Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:
  - (a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;
  - (b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;
  - (c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

15. Prior to the commencement of development (including any site vegetative clearance, demolition of existing structures demolition, ground-works, heavy machinery entering site or the on-site storage of materials) on each relevant phase, tree protection details, to include the protection of trees, hedges and shrubs shall have first been submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.
16. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
17. No part of the development hereby permitted shall be commenced until the full details of the finish of the proposed informal footpaths/cycleways, and details of their adoption and future maintenance arrangements have been submitted to and agreed in writing by the Local Planning Authority.

18. Prior to any new lighting being provided in relation to the development hereby permitted, a lighting scheme for the development, comprising details of lighting for the new football pitch and relief road street lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be fully installed in accordance with those approved details and any future amendments, alterations or replacement lighting equipment shall be first agreed in writing by the Local Planning Authority.
19. Prior to its installation, details of the design, materials, colour and finish of the proposed of security fencing to enclose the new adult football pitch shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be fully installed in accordance with those approved details and any future amendments, alterations or replacement shall be first agreed in writing by the Local Planning Authority.
20. No development shall commence apart from Enabling works, Earthworks and Strategic Engineering elements, until such time as Phasing Plan for the application site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the phasing plan
21. *The development hereby permitted shall not be commenced until the playing field/sports facility permitted by planning permission 20/01452/MOUT dated xx has been implemented and made available for use.*

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy*

*A further update on the acceptability of this condition will be provided to the Planning Committee at the meeting*

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of public health and the protection of the environment.
4. In the interests of the amenities of the surrounding area and to minimise the potential for noise impact on local properties.
5. To protect the environment and public safety from any pollution impact arising in relation to the development of contaminated land.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.

7. To ensure flood risks to the railway are accepted and addressed if necessary
8. To ensure that potential increases in flood are appropriately managed.
9. To ensure that there are no detrimental impacts to flood storage or flood flow routes.
10. To reduce the risk of flooding to the proposed development and its future users.
11. 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.
12. 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.
13. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
14. For the conservation and protection of legally protected species, for the enhancement of and to ensure that there are net gains in biodiversity, and to safeguard the visual amenities of the area.
15. To preserve the health, structure and amenity value of existing landscape features.
16. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.
17. In the interests of public safety and to maintain connectivity for pedestrians and cyclists.
18. In the interests of residential amenity, to safeguard the visual amenities of the area and to minimise the impact on local ecology and designated heritage assets.
19. To safeguard the visual amenities of the area and to minimise the impact on local designated heritage assets.
20. To clarify how the site development is to be phased to ensure that environmental mitigation is provided to cater for the needs and impacts arising out of the development in accordance with policies CU19, DM4 and DM24 of the Mid Devon Local Plan 2013 – 2033.

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

The Human Rights Act 1998 came into force on 2<sup>nd</sup> 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.

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included further discussion and negotiations to address issues raised. In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.



## PLANNING COMMITTEE

## AGENDA ITEM

13<sup>TH</sup> JANUARY 2021

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

#### PLANNING AND BUILDING CONTROL PERFORMANCE

##### **Reason for Report:**

To provide the Committee with information updating on the performance of aspects of the planning function of the Council. Building Control performance information is also provided although this is primarily reported to the Building Control Partnership Joint Committee.

##### **Matters for Consideration:**

Performance against targets, the Government's performance assessment and resources within the Planning Service.

##### **RECOMMENDATION: For information and discussion.**

**Financial Implications:** Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated beyond the 26 week date. In that instance if requested, the planning fee is returned. Through the issue of planning permissions for new dwellings the service enables the award of New Homes Bonus money to the Council.

**Budget and Policy Framework:** None directly.

**Legal Implications:** The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making.

The speed measure is twofold: firstly the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. Accordingly it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures is less than 10%. It is important to continue to meet these targets.

**Risk Assessment:** Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. The speed and quality of the determination of major applications has been the subject of Government performance indicators for some time. However it should be noted that the application performance data reported does include a significant reliance upon agreeing extensions of time with the applicant. Whilst this is allowed within the performance reporting system requirements of the Government, it is an indication of a service carrying a high number of applications on hand and application assessment being overly protracted. It is proposed that during 2021 that efforts are made to systematically reduce the reliance on extensions of time.

**Equality Impact Assessment:** No equality issues identified for this report.

**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.

**Impact upon Climate Change:** No climate change issues are identified arising from this report on service performance.

## 1.0 APPLICATION DETERMINATION PERFORMANCE

1.1 The Government uses speed and quality of decision indicators as the main means of assessing planning application performance. These indicators with performance requirements are set out for major and non-major applications as follows:

### Speed:

- **Majors: More than 60% of major applications determined within 13 weeks (over 2 year period).** Mid Devon performance on this for the 2 year period to the end of September 2020 was **69%**.

The most recent national dataset for the 24 month period to the end of June 2020 places the performance for Mid Devon as 64.4%. The dataset has a median figure of 90.5%, placing Mid Devon in the 4<sup>th</sup> quartile nationally (England) over this period.

- **Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period).** Mid Devon performance on this for the last 2 year period to the end of September 2020 was **86%**.

The most recent national dataset for the 24 month period to the end of June 2020 places the performance for Mid Devon as 86.6%. The dataset has a median figure of 90.9%, placing Mid Devon in the 3<sup>rd</sup> quartile nationally (England) over this period.

### Quality:

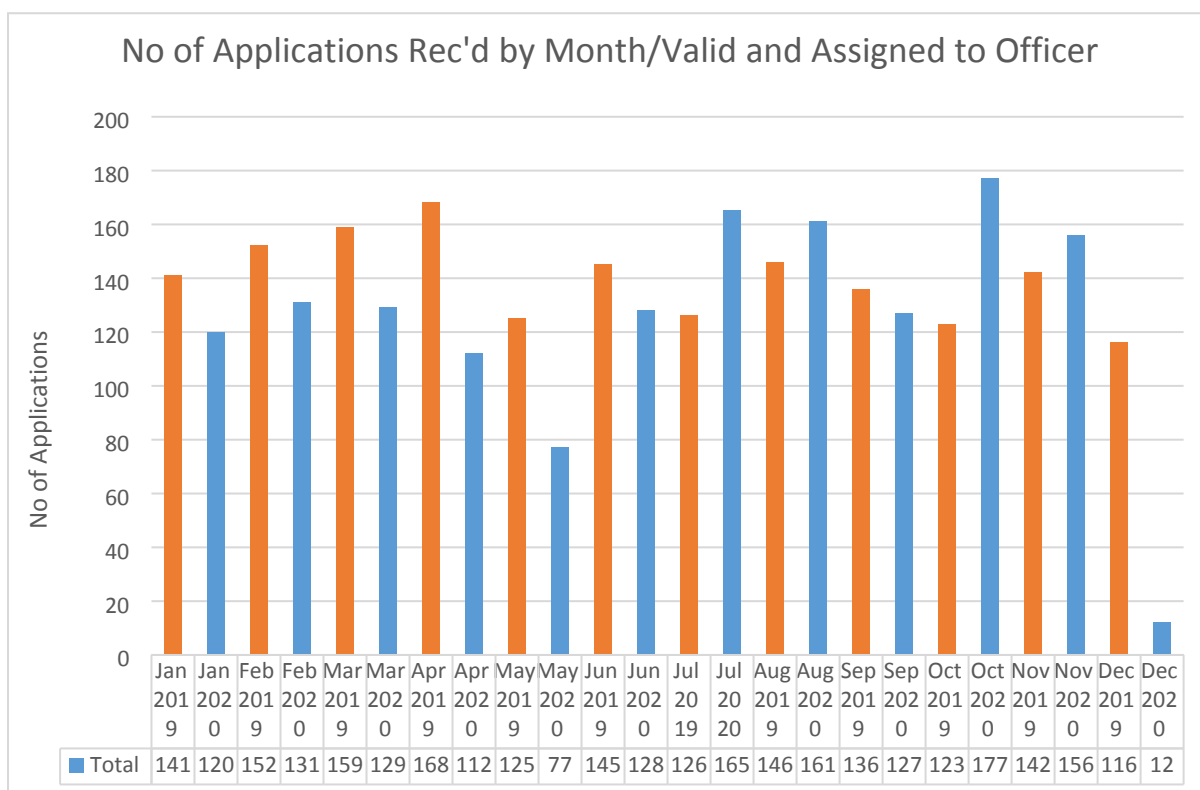
- **Majors: for applications determined over a 2 year period, no more than 10% of 'major' decisions to be overturned at appeal.** The Mid Devon figure over the last 2 year period was **5.7%**.

The most recent national dataset for the 24 months to the end of March 2019 places the performance of Mid Devon as 5.2%. The dataset has a median figure of 1.4%, placing Mid Devon in the 4<sup>th</sup> quartile nationally (England) over this period.

- **Non majors: This indicator of quality of decision making is measured over a 2 year assessment period: no more than 10% of 'non major' decisions to be overturned at appeal.** The Mid Devon figure over the last 2 year period was **0.43%**.

The most recent national dataset for the 24 months to the end of March 2019 places the performance of Mid Devon as 0.4%. The dataset has a median figure of 0.9%, placing Mid Devon in the 1<sup>st</sup> or top quartile nationally (England) over this period.

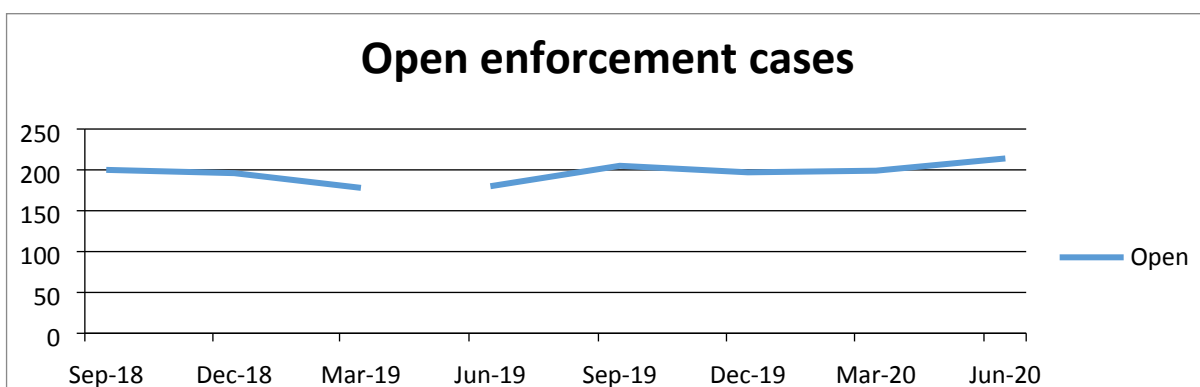
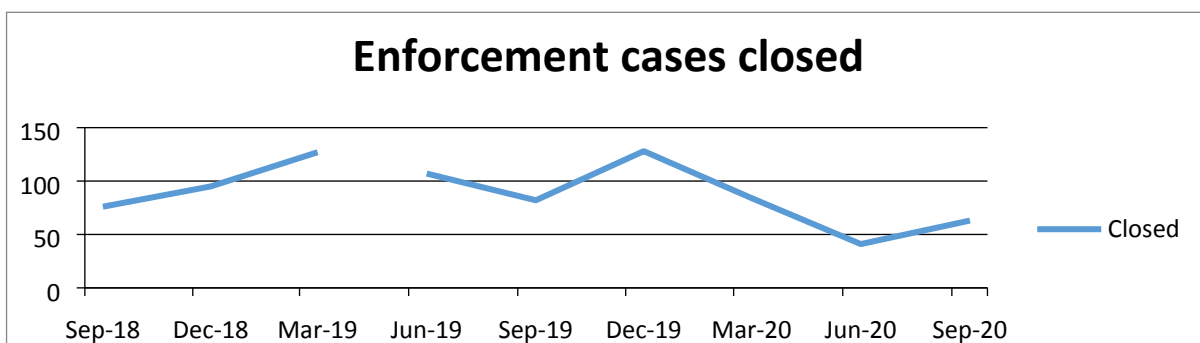
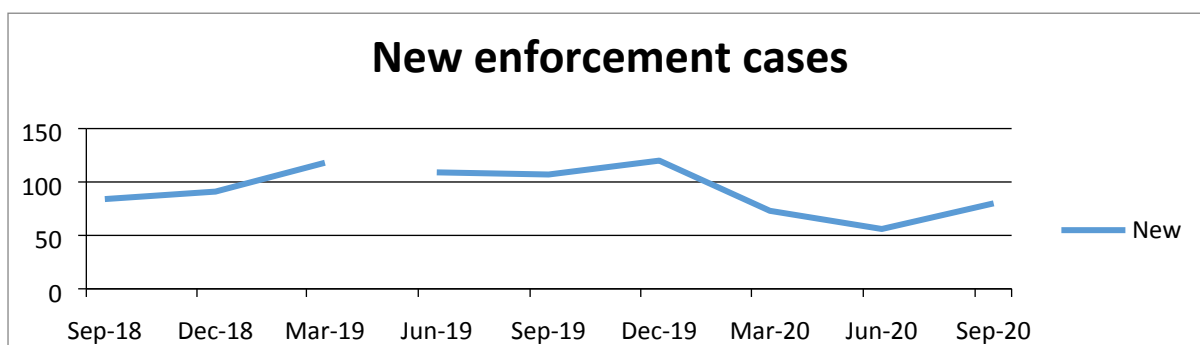
- 1.2 Application determination performance data against national and local indicators over the last few years is attached at **Appendix 1**. The latest performance results for quarter 2 of 20/21 indicates that the national planning performance indicators for the speed and quality of planning application decision making have been met and exceeded by the service, but in some areas is not performing favourably when compared with that of others nationally. This is particularly the case with major applications due to a higher percentage being overturned at appeal than other Councils and less emphasis on agreeing extensions of time towards the beginning of the 2 year assessment period which is affecting the speed of decision making performance figure.
- 1.3 At time of finalising this report performance results for quarter 3 20/21 are not yet available. It is anticipated that they will be available shortly for reporting to a future meeting of Planning Committee.
- 1.4 For all applications determined within 8 or 13 weeks, the performance figures include those where there has been an agreed extension of time. This is in accordance with the methodology for reporting planning application determination set out by the Government.
- 1.5 The Development Management team has experienced a challenging period in 2020 with significant changes required to rapidly move to predominantly working from home and electronic means rather than paper plans. The service has been sustained although site visits were temporarily suspended and alternative methods utilised including maps, videos, photographs and the internet. This period has also seen the vacancy of an Area Team Leader post. This has been successfully recruited with the new post holder having joined the Council at the beginning of January 2021. New applications dropped off in the first half of 2020, but have since seen some recovery, however planning fee income remains significantly below budget. The following graph shows applications received and valid by month for 2020 compared with 2019.



- 1.6 It is clear from the performance information presented that there has been an increasing number of live applications on hand over 13 weeks old without a decision. There is also a high reliance upon agreed extensions of time in application determination. These areas will need to be the focus going forward with the aim of more decisive decision making whilst ensuring quality of decision making. However at time of writing, a new period of national covid-19 restrictions have been announced which include closure of schools. Care responsibilities of some staff are anticipated to reduce staff capacity during this period.

## 2.0 Planning enforcement

- 2.1 The Local Enforcement Plan was agreed by Council on 21st February 2018. It sets out prioritisation criteria for compliant investigation together with performance standards. Scrutiny Committee considered a report on the enforcement of planning control at the meeting on 14<sup>th</sup> September 2020 where it was resolved to set up a working group to consider this area in more detail. Terms of reference of this working group are being established.
- 2.2 Activity within the enforcement part of the planning service by quarter is at **Appendix 1**. The following graphs show the number of new enforcement cases received, number closed and number on hand and are measured by quarter.



### 3.0 BUILDING CONTROL.

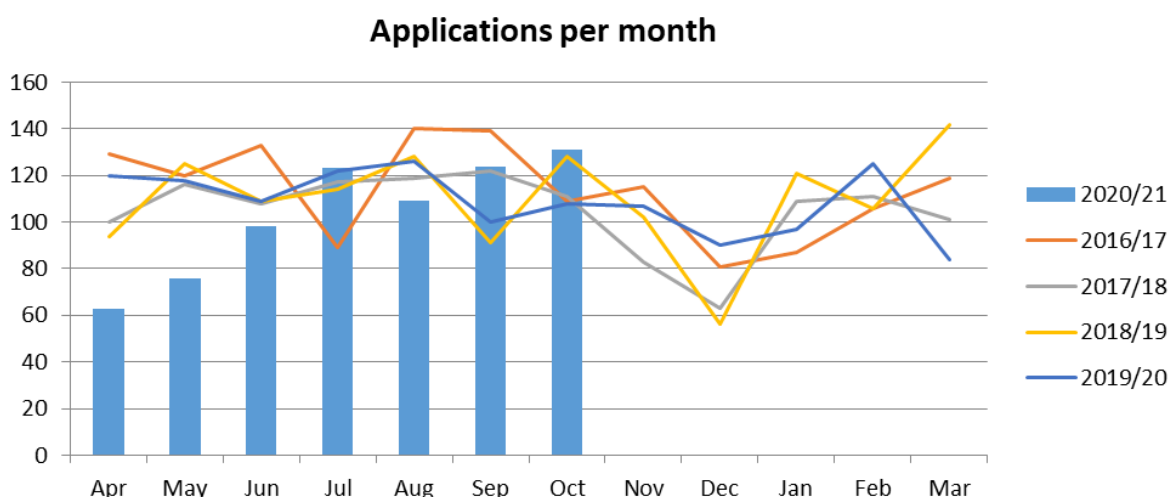
3.1 Mid Devon's Building Control service operates in partnership with North Devon Council as NMD Building Control. The partnership service has been operational since April 2017 and under normal conditions is delivered from offices in South Molton. A Joint Committee oversees the delivery of the functions of the partnership service. 2020 has seen a continued consolidation realising the benefits of the partnership.

3.2 The Building Control service has exceeded the performance target relating to the assessment of full plans applications. Response times for plan checking have improved throughout each of the year and are now consistently above target.

Key performance indicator	Year	2018/19				2019/20	
	Target	Qu 1	Qu 2	Qu 3	Qu 4	Qu 1	Qu2
Building Regulation	95%	99%	96%	100%	100%	98%	99%

Full Plan applications determined in 2 months							
Building Regulation Applications examined within 3 weeks	95%	84%	90%	98%	99%	99%	100%

3.3 The graph below indicates the number of applications received per month. Application numbers have recovered strongly from the substantial drop in the first quarter of this financial year, culminating in the highest number of applications in October in the last five years. However, it is assumed that the period of national restrictions will have some impact although not as severe as the first when activity was effectively closed down. Overall income is below that budgeted for the year. However, there was a strong recovery in September and October.



**Contact for Information:**

Eileen Paterson, Group Manager for Development  
[epaterson@middevon.gov.uk](mailto:epaterson@middevon.gov.uk)

Jenny Clifford, Head of Planning, Economy and Regeneration  
[jclifford@middevon.gov.uk](mailto:jclifford@middevon.gov.uk)

**List of Background Papers:**

PS1 and PS2 returns  
 HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015  
 Improving Planning Performance: Criteria for Designation, MHCLG November 2018

**Circulation of the Report:**

Cllr Richard Chesterton  
 Members of Planning Committee

## Appendix 1 Application performance and enforcement

Planning Service Performance	Target	16/17	17/18	18/19	19/20	19/20	19/20	19/20	20/21	20/21
		Year	Year	Year	Q1	Q2	Q3	Q4	Q1	Q2
Major applications determined within 13 weeks	<b>60%</b>	90%	82%	77%	33%	75%	75%	100%	None determined	88%
Minor applications determined within 8 weeks	<b>65%</b>	80%	85%	73%	65%	85%	95%	96%	93%	93%
Other applications determined within 8 weeks	<b>80%</b>	89%	90%	84%	75%	89%	98%	97%	99%	95%
Householder applications determined in 8 weeks	<b>85%</b>	98%	95%	89%	86%	95%	98%	100%	100%	99%
Listed Building Consents	<b>80%</b>	84%	84%	66%	64%	80%	97%	94%	90%	80%
Enforcement site visits undertaken within 15 days of complaint receipt	<b>87%</b>	96%	92%	81%	68%	65%	100%	88%	92%	93%
Delegated decisions	<b>90%</b>	94%	93%	94%	95%	96%	97%	96%	98%	93%
No of applications over 13 weeks old without a decision	<b>(Less than 45 apps)</b>	29	44	75	82	74	82	76	99	82
Major applications determined within 13 weeks (over preceding 2 years)	<b>More than 60%</b>	82%	74%	85%	72%	71%	75%	65%	64%	69%
Major applications overturned at appeal as	<b>Less than 10%</b>	7%	4%	3%	0%	4.84%	3.16%	1.85%	4%	5.7%

## Appendix 1 Application performance and enforcement

% of all major decisions over preceding 2 years *										
Non-major applications determined within 8 weeks (over preceding 2 years)	<b>More than 70%</b>	77%	79%	60%	77%	78%	80%	80%	90%	86%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	<b>Less than 10%</b>	<1%	<1%	0%	0%	0.47%	0.43%	0.44%	0.38%	0.25%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	<b>100%</b>	100%	99%	99%	96%	99%	100%	100%	100%	100%
Building Regulations Applications examined within 3 weeks	<b>95%</b>	88%	93%	94%	84%	90%	98%	99%	99%	100%
Building Regulation Full Plan applications determined in 2 months	<b>95%</b>	91%	96%	96%	99%	96%	100%	100%	98%	99%

### Planning enforcement

Details	2019/2020				2020/2021			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Total Initial Site Visits carried out in the Quarter	113	97	94	83	25	73		
New enforcement cases registered (in quarter)	109	107	120	73	56	80		
Enforcement complaints closed (in quarter)	107	82	128	84	41	63		
Committee authorisations sought	1	0	0	0	0	0		
Total Outstanding cases at end of Quarter	180	205	197	199	214	233		



## Appendix 1 Application performance and enforcement

Enforcement Notices Served					Enforcement Notices Served			
<i>Planning contravention notices served (PCN)</i>	4	4	2	1	1	1		
<i>Breach of condition notices served</i>	0	0	0	0	0	0		
<i>Section 215 (untidy land)</i>	0	0	0	0	0	1		
<i>NOT330</i>	0	0	0	0	0	0		
<i>REPNOT</i>	0	0	0	0	0	0		
<i>ENFCOU</i>	1	0	0	0	0	0		
<i>ENFDEV</i>	1	0	0	0	0	0		
<i>TEMSTO</i>		0	0	0	0	0		
<b>Total Notices Served</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>		

The following graph indicates performance against Local Enforcement Plan indicators in quarter 4 19/20 and quarters 1 and 2 20/21

		2019/2020	2020/2021				2020/2021			
			April 20 - June 20				July 20 - September 20			
Indicator	Details	Q4	Q1	Q1	Q1	Q1	Q2	Q2	Q2	Q2
		Achieved	Target	% Achieved	No Rec'd	Achieved	Target	% Achieved	No Rec'd	Achieved
PE01-within 3 working days	Register and acknowledge all written complaints.	86	100%	97%	70	68	100%	83%	98	81
PE02 - 90% of first site visits before the end of the next working day following registration.	Highest priority complaint investigation.	3	90%	100%	0	0	90%	100%	1	1

## Appendix 1 Application performance and enforcement

PE03 - Initial site visit within 3 working days of registration.	High priority complaint investigation.	2	100%	100%	1	1	100%	100%	5	5
PE04 - Initial site visit within 10 working days of registration.	Medium priority complaint investigation.	4	100%	100%	2	2	100%	92%	13	12
PE05 - Initial site visit within 15 working days of registration.	Low priority complaint investigation.	69	100%	95%	22	21	100%	93%	54	50
PE06 - Within 5 working days of the date of the initial site visit.	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach.	46	100%	100%	16	16	100%	100%	47	47
PE07 - Within 5 working days of the issue of the notice [or decision to take no further action].	Notify complainant that Enforcement Notice has been served or decision that 'no action' will be taken.	46	100%	100%	16	16	100%	100%	47	47

## LIST OF APPEAL DECISIONS FROM 20 October 2020 to 17 December 2020

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
19/01862/FULL	Change of use of farm buildings to mixed B1/B8 use and retention of external works	Land and Buildings at NGR 299326 114323 Bradford Farm Uplowman Devon	Grant permission subject to conditions.	Committee Decision	Non-determination, Appeal instigated	Written Representations	Allow with Conditions

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