

Application No. 18/00175/MOUT

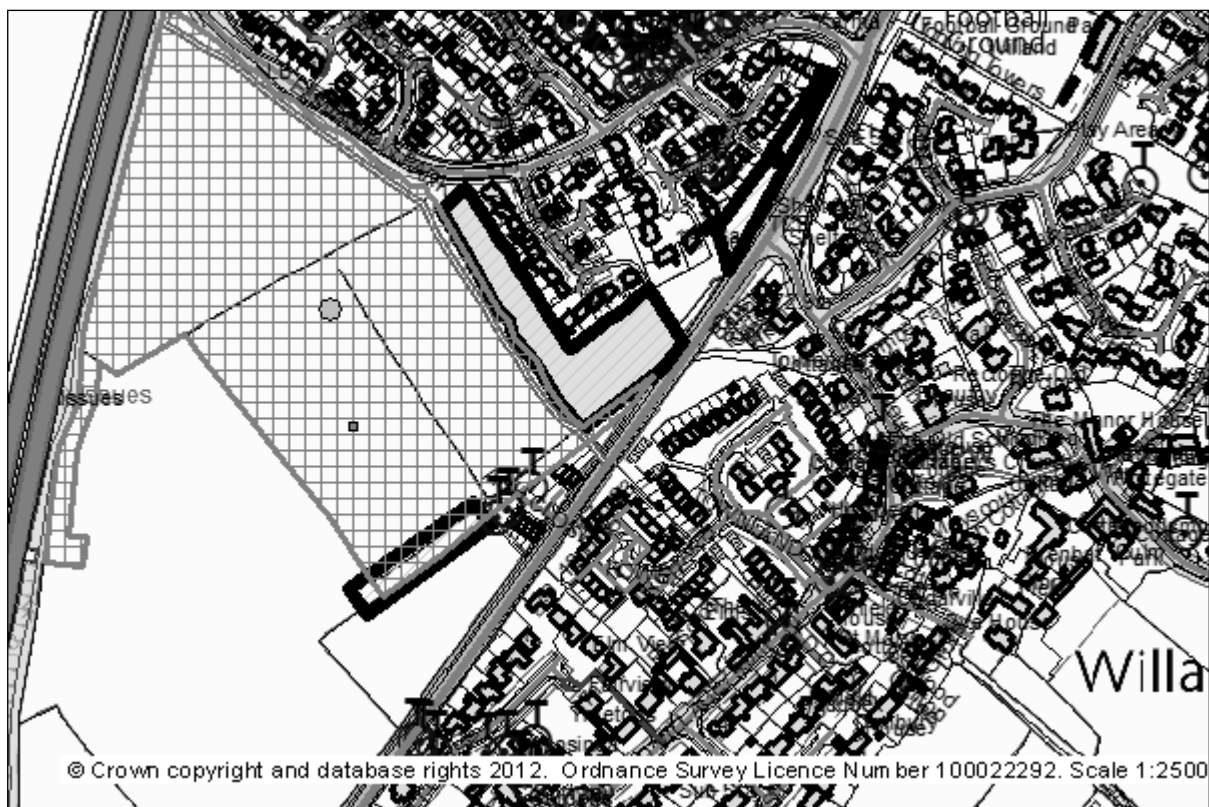
Grid Ref: 303288 : 110467

Applicant: Gallagher Estates Ltd, Mr M Webber & Ms S Albright

Location: Land at NGR 303288 110467
Adj Meadow Park
Silver Street
Willand

Proposal: Outline for the erection of up to 125 dwellings with public open space and associated infrastructure

Date Valid: 26th January 2018



APPLICATION NO: 18/00175/MOUT

RECOMMENDATION

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

PROPOSED DEVELOPMENT

This is an outline application for the erection of up to 125 dwellings with public open space and associated infrastructure, with all matters reserved for future consideration. The access proposals are subject to a separate application appearing later on the agenda.

The site is located to the west of Silver Street, which is the main road running through Willand. Along the north eastern boundary of the site is Meadow Park, and it is the northern part of the site which is proposed for allocation for residential development of 42 dwellings in the Local Plan Review. The M5 motorway forms the western boundary of the site, with open fields to the south. The site is relatively flat and contains a number of existing hedgerows and mature trees.

The indicative layout plan submitted with the application indicates pedestrian access from Silver Street via an existing footpath, and vehicular access from Meadow Park. A noise bund is indicated along the western boundary, together with provision for Local Equipped Area of Play and SUD's attenuation.

Members will recall that an appeal at the site for 259 dwellings was dismissed in November 2017. The appeal decision will be discussed more fully later in this report.

APPLICANT'S SUPPORTING INFORMATION

Archaeological assessment
Heritage statement
DAS
Environmental Noise assessment
Flood risk assessment
Utilities assessment
Geo-environmental assessment
Transport assessment
Travel plan
Ecological assessment
Agricultural land assessment
Air quality report
LVIA
Tree Survey
Carbon Reduction statement
Economic benefits information
Planning statement
Statement of Community Involvement
Waste Audit statement

RELEVANT PLANNING HISTORY

88/00057/FULL - REFUSE date 6th April 1988
Erection of 126 houses, bungalows, garages, drainage and construction of vehicular access

16/00284/SCR - CLOSED date 1st March 2016

Request for Screening Opinion in respect of proposed residential development

16/01811/MOUT - REFUSE date 17th March 2017

Outline for the erection of up to 259 dwellings, with public open space, landscaping and associated infrastructure (APPEAL DISMISSED 03.11.17)

OTHER HISTORY

18/00177/FULL – PCO

Creation of new access for residential development of up to 125 dwellings – under consideration later on this agenda

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 Sustainable communities

COR2 Local distinctiveness

COR3 Meeting housing needs

COR5 Climate change

COR8 Infrastructure provision

COR9 Access

COR10 Strategic transport networks

COR11 Flooding

COR12 Development focus

COR17 Villages

COR18 Countryside

Allocations and Infrastructure DPD (Local Plan Part 2)

AI/DE/3 Affordable housing site target

AL/IN/2 Development without CIL

AL/IN/3 Public open space

AL/IN/4 Green Infrastructure

AL/IN5/ Education provision

AL/CU/15 Cullompton air quality

Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development

DM2 High quality design

DM4 Waste management

DM6 Transport and air quality

DM7 Pollution

DM27 Development affecting heritage assets

DM28 Green infrastructure in major development

Devon Waste Plan

W4 Waste Prevention

National Planning Policy Framework

CONSULTATIONS

WILLAND PARISH COUNCIL - 26th February 2018 - Willand Parish Council discussed this application at their meeting on 22 February and unanimously strongly object to it. The reasons and matters considered are set out in the following paragraphs.

1. Status and Designation of Site under current Policy.

1.1 In the Core Strategy adopted in 2007 and intended to be valid until 2026, Willand is designated as a village. In paragraph 1.10, following a table summarising housing and population growth between 1981 and 2001, it showed that Willand was third in the District for housing completions and population growth after Tiverton and Cullompton and before Crediton. It further stated that growth in rural areas had been considerable (particularly Willand, which has virtually doubled its population in that time). It should be noted that few facilities had been provided for the population in that time or since. Planned facilities attached to applications were subsequently dropped and the sites used for more housing. Community Infrastructure needs in a report by Devon County Council in 1970 identified a number of community infrastructure needs, one being a Health and Community Centre, and we still do not have one. There has been an increase in employment provision.

1.2 Villages COR 17 identifies Willand as a settlement with some local facilities and employment with access to public transport. It states that development will be limited to minor proposals within defined settlement limits. The application site is outside of the current settlement limit for the village, although on the edge, and is therefore Countryside under the Core Strategy.

1.3 Countryside COR 18 states that development outside the settlements defined, of which Willand is one, will be strictly controlled. The proposed development of up to 125 houses does not fall within any of the suggested appropriate criteria for development in the countryside. The application therefore should not be approved [see later regarding five-year land supply].

1.4 The Allocations and Infrastructure Development Plan Document adopted in January 2011 did not allocate any land within the Willand Settlement Limit for development other than to refer to approval of potential windfall sites.

1.5 Two sites were identified outside of the settlement limit for affordable housing if a proven need was identified for housing to meet emerging local (Willand) needs; AL/WI/1 - Willand Moor for 10 houses and AL/WI/2 - West of B3181 35 houses.

1.6 AL/WI/2 has had seven houses built on it and permission has recently been granted for a further 28 affordable houses to be built to complete the site although work has not yet commenced at the time of writing this response. This site is adjacent to the applicant site.

2. Status and Designation of Site under Local Plan Review 2013 - 2033

2.1 This plan has been submitted to an Inspector but it has yet to be approved. It is considered that it is still relevant to compare the current policies with the emerging proposed policies, particularly in relation to this application site where there is a consistent approach in policy from the current to the proposed plans.

2.2 Villages Policy S 13 identifies Willand as a rural settlement designated as a village suitable for limited development. Development will be limited to proposals within their defined settlement limits. Those allocations will be for:

- a) Small scale housing, employment, tourism and leisure;
- b) Services and facilities serving the locality; and
- c) Other limited development which enhances community vitality or meets a local social or economic need.

The applicant site is outside of the current settlement limit but under the plan the settlement limit is proposed to be extended to include part of this application site on which it is proposed to provide 42 houses. This is still a major development for a village under planning guidance.

2.3 Under paragraph 2.78 it states:

"Rural areas are expected to accommodate approximately 10% of the housing requirement for Mid Devon up to 2033. 330 dwellings have been allocated and are considered available, suitable and achievable, capable of coming forward within the first 10 years of the plan." These 330 houses are to be divided between the 22 settlements identified in the policy which equates to 15 dwellings per settlement. Willand has been designated to take 42 houses and therefore have been allocated 12.7% of the rural allocation when a proportionate amount would have been 4.5%. 35 houses have been approved (7 already built) under current policy AL/WI/2. The implications of this are dealt with later in this response.

2.4 Countryside Policy S 14 states that: "Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy."

The bulk of the proposed site for this application will still be outside of the proposed new settlement limit and should benefit from the protection of this policy.

2.5 Under paragraph 1.21 of the emerging plan it states: "The Local Plan Review replaces and supersedes the policies of the previous Local Plan that was adopted in three parts:....". There then follows a table showing all the proposed changes. In relation to Willand it shows:

"AL/WI/1 - Willand, Willand Moor - Deleted: Site has not come forward since allocation. Alternative allocation within the village in Local Plan Review."

"AL/WI/2 - Willand, West of B3181 - Replaced by: WI1 Land East of M5, Willand."

2.6 Rural Areas. Under paragraph 3.186 it states: "Twenty-one housing sites are allocated in rural areas and are considered achievable in principle, corresponding to rural settlement maps that accompany this document. Most housing allocations in rural areas are expected to deliver around 20 dwellings per hectare due to the low density character of existing village development, but in some cases a higher or lower density is justified."

The following table then gives the following information:

Parish/location - Willand; Policy - WI1; Site - Land east of M5; Gross Site Area (ha) - 2.9; Net Site Area (ha) - 1.74; Uncommitted Local Plan allocations - 42.

2.7 Policy WI1 - Land east of M5, Willand is set out fully together with the two supporting paragraphs:

A site of 2.9 hectares at land east of M5, Willand, is allocated for residential development subject to the following:

- a) 42 dwellings with 30% affordable housing;
- b) Provision of buffer zone and appropriate planting to mitigate noise from the adjacent motorway;
- c) Mitigation of any wildlife impact including protection of trees;
- d) Transport assessment of capacity at the junction of Silver Street and Meadow Park; and
- e) Retention and enhancement of the public right of way.

3.236 The site is located to the south of Willand, adjacent to modern housing to the north and the M5 to the west. Noise from the M5 should be mitigated by a buffer zone and planting along the boundary to ensure residential amenity is not adversely affected. The site has a number of mature trees on the eastern boundary and established woodland along the north

east boundary. Mitigation measures should be taken to ensure there are no adverse impacts on any of the surrounding biodiversity.

3.237 A Transport Assessment of the capacity of the junction of Silver Street and Meadow Park may result in a different number of dwellings from the number allocated. The current public footpath across the northern boundary of the site should be retained and enhanced.

3. Lack of 5 Year Land Supply and implications of Inspector's Appeal Findings.

3.1 It is accepted that Mid Devon District Council does not have a 5 year current housing land supply. This has resulted in a number of speculative planning applications from developers which are contrary to existing or emerging plan policies. The developers have cited the lack of supply and therefore indicated that the relevant provisions of paragraph 14 of the NPPF should take effect.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

For decision-taking this means: 1

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

3.2 Interpretations of the implications of this guidance are varying with respective sites and application detail. It must be recognised that Inspectors are individuals and may interpret information and circumstances differently. It should also be noted that the situation surrounding the 5 year land supply argument is evolving with Government Ministers considering new powers to deal with developers who have planning permission on sites for some 420,000+ homes which they are not building or are building at a slower rate that they were a few years ago.

3.3 The most relevant findings to this current application is the report of Planning Inspector Mr H Baugh-Jones BA(Hons) DipLA MA CMLI in relation to Appeal Decision [APP/Y1138/W/17/3172380] reference to application 16/01811/MOUT for 259 houses on this and an adjoining package of land. Whilst recognising the failure to have a 5 year land supply and the fact that the emerging local plan had not been approved he did make observations which supported the relevance of current and emerging policy and the weight he gave to them.

3.4 The comments referred to at 3.3 above are [Underlining is that of the consultee for ease of reference]:

(a) 4. It is common ground between the parties that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites (the five-year housing land supply (HLS)) and that having regard to paragraph 49 of the National Planning Policy Framework (the Framework), the tilted balance contained within Framework Paragraph 14 therefore applies.

(b) 7. The policies that feature in the Council's reasons for refusal of the application and which are therefore relevant to the determination of this appeal are: CS COR 1 (sustainable communities); COR 9 (access); COR 12 (development focus) and DMP policy DM1 (sustainable development).

(c) 10. Although not included in the putative reasons for refusal, CS policies COR 17 and COR 18 are relevant and have been referred to by both parties. COR 17 designates a number of rural settlements as 'Villages' wherein development will be limited to minor proposals within their defined settlement limits and to allocations for: affordable housing meeting a local need; small scale employment and tourism; services and facilities serving the locality; and other very limited development which enhances community vitality or meets a local social or economic need. Policy COR 18 seeks to strictly control development in the countryside and sets out a number of criteria against which development will be permitted in these areas. The broad objective of the policy is to enhance the character, appearance and biodiversity of the countryside by focussing growth in the market towns to reinforce their social and economic role and enhance self-sufficiency. Based on all that has been put to me, I am satisfied that these two policies are relevant to my considerations in this appeal and I have therefore taken them into account in reaching my decision.

(d) 13. In my view, it is reasonable to conclude that there is a vast gulf between the scale of development proposed and what the development plan envisages for villages such as Willand as expressed in CS policy COR 17. I therefore consider the proposal to be in conflict with this policy.

(e) 14. The proposal would provide a substantial development of market housing and although there would also be an affordable housing element, this would be as a percentage of the total number of dwellings and there is no evidence before me that it would relate to an identified local need. Accordingly, the appeal scheme would not meet any of the criteria set out in policy COR 18 and therefore conflicts with it.

(f) 16. As part of its Local Plan review, the Council has allocated land for development on part of the appeal site, which demonstrates a clear recognition that in order to meet its aspirations for housing growth, not all development can take place within the existing built confines of settlements. Given the current stage of the Plan's preparation I do not consider that its policies can be given any more than limited weight in this appeal. However, the general approach of allocating a site to accommodate a modest number of dwellings in Willand accords with the broad principles of the CS and the Framework in seeking to ensure the level of development is adequately supported by infrastructure and to support its health, social and cultural well-being.

(g) 17. The proposal would very substantially increase the size of Willand. Within the village, there are a number of dispersed services and facilities. However, taking into account the existing size of the settlement, they represent a somewhat basic and modest level of provision.

(h) 19. Although the appeal scheme proposes to contribute financially towards education and healthcare facilities in Willand, there would be no corresponding increase in the number of other services and facilities. I recognise that the existing businesses would not necessarily be harmed economically but the scale of the development would be at odds with the Council's strategy for locating the majority of new housing in and around the larger settlements in Mid Devon. For these reasons, the proposal conflicts with CS policies COR 1 and COR 12.

(i) 51. CS policies COR 17 and COR 18 are contributing to a restriction on bringing forward development in the District in line with the Framework requirement to boost significantly the supply of housing. Accordingly, the appeal scheme's conflict with these policies is limited.

(j) 53. However, the emerging Local Plan Review envisages 42 dwellings including 30% affordable housing for Willand. This is very substantially lower than both market and affordable housing growth proposed in this appeal. Even if I were to accept that the need for housing could be greater than planned for in the CS in order to reflect the Full Objectively Assessed Need for Mid Devon, I am not persuaded that a development on the scale proposed would be likely to reflect a requirement to meet identified local needs for either market or affordable housing. Furthermore, I have not been made aware of a pressing need for affordable housing in Willand such that the scale of housing proposed should override the provisions in the development plan.

(k) 54. Moreover, all of this must be considered in the wider context of creating a mixed and balanced community as promoted by the Framework. I am not persuaded that the proposal would make satisfactory provision for the shops and services that would be necessary to meet the growing needs of a village resulting from such rapid and substantial expansion. The influx of new households on the scale proposed would place additional pressure on the overall limited range of services and facilities in the village and whilst I accept that it is not necessary for the proposed development to be self-contained, I consider it would unbalance the settlement and undermine social cohesion. I give significant weight to the appeal scheme's conflict with the development plan and the Framework in this regard. This in turn limits the weight that I give to the appeal scheme's contribution to market and affordable housing.

(l) 55. Given that the Framework seeks to promote the vitality of our main urban areas, it seems to me that this chimes with the Council's development focus as expressed in CS policy COR 12. Insofar that CS Policies COR 1, COR 9, and DMP policy DM1 also seek to promote sustainable forms of development; I consider them to be in general conformity with the broad sustainable development objectives of the Framework. I therefore give significant weight to the appeal scheme's conflict with these development plan policies.

4. Current Application Detail and local Observations.

4.1 The outline application is to build up to 125 houses on the site with public open space, landscaping and associated infrastructure. There is also a separate Full planning application in respect of the access to the dwellings from Meadow Park. It is questionable if it is practical or appropriate to deal with the access separate from the housing development as the access is relevant to the approval for the number of dwellings when the emerging plan Policy WI1 - Land east of M5, Willand requirements are taken into account, particularly with reference to transport assessment.

4.2.1 Under current plan policy AL/WI/2 35 affordable houses [7 already built] have been approved on an exception site. Under the emerging local plan that site allocation was to be replaced by a new site under emerging local plan policy for 42 dwellings - Policy WI1 - Land east of M5, Willand - an increase of only 7 houses. The Parish Council has been advised that the emerging local allocation will not be altered so in effect the village of Willand will be increased by 77 dwellings. The latest figures show that the latest number of households in Willand is 1,419 which includes an increase of 51 (3.7%) from the last census. This has come from windfall sites within the settlement limits and there has been little or no community infrastructure to support that increase. The increase of 77 houses amounts to a further 5.4% increase on the latest figures.

4.2.2 If the 125 are approved this will be another 83 households on top of the 42 planned. Add to that the 35 that have been approved on the exception site, Willand will expand by a further 160 households which amounts to an increase of 11.3%. It must be questioned if this is proportionate for an allocation to a village under existing or emerging local plan policy or even NPPF?

4.2.3 The latest figures for affordable housing need showed that Willand has a requirement of about 40 household units over the next five years - 35 are being provided on the exception site. The proposed 42 houses would have a 30% allocation for affordable housing = 12/42. This more than caters for the foreseeable needs of Willand. The proposal from the 125 application would give a 35% = 44 allocation of affordable houses which would make a total of 79 units, well in excess of the requirements of Willand.

4.2.4 In addition to this provision would be the cumulative provision of at least another 30 units of affordable housing on land off the Uffculme Road within a mile of the Willand boundary. There is also development of 600+ houses to the North of Cullompton which will be a mix of Market and Affordable Housing.

4.3 Policy W11 - Land east of M5, Willand allocates a land area of 2.9 hectares for the provision of 42 houses. There is no mention of public open space or equipped play areas. The application site is approximately 6.4 hectares. This is an increase of 3.5 hectares = 121% over planned allocated area. Instead of 42 houses it is proposed to have up to 125 an increase of 83 = 197.6% over planned housing. If one takes the 35 affordable houses also approved on a site which was to be replaced by the 42 there is an increase of over 281% of housing than was planned for under the emerging local plan. Other than offers of contributions to education and public open space no provision is being made to enhance the social cohesion or wellbeing of the community.

Noise

4.4.1 There are concerns as to noise from the M5 being above the accepted limits. Policy W11 (b) states that there should be "provision of buffer zone and appropriate planting to mitigate noise from the adjacent motorway." A noise bund and planting is proposed along the M5 boundary with planting but the number of houses proposed would not appear to permit the width of buffer zone which could be achieved with the planned 42 houses.

4.4.2 Work has been undertaken with regard to assessing potential noise on the site caused by traffic from the M5 and a detailed report submitted as part of the application. It is referred to in the Planning Statement where paragraph 5.82 states: "The site has been designed to maximise the reasonable protection from an acoustic barrier along the motorway boundary, and to utilise new buildings as a screen for those further removed from the motorway." Enhanced glazing and ventilation is discussed for these 'buffer properties' but it would appear that to open a window may not be an option. Although a matter for Reserved Matters, if outline consent is approved, it is asked if this is where the 'clusters' of affordable housing would be?

4.4.3 Paragraph 5.85 of the Planning Statement states: "In respect of noise levels in external amenity spaces, it has been concluded that noise levels in a number of gardens, particularly to the west sides of the site would fall above the usual criteria of acceptability. A 2m high fence close boarded fence to the southwest boundary and individual gardens elsewhere should ameliorate the situation to a certain degree. In some of these situations, however, it may be necessary to accept a level of noise which is marginally above the usual design guidelines. For the large majority of gardens across the site, however, the predicted noise levels will be comfortably below these criteria." Is it appropriate, acceptable or sustainable to allow a development which could have an adverse effect on the health and wellbeing of residents, either in their homes or on public or private amenity space through excessive noise levels?

4.4.4 The Parish Council have been advised that the timing and weather conditions present during when the measurements were taken for the report were rather favourable to the

findings and more overcast weather and a different wind direction would have given higher and less favourable readings.

Public Open Space

4.5.1 The concept plan can be misleading as it shows considerable green open space. This land lies low and does not drain well and holds considerable amounts of surface water. This is added to by water draining down from the B3181 into a ditch leading onto the site at the North East Corner. Unless drained properly the proposed play area will be unusable whenever the weather is wet. This could also be a problem with other areas. Retention of hedges, drainage ponds and the motorway bund will also reduce useable space for people and so the described area of public open space is overstated. Protection measures for the hedges and trees during construction are outlined in reports with the application. If the application is approved then conditions or protection orders need to be put in place to ensure retention and protection after the completion of the site and well into the future.

4.5.2 There is no provision for any allotments. Willand has a site for allotments which has a waiting list and even with splitting the larger allotments into smaller units has not met the need. A commissioned study of public open space has shown that Willand has a shortfall of 64% for the size of population and so for this development to 'buy' provision elsewhere in the village is not an option. Contribution could be made to improving what is already there but it will not make additional space available.

4.5.3 There is a public footpath running along the Northern edge of the proposed site which is adjacent to protected woodland for part of its length. This is the only 'non-tarmac' surfaced footpath left in the village with woodland/hedge on one side and open fields on the other. Policy WI1 e) Retention and enhancement of the public right of way is required. The suggested 10m wide path area with potentially another 10m of private amenity space before any buildings will leave room for conflict with potential trespass by persons or dogs. If the application is approved then enforceable conditions need to be in place to maintain the public footpath access as it is suggested by the developer that this site may take four years to be completed.

Transport

4.6.1 Policy WI1 d) Transport assessment of capacity at the junction of Silver Street and Meadow Park. A transport assessment has been carried out as a desk bound and computer model in the main. It cannot be seen that any practical account has been taken of the effect of school drop off and collection or the on-street parking during evenings or weekends. No account seems to have been taken of the on-road parking and traffic movement through the junction when Willand Rovers have home games. No account has been taken of the extra traffic past the junction on the B3181 when the M5 or other roads are closed and this is used as a diversion route. An event which seems to be happening with greater frequency.

4.6.2 The impression is given that the development will provide pedestrian access to Silver Street and Meadow Park but it already exists for the public footpath. The pavement on the B3181 approaching the Old Village junction is only 1.4m wide when the hedge is cut back properly when it needs to be widened to at least 2m to cater for increased pedestrian traffic and ensure pedestrian safety from passing traffic close to the kerb edge.

4.6.3 The DCC Highways advice is not available at the time of submission of this response and so further comment may be submitted for consideration when it is seen.

5. Benefits and Harm

5.1.1 There would be economic benefits:

- (a) in the short term during construction with expenditure on jobs and materials.
- (b) £174,000 additional Council Tax revenue per annum for Mid Devon District Council;
- (c) £42,560 total New Homes Bonus payment to Mid Devon District Council over 4 years.
- (d) Increased expenditure in local business.
- (e) Monetary contributions to some local facilities.

These in the main summarise economic benefits to Devon and Mid Devon with limited benefit to Willand Village and its community.

5.1.2 The harm to the village can be identified as direct adverse impact or harm through cumulative effect.

- (a) The increased population will adversely affect the community cohesion of the village by the larger population being susceptible to isolation and difficulties in integration.
- (b) The extra pressure placed on facilities within the village:
 - (i) The school will be taken over capacity and there is little room for more class rooms or expansion of the building without reducing already inadequate hall, dining and outdoor play space;
 - (ii) The pre-school is at capacity and turning children away. DCC say that capacity can be found in the private sector BUT local experience is that there is a demand on the current facility which is looking for nearby premises to expand;
 - (iii) The Church and Church Hall have no room for expansion and are at capacity;
 - (iv) The Village Hall is in demand at peak times and is having to turn away bookings from local groups;
 - (v) The Youth Club, Brownies, Cubs, Guides and Scouts all have difficulties in coping with demand;
 - (vi) The Doctors Surgery operates only part time and is small and does not conform to the latest NHS requirements;
 - (vii) On street parking and other traffic issues have an adverse effect at times and this will be added to by such a major unplanned development.

6. Possible Reasons to Support Refusal of Application.

6.1 The site is outside of the settlement area of Willand and is in Countryside therefore contrary to current core strategy (CS) policy COR 18. Development outside of defined settlements should be strictly controlled.

6.2 If the settlement limit were to be extended to include the application site under CS Policy COR 17 it is a major development and not a minor proposal as covered by the policy. It is not required to meet a local affordable housing need as that has been met by recent approval of an exception site. It would not enhance the community vitality or meet any proven social or economic need.

6.3 The proposed development fails elements of CS policies COR 1 - Sustainable Communities and COR 12 - Development Focus. It would conflict with Development Management Policy (DMP) DM 1 - Sustainable Development Principles. Regardless of the proposals put forward regarding travel planning and the use of public transport people will use their cars to access the wider community and facilities and so there could be conflict with elements of CS Policy COR 9 - Access.

6.4 There are consistent similarities of policy contained in the emerging Local Plan Review 2013 - 2033. This plan may not yet attract great weight being attached to its policies but it does show a consistence of policy conformity with the NPPF. In the recent appeal report by the Inspector, in referring to current policy, in paragraph 55 he stated: "I consider them to be in general conformity with the broad sustainable development objectives of the Framework. I

therefore give significant weight to the appeal scheme's conflict with these development plan policies."

6.5 Policy S 1 Sustainable Development Priorities - a) places the development focus on the three main towns. Policy S 2 Amount and Distribution of Development states that development will be concentrated on the three main towns and that the Rural Areas should contribute 786 dwellings. There are 22 designated villages and so Willand should provide 36 of these over the plan period to be proportionate. Willand in fact was allocated 42 and 35 affordable have since been approved (7 built) giving a total of 77 houses - 114% over proportionate distribution of housing commitments set out in the emerging plan.

6.6 Policy S 5 will not be met regarding Allotments or Recreation Space. Space is not available offsite to provide the policy requirements.

6.7 Policy S 8 Infrastructure. None of the utilities

HIGHWAY AUTHORITY - 19th April 2018 - The Highway Authority has viewed the site and its access subject to separate application

18/0177/FULL. The Highway Authority has considered the transport assessment and is satisfied with its contents and the figures and conclusions. The Highway Authority have taken into consideration the parish concerns over the survey data being outside school operating dates and the increase in activity around pick up and drop off. The proposed development will generate 28 movements in the Am peak turning left and less in the PM this represents 6% of the traffic along silver street in the Am peak in august and will be less than 6% with the anticipated increase in school traffic but this is likely to be a negligible number. The Highway Authority have previously accepted the survey data in an earlier application and it would be unreasonable not to do so for this application. More over accident statistics show 3 slight accidents in the vicinity of the school none are related to each other and no pattern of causation gives rise to a specific reason. Notwithstanding the Highway Authority is investigating further.

The parish has raised the policy requirement for the improvement of the footways to the village centre, The Highway Authority would concur that the footway width could benefit from widening to a minimum of 2.0m throughout, but this will require land outside of the control of the Highway Authority but I am led to believe this is in the control of the District council. The vegetation adjacent to the footway overgrows the existing footway and should be cleared to the edge of footway and to a minimum height of 2.4m and maintained as such as a bear minimum. To widen the path may require the removal of hedge and trees. Utilisation of the off road track to the east of the site should be made and it should forma footway / cycle way with access to the proposed development.

The application should be subject to an appropriate legal agreement under the Town and Country planning act to deliver the Travel Plan, a bus contribution of £100,000.00 towards the improvement of the number 1 service to be phased at £20,000.00 per annum over 5 years with initial trigger being on the occupation of the 25th Dwelling, Improvements to the footways to village centre along Silver street.

In addition the following conditions should be imposed.

Recommendation:

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

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

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

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

REASON: To ensure the proper development of the site.

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

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

The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

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

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

C) The cul-de-sac visibility splays have been laid out to their final level;

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

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

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

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

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

DCC – FLOOD/COASTAL TEAM RESPONSE – 22nd Feb 2018 - 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:

The applicant should explore the use of a variety of above ground source control features across the whole site to avoid managing all of the surface water from the proposed development at the single attenuation pond. This will reduce the likelihood of the pond silting up due to suspended sediments within the runoff. These features could include underdrained permeable paving, formalised tree pits or other bio retention features such as rain gardens, as well as green roofs, swales and filter drains.

DEVON COUNTY EDUCATION - 14th February 2018

Devon County Council would like to provide an education response for the application above.

The proposed increase of 125 family-type dwellings, will generate an additional 31.25 primary pupils and 18.75 secondary pupils.

There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards education would not be sought for this development.

DEVON COUNTY EDUCATION - 21st March 2018 - When requesting contributions from development, we take the capacity of the school and then take off the forecast number of pupils on roll and any pupils that are expected to be generated by development which has been permitted. When this is taken off the school's capacity, we are left with the forecast spare capacity. We then calculate the number of pupils expected to be generated by the development proposed in an application and if this is greater than the forecast spare capacity, we will request contributions from development.

We regularly review our information including the forecast number on roll as well as the capacities of the schools, which will influence how much spare capacity there is.

In the case of Willand, the capacity of the school was updated so the school was able to take more pupils than suggested by the previous information. This change happened in the time between the two applications and resulted in the data showing there was not sufficient spare capacity for one application, but spare capacity for the later application.

DEVON COUNTY EDUCATION - 28th March 2018

As records have been updated since the earlier applications, I cannot revisit the information to confirm any older changes that have been made to the data. Pupil forecast information is updated annually which does impact the spare capacity at the schools.

I can advise on the specific issue that has occurred recently which has resulted in different responses to the planning applications. The net capacity of schools is reviewed and updated periodically on our records, which informs our responses to planning applications. During the latest review, which was in October, the net capacity of Willand was updated. It had previously been recorded as 380, which was an error, and was consequently updated to 416. This change in capacity, although there was no actual change in the capacity of the school, impacted on whether we requested for contributions or not. Should developments be permitted in Willand which fill up this spare capacity, we will again request for contributions, but until this point, we would not be able to.

I recognise that for earlier applications e.g. South View Road, the higher capacity of the school was used in the response to the application. Unfortunately, at some point an error occurred and the older (lower) capacity was again used. As this has now been rectified, any future inconsistencies should be avoided.

PUBLIC HEALTH - 22nd February 2018

Contaminated Land - no objection to this proposal

Air Quality - no objections to this proposal

Environmental Permitting - no objections to this proposal

Drainage - no objection to this proposal

Noise & other nuisances - no objection to this proposal

Housing Standards - no comment

Licensing - no Comments

Food Hygiene - not applicable

Private Water Supplies - not applicable

Health and Safety- no objection to this proposal enforced by HSE.

DEVON, CORNWALL & DORSET POLICE - 12th February 2018

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

However, please note the following initial comments from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.

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

Structure: Places that are structured so that different uses do not cause conflict

Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.

Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016

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

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

With an application of this size, areas of concern tend to be in relation to defensible space, clear ownership of property including parking spaces, defensive planting and unwarranted permeability allowing potential offenders to wonder unchallenged.

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

If existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Early consultation with the police frequently prevents delays further down the planning process when crime and disorder issues present a problem with the layout of a submitted design.

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.

DCC RIGHTS OF WAY OFFICER EAST - 5th March 2018

The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition, it is also responsible for the maintenance of recreational trails and unsurfaced roads.

Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 - Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 75).

Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.

It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.

Assessment of application

Willand Public Footpath Number 2 is a highway in law, recorded on the Definitive Map of public rights of way.

The proposals as submitted 18/00177/FULL and 18/00175/MOUT would have a direct effect on the public right of way as identified on the drawing number 3207 (Turley - Masterplan) and drawing number W15279_A_005 and would lead to an increased use.

Application number 18/00175/MOUT indicates that a new estate road bisects Public Footpath Number 2, Willand.

Response

The Public Rights of Way Team wishes to impose a holding objection to the above two applications until the applicant has provided further details, and subject to the conditions outlined below.

The holding objection is based on the fact that the proposals do not address the impact on the legal public right of way and would have a detrimental impact on the use and amenity of public rights of way in the locality.

Conditions

The County Council would require provision of a safe pedestrian road crossing scheme to alleviate the issue of the proposed bisection of Public Footpath Number 2 Willand.

The County Council would also insist that the existing Public footpath be upgraded to address the issue of increased usage. This would require a minimum surfacing standard of a 1.5 metre width path surfaced with a 100mm depth of sub base topped with a blinding of 6mm to dust. Any upgraded surface must also be correctly profiled and include drainage catchments and pipes.

It should also be noted that the requirement for a stile at the North end of the footpath would no longer exist and therefore should be removed.

The County Council also raises the following minimum general conditions covering submission of details.

- Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for the design of public rights of way routes and their surfacing, widths, gradients, landscaping and road crossing points.

Reason: In the interests of the amenity and safety of the public.

- Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: in the interests of the amenity of the public.

- Provision shall be made for the installation and maintenance of a drainage system to ensure that no water from the permitted area flows onto the public right of way.

Reason: in the interests of highway safety and safeguarding the local environment.

Information

Please note that should the District Council grant planning permission it does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way without following the due legal process including confirmation of any order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity. Further information about public rights of way and planning is available on our website.

If permission is granted, please include as footnotes in the decision notice:

The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.

Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed.

NATURAL ENGLAND - 21st February 2018

No comments.

SOUTH WEST WATER - 27th February 2018 - , the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3.5 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

REPRESENTATIONS

11 letters of objection have been received raising the following concerns:

- Primary school and particularly its hall facility and community health centre would be unable to cope with the influx of people;
- Prefer to look across open fields;

- Silver Street is a relatively narrow road and is very busy. Development will increase traffic congestion;
- The junction of the site is close to the junction with Old Village road;
- Schools in the area cannot cope with the current number of pupils;
- Do not believe that the area is in need of so many houses;
- Worry about the rural area surrounding the village;
- Willand has been built on at a far greater rate than any other village in Mid Devon with no improvement to infrastructure or facilities;
- The site is regularly used by dog walkers and has a public right of way that is well used;
- Development would worsen traffic queues at the two nearby motorway junctions;
- Potential increase in road traffic along Meadow Park;
- The junction between Meadow Park and Silver Street can already be problematic, mostly when Willand Rovers are playing at home or when the mobile food outlets are operating;
- Site is not part and contrary to current policies of the Local Plan;
- Increase in flood risk;
- Vehicles speed along Silver Street.
 - Prime agricultural land
 - Sewage system unable to cope
 - Loss of rural feel to village
 - Damage overall community dynamic
 - Flooding on B3181 makes it impassable between Willand and Cullompton in times of heavy rain
 - Noise from motorway and impact on new residents
 - Development of site would negate positive impacts of the Woodland Trust site next door
 - Always issues for houses with trees nearby
 - Smaller application than previous appeal application but just phase 1 at this stage, with phase 2 coming at a later date

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1) Planning history**
- 2) Policy and 5 year housing land supply**
- 3) Recent permissions and development in the locality**
- 4) Harmful impacts of the scheme**
- 5) Benefits of the scheme**
- 6) Neutral impacts of the scheme**
- 7) Planning Balance**

1) Planning History:

Last year, the LPA refused an application (ref: 16/01811) for 259 dwellings etc on this application site (together with further additional land). In November 2017, the appeal was dismissed. Given that there have been no changes to policy or progress with the Local Plan Review since that date, the Inspectors findings are still considered relevant to this proposal. References in this report to 'the appeal' relate to the above mentioned appeal and the bracketed numbers refer to the relevant paragraph in the appeal decision, a copy of which has been appended to this report.

2) Policy and 5 year housing land supply:

Policy COR17 of the Mid Devon Core Strategy (LP1) provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits (specifying minor proposals only) and permitted on allocations outside settlement limits. Policy COR18 seeks to control development outside

defined settlement limits to appropriate rural uses, excluding new market housing. Policy COR1 of the Core Strategy seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District.

The development is on agricultural land and at present the entirety of the site lies outside the defined settlement limit for the village of Willand. The Local Plan Review document proposes to allocate a belt of land along the northern boundary of the site for 42 dwellings (30% affordable housing) and to amend the settlement limit to include this land; the bulk of the site would remain in the countryside in planning terms. The site is not allocated and is not being proposed for 100% affordable housing.

The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan being a major proposal for residential development outside the current settlement limit. With regard to the Council's emerging policy, the strategy for development focus will be at Tiverton, Cullompton and Cullompton as identified in policy S1.

The LPA cannot currently demonstrate a 5 year supply of deliverable housing sites. The NPPF advises that where this is the case, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 11 of the NPPF (2018) states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be out of date. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF. The Inspector was clear that, in his view, (51)'policies COR 17 and COR 18 are contributing to a restriction on bringing forward development in the District in line with the Framework requirement to boost significantly the supply of housing. Accordingly, the appeal scheme's conflict with these policies is limited.'

3) Recent permissions and development in the locality

The Parish Council have expressed concern that account needs to be taken of other development in the village and locality when considering whether the scale of the proposed development is acceptable. The Parish Council have drawn attention to the allocations in the AIDPD and Local Plan Review (LPR). The AIDPD allocated land outside the settlement limit of Willand for affordable housing. Namely AL/WI/1 on Willand Moor for 10 dwellings and AL/WI/2 on land to the west of Silver Street for 35 dwellings. The LPR document table 2 states that AL/WI/1 has been deleted and 'alternative allocation within the village included in local plan review' and that AL/WI/2 has been 'replaced by WI1'. So the 45 dwellings previously allocated in the AIDPD have been replaced by an allocation for 42, as per WI1 (land east of M5) in the LPR. In actual fact, the 35 dwellings on AL/WI/2 all have consent, with 7 having been built and work on the other 28 having started on site so the Parish are of the view that account needs to be taken of the fact that the village is already expected to

accommodate the 35 dwellings plus another 42 which equates to 77 dwellings rather than the 42 envisaged in the LPR. Table 2 in the LPR causes confusion because it uses the word 'replaced' but in reality AL/WI/2 was deleted because at the time it wasn't coming forward, and WI2 was allocated in its place. Although AL/WI/2 has now been permitted, it doesn't preclude other development in Willand which is our largest designated village. The 42 is still needed to take us up to the plan period 2033. It is not considered unreasonable for a village such as Willand to accommodate a provision of 77 allocated dwellings over a 30 year plan period.

The Parish Council also advise that the latest figures for affordable housing need identified that Willand had a requirement for 40 dwellings over the next 5 years. 35 have been provided on AL/WI/2 and a further 12 would arise from the LPR allocation WI1 and 44 would arise from the current application, more than covering the identified need for Willand. Members should note however that housing sites which are not exception sites, are seeking to address a district-wide need for affordable housing rather than an identified local need and therefore this in itself is not considered to be a reason to refuse the application.

The Parish Council have expressed concern that much of the development which has occurred in the village has come from windfall sites where there has been 'little or no community infrastructure to support that increase'. Whilst this is largely the case, the last application of a size to require s106 mitigation (over and above the public open space and air quality requirements) was the application in 2013 at The Gables for 14 dwellings, whereby the Parish Council took control of the stable block via a s106 agreement as a location for a health and community centre project they wanted to get up and running.

As a result of development which has occurred in the village over recent years, the latest figures show that the number of households in Willand is 1,419. This would include the 7 units of affordable housing on Silver Street which have been occupied, but would not include the 28 units which have permission but not yet constructed. Therefore if you add the 28 units to the 125 being proposed as part of this application, this represents a 10.7% increase in households. Members should be mindful that the build out rates for developers are such that it is likely that this increase will occur over a period of about 4 years. In neighbouring Uffculme, 2 schemes have been granted on appeal totalling 90 dwellings which amounts to an 8.6% increase in households. The appeal scheme for 259 houses amounted to an 18% increase in households.

4) Harmful impacts of the scheme

In applying the tilted balance under paragraph 11 of the NPPF (2018), the LPA are required to weigh the benefits of the proposal against the adverse impacts. This section of the report therefore considers the harm which may arise from the scheme.

The Parish Council have set out their concerns in relation to the proposal at length and these can be found under the 'consultations' section above. They have consistently expressed concerns about the limited provision of services and facilities within the village and the impact that development on this scale may have on them.

In considering the proposal for 259 dwellings last year, the Inspector concluded that such development would result in harm to social cohesion in the village to such an extent that that the scheme should be refused, with comments such as:

'(17). The proposal would very substantially increase the size of Willand. Within the village, there are a number of dispersed services and facilities. However, taking

into account the existing size of the settlement, they represent a somewhat basic and modest level of provision' and;

'(54)...all of this must be considered in the wider context of creating a mixed and balanced community as promoted by the Framework. I am not persuaded that the proposal would make satisfactory provision for the shops and services that would be necessary to meet the growing needs of a village resulting from such rapid and substantial expansion. The influx of new households on the scale proposed would place additional pressure on the overall limited range of services and facilities in the village and whilst I accept that it is not necessary for the proposed development to be self-contained, I consider it would unbalance the settlement and undermine social cohesion. I give significant weight to the appeal scheme's conflict with the development plan and the Framework in this regard. This in turn limits the weight that I give to the appeal scheme's contribution to market and affordable housing.'

In considering the tilted balance (under para 14 at that time), the Inspector was clear that whilst a 5 year housing supply could not be demonstrated, the scale of the development proposed was at odds with both the development plan and the NPPF in terms of providing for sustainable development and as such he dismissed the appeal.

Since the appeal, there has been little in the way of change to the facilities available within the village. A new Co-op store is currently under construction at Mid Devon Business Park but not yet open, and the petrol filling station with small shop on the B3181 towards Waterloo Cross Roundabout has closed.

125 dwellings as proposed in the current application is still considered to be a substantial provision in a village where an allocation for just 42 dwellings has been proposed. Without any corresponding improvement to the facilities/services on offer in the village, your officers remain of the view that development of this scale would unbalance the settlement and undermine social cohesion. In his appeal decision, the Inspector made it clear that it was the lack of actual facilities within the village which was of concern to him. He noted that the developer was making contributions towards education and healthcare facilities but (19) '...there would be no corresponding increase in the number of other services and facilities' and (54) 'I am not persuaded that the proposal would make satisfactory provision for the shops and services that would be necessary to meet the growing needs of a village..' This application seeks to address this by proposing mitigation in the form of s106 contributions which will be covered later in this report.

The Parish Council have expressed their concern about noise, particularly in respect of whether occupants of the site can expect a reasonable level of amenity given the close proximity of the M5 to the site boundary. It is accepted that noise will need to be mitigated to make the development acceptable but your Environmental Health officers have not raised any objections and no such concerns were raised by the Inspector in his appeal decision and therefore the harm which may be attributed to this factor is limited.

In terms of the impact of the development on the character and appearance of the countryside, the Inspector considered this element too and concluded, '(15). It is common ground between the parties that there would be some albeit minor harm to the local landscape. The site would sit between the M5 and Silver Street and it is reasonably well-screened in most of the available views although there are areas along Silver Street and Meadow Park, where there are more open views. The proposed development would clearly change the character of this part of the countryside and the dwellings would have some presence in the available views although this could be mitigated by the use of

planning condition. Overall, I agree with the parties that there would be only minor harm to the character and appearance of the countryside.'

The Rights of Way Officer at DCC has requested further information be provided in respect of the impact on the public right of way which crosses the site to ensure that it is available at all times and suitably upgraded. They have also provided suggested conditions to be attached to the consent which in your officers opinion (given that this is an outline application only) can be adequately addressed in this manner.

The weight to be attributed to the harm which has been identified will be addressed in the planning balance section below

5) Benefits of the scheme

In applying the tilted balance under paragraph 11 of the NPPF (2018), the LPA are required to weigh the benefits of the proposal against the adverse impacts. This section of the report therefore considers the benefits of the scheme.

Clearly there is a District wide benefit to boosting the supply of housing at a time when the LPA are unable to demonstrate a 5 year supply. The provision therefore of 125 new dwellings must be considered a benefit to housing supply.

There is also a district wide need for affordable housing and this scheme proposes a 35% provision which would result in the provision of 44 affordable dwellings. The application proposes a tenure split of 60% affordable rent and 40% other with the unit mix (requested by Housing Options Manager) as follows:

- 1 Bed – 15%
- 2 Bed – 45%
- 3 Bed – 30%
- 4 Bed – 10%

The Housing Options Manager has advised that there are currently 44 people on Devon Home Choice wanting an affordable housing unit in Willand. Local need is currently being partly addressed through the on-site provision of 28 new dwellings at Silver Street and therefore the local need is limited to just 16. The provision of affordable housing is a benefit of the scheme but clearly is not limited to meeting an identified local need for affordable housing, which would weigh greater in the balance.

The applicants have provided an Economic Benefits Infograph which pictorially shows some of the economic benefits of the proposal during the construction and operational phases including £16.4m investment resulting in 47 FTE jobs per annum over the 4 year build programme, £3.9m economic output over the 4 year build programme with £2.1m in Mid Devon and £1.8m and £1m uplift in annual retail and leisure expenditure respectively equivalent to 11 and 29 FTE jobs respectively.

With regards to the concern expressed by the Inspector at the appeal about the impact of the proposal for 259 dwellings on social cohesion and the continued concerns from the Parish Council regarding the ability of the village to absorb a development of this scale, the applicant has engaged with officers and the Parish Council to understand where the particular deficiencies in supply exist. A meeting was held whereby a representative of the Parish Council and one of the Ward Members set out what the community consider to be the main projects which would need to be undertaken in the village to seek to mitigate the impacts of the additional population generated by the proposed development.

Members are reminded at this point about the basis on which a Local Planning Authority may request and accept s106 provision or contributions towards off-site provision or improvement of facilities in connection with a planning application.

Paragraph 56 of the NPPF (2018) and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

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

In addition, Regulation 123 seeks to ensure that required financial contributions would not breach the pooling restrictions in that no more than 5 contributions in total have been collected towards the same project.

In response to the meeting that was held and having considered the CIL Regulations set out above, the applicant has agreed to make the following financial contributions (their offer is on the basis of targeting any possible contributions at a smaller number of projects to try and ensure full funding and therefore deliverability rather than contributing to a wider range of projects on a more limited basis which would require top-up funding from elsewhere):

- i) Full funding of £250K for a 'studio extension' at Willand Primary School.- DCC Education Authority has advised that there is capacity at the school for the number of pupils which would be generated by the development proposal and as such they are not seeking any contributions from the developer. However, whilst capacity is not an issue the Ward Member and Parish Council representative were able to explain in detail to the applicant, the significant problems facing the school in terms of the facilities they have. The school have planning permission (17/00405/DCC) for a new studio which will also act as overspill for the dining facilities and various other uses (the Parish Council representative was able to explain that the current dining facilities were so inadequate for the number of children it served, that they had witnessed children having to queue for a period of time to wait for a seat whilst holding a plate of hot food). In addition, the lack of space in the school means that they rely on booking the village hall for some of their sessions, and consequently the village hall is overbooked on a number of occasions, preventing further community uses/classes/meetings from taking place. Consequently the Parish Council and Ward Member were clear that this was the main priority of the community in terms of the mitigation for any future development in the village as not only would it assist in the educational needs of the younger members of the community through the availability and suitability of general school accommodation, and the ability to deliver a range of services and full curriculum but it would free up valuable space in the village hall for other sectors of the community. In addition, the documents submitted with the application for the school extension stated that the design of the extension would enable 'better access for the community to use the school hall independently out of hours, therefore increasing the likelihood of it to be used by the community' although it does not seem at present like this is something the school are considering. DCC have confirmed that whilst they are not able to make a request for this funding, they would prioritise the spending of it, if it were to be collected via a s106 agreement.
- ii) The Willand Health and Community Centre project is to be located in the old stable building of The Gables. Members may recall that as part of the development of the land on which a former dwelling known as The Gables was located, the stable building was sold at a reduced value to the Parish Council for 'community uses'. The buildings are still currently vacant but more recently the Parish Council have

been approached by the Willand Pre-school who are looking to expand their current provision as they are currently turning children away. They have been in discussions with the Parish Council in respect of leasing half of the site for a pre-school. It is understood that the pre-school have the funding in place to upgrade the entire building, but that funds are still required to get the remaining half of the building fitted out to provide a memory café, day centre and other community facilities for use by residents of the village. Therefore the applicant is willing to make a £52,500 contribution towards the Willand Health and Community Centre project for the fitting out that part of the building to be used for a mixed community use to include memory café, day centre and other community uses. This will be of benefit particularly to those residents of the village who are older and may be experiencing social isolation – giving them somewhere to meet and socialise.

- iii) Contribution of £125K for the costs of upgrading the Jubilee Field BMX/Skate Park or other Recreation/Teen facilities in the village – The current skate park at the Jubilee Field consists of 3 small pieces of equipment on a hard surface. The BMX facility adjacent is a grassed provision consisting of an area of mounds and troughs. The applicant considers that this provision would give flexibility for the Parish Council to fully or partly fund this or other projects (such as other Trim Trail equipment at Jubilee Field or elsewhere in the village), to deliver increased provision for outdoor recreation for teens and the wider community
- iv) The applicant has also advised that contributions towards mitigating the impacts on the surrounding road network will also be provided as part of the s106 in relation to any grant of outline planning permission in relation to a) the implementation of a Travel Plan; b) Public Transport (Bus) Contribution of £100,000.00 towards improvement (increased frequency of service) of the Stage Coach No.1 service, to be phased at £20,000pa over 5 years, triggered on occupation of 25th Dwelling and; c) Improvements (widening) to Silver Street footway connecting to Village Centre

The relative weight to be attached to these benefits will be assessed in the Planning Balance section below.

6) Neutral impacts of the scheme

In considering the appeal the Inspector considered there were several elements with a neutral impact, these being highways, the impact on the conservation area and the retention of existing businesses

This is an outline application with all matters including access, to be determined at a later date. In this instance the access is the subject of a separate application (18/00177/FULL) to be considered later in this agenda. In determining the appeal for the 259 dwellings, the Inspector considered both local and wider highway impacts and came to the conclusion that, '(59) In terms of the transport impacts of the proposal, Paragraph 32 of the Framework says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. For the reasons set out in my consideration of the second main issue, I do not find that to be the case here and thus this is also a neutral factor in the overall planning balance.' This was on the basis of a package of Travel Plan measures being proposed by the applicant seeking to promote sustainable travel by all households in the development. The applicant is providing funding towards the bus service between Tiverton and Exeter as part of the current application to further boost the use of sustainable transport options and making improvements to footway provision in the vicinity of the site to promote pedestrian access to facilities and services in the village

Willand Conservation Area is centred around Willand Old Village and separated from the application site by an area of residential development in between as well as Silver Street

itself. The Inspector was therefore satisfied that the proposal would not result in harm to the setting of the Conservation Area.

Equally, at para (57) of the appeal decision he identified no harm in terms of the retention of existing local businesses

At the appeal, there were several areas identified as being common ground between the LPA and the applicant so the Inspector didn't consider them further. These were relating to drainage, trees and ecology.

The site is in flood zone 1 and not liable to fluvial flooding. However, the low lying parts of the site are wet and are therefore proposed to be used to attenuate surface water from the site or provide green infrastructure. The LLFA do not object to the proposal, no objections were raised in respect of flood or surface water runoff risk at appeal and therefore it is considered that the conditions put forward at appeal should be included with any approval.

South West Water has previously concerns regarding the capacity of the sewerage network to accommodate the additional flows arising from the development but were satisfied that their concern could be dealt with by condition.

Air Quality in parts of the centre of Cullompton are very poor and this has resulted in an air quality management area being designated. The applicants have provided information with their application regarding the impact of this development on the air quality in Cullompton and as such Environmental Health have raised no objections to the proposal on the grounds of air quality in Cullompton.

The site is bound on its northern boundary by mature trees, some of which lie within a woodland maintained by the Woodland trust and which are included within a Tree Preservation Order. Within the site are field boundaries comprising native hedgerow mixes and a number of specimen trees. Two Oak trees located along one of the hedgerows within the site are proposed for removal to facilitate access to the site and although they are reasonable hedgerow Oaks their loss could be mitigated with replacement planting, although as this application is in outline only, the precise alignment of the internal road is not determined.. The proposals include the retention of most of the hedgerows within the site, which along with the retention of the majority of the trees, would be of benefit to the character and appearance of the development. Conditions should be imposed with any grant of planning permission to secure an Arboricultural Impact Statement and Arboricultural Method Statement as part of reserved matters submissions.

The submitted Ecological survey identifies the presence on site of a number of different protected species, including badgers, bats and dormice. The survey makes a number of recommendations to preserve those habitats and also sets out mitigation measures that would be implemented in order to result in a net increase in biodiversity, which is in accordance with policies DM2 and DM28 of the Local Plan Part 3 (DMP).

7) Planning Balance

The Local Planning Authority cannot demonstrate a 5 year housing land supply.

The NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. There are no restrictive policies in the NPPF that indicate development should be restricted in this instance. At the heart of the NPPF is the presumption in favour of sustainable development, which has three mutually dependent dimensions - economic, environmental and social.

Policies COR 17 and COR 18 are contributing to a restriction on bringing forward development in the District in line with the NPPF requirement to boost significantly the supply of housing. Accordingly, the Inspector considered that whilst the proposed scale of the development was clearly contrary to both these policies, little weight could be attached to them.

The NPPF seeks to boost significantly the supply of housing. In this respect the Inspector was satisfied that a contribution of 259 dwellings to housing supply in a District where there is currently a shortfall carried significant weight and your officers are of the view that this is also the case with the 125 dwellings now proposed. The NPPF also says that local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. The current scheme would result in 35% of the total number of proposed dwellings being affordable, which on the face of it would represent a significant benefit but as set out above, the provision is for 35% provision in line with policy to meet a district wide need rather than an identified local need. The Inspector considered all of this in the wider context of creating a mixed and balanced community as promoted by the NPPF and this is where he considered that the harm caused to social cohesion as a result weighed against the development proposal.

In weighing the benefits against the harm in relation to the current application, your officers are of the view that there are 2 key differences between this and the appeal proposal to consider. Firstly, the proposed scheme is substantially different in scale to the previous application (125 dwellings as opposed to 259 dwellings) and secondly, the applicant has considered what could be done to mitigate the impact of the development on the stretched facilities in the community by offering financial contributions towards 3 high priority projects identified by the community itself. Without the offer to fully fund a major project to improve the facilities at the school, fit out the Health and Community Centre and to improve recreational equipment in the village which could be used by all sectors of the community, Officers would remain concerned about the level of development proposed and the effects on social cohesion. However, in balancing the benefits against the harm, significant weight has been given to the mitigation proposals which seek to provide a sustainable form of development – improving the facilities on offer in the village and by offering to fully fund projects to ensure that they are able to come forward in-line with the development of the site. Therefore the key difference between this and the previous scheme is that it seeks to address the Inspectors concerns that there would be no corresponding increase in the number of services and facilities – the mitigation being offered seeks to make the additional provision rather than just a contribution towards existing provision.

8) S106 heads of terms

As set out above, the recommendation to grant planning permission is subject to the prior signing of a s106 agreement as follows:

- a) 35% affordable housing (tenure mix, size mix and other details to be agreed);
- b) On-site provision and maintenance of LEAP for the lifetime of the development
- c) On-site provision and maintenance of SUD's for the lifetime of the development
- d) Submission, adherence to and reporting on a Travel Plan;
- e) Public Transport (Bus) Contribution of £100,000.00 towards improvement of No.1 service (by way of increased frequency of service), to be phased at £20,000.00pa over 5 years, triggered on occupation of 25th Dwelling;
- f) Improvements (widening) to Silver Street footway connecting to Village Centre;
- g) £250,000 contribution towards the implementation of planning application 17/00405/DCC to provide studio facilities at Willand Primary School

- h) £52,500 contribution towards the Willand Health and Community Centre project for the fitting out that part of the building to be used for a mixed community use to include memory café, day centre and other community uses
- i) £125,000 contribution for the costs of upgrading the Jubilee Field BMX/Skate Park or other Recreation/Teen facilities in the village

With regards to items g) - i) inclusive above, a trigger within the s106 requiring payment at an early stage will need to be agreed, to ensure that mitigation is in line with on-site development, the timing of which can be agreed with Ward Members for inclusion in the s106 agreement.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings of the access, layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The detailed drawings required to be submitted by Condition 1 shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of proposed public open space, and an ecological management plan based on the recommendations for ecological mitigation and enhancement contained in the submitted Ecological Appraisal.
5. As part of the Reserved Matters submission/s referred to in Condition 1, a Sustainable Urban Drainage Scheme and long term management and maintenance plan shall be submitted to the Local Planning Authority. The submitted details shall include a full drainage masterplan and associated drainage calculations together with a timetable for the implementation of the Sustainable Urban Drainage Scheme. The development shall be constructed and the Sustainable Urban Drainage Scheme provided, maintained and managed in accordance with the approved details submitted at Reserved Matters stage.
6. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed for the full construction period, has been submitted to and approved in writing by the Local Planning Authority. The plan must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site and must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the

management plan. Once approved the management plan shall be implemented in accordance with the approved details.

7. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan, to include engineering details for any areas of no-dig construction, has been submitted to (with or in advance of the first Reserved Matters application) and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
8. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
9. No other part of the development hereby approved shall be commenced until:
 - (a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 meters back from its junction with the public highway
 - (b) The ironwork has been set to base course level and the visibility plays required by this permission laid out
 - (c) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - (d) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
10. Prior to the commencement of development, full details of the off-site highway improvements to widen the footways along the B3181 in accordance with drawing number A-012 Rev: P1 received by the LPA on 13th July 2018 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved works shall be completed, in accordance with the approved details or subsequently agreed details, prior to any occupation of any dwelling on the site.
11. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:
 - (a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - (b) The spine road and cul-de-sac footways and footpaths which provide the dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - (c) The cul-de-sac visibility splays have been laid out to their final level;
 - (d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

- (e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - (f) The verge and service margin and vehicle crossing on the road frontage of this dwelling have been completed with the highway boundary properly defined;
 - (g) The street nameplates for the spine road and cul-de-sac have been provided and erected.
12. No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include, but shall not necessarily be limited to, details of the following:
- (a) parking for vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials;
 - (d) programme of works (including working hours and measures for traffic management);
 - (e) provision of any hoarding or temporary fencing; and
 - (f) measures to control construction noise, the emission of dust and the deposit of materials on the public highway.
- The development shall be carried out strictly in accordance with the approved Construction Management Plan.
13. The first Reserved Matters application to be submitted shall include a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of Public Open Space). The Strategy document shall set out the management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels. Reserved matters applications for the site shall incorporate the approved details.
14. As part of the Reserved Matters submission/s referred to in Condition 1, a Waste Audit Statement shall be submitted to and approved in writing by the LPA, setting out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall thereafter be carried out in accordance with the agreed scheme.
15. Prior to the commencement of the development hereby permitted, a detailed design and location plan for the proposed noise mitigation scheme (which may include a bund construction) shall be submitted for approval to the Planning Authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). Any bund shall not be constructed within 3m of the M5 boundary fence. Construction shall be carried out in accordance with the approved details.

16. Prior to the commencement of the development hereby permitted, a detailed surface water management plan with drainage calculations shall be submitted for approval to the Planning Authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). No additional flows shall be accepted into the highways drainage asset in line with DfT Circular 02/2013 (paragraph 50).
17. Prior to commencement of the development hereby permitted; details of the proposed acoustic fencing and its founding's shall be submitted for approval to the Planning Authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). The acoustic fence shall be constructed in accordance with the approved details.
18. Prior to any planting taking place on the western boundary and any bund, a planting schedule shall be submitted for approval to the Planning Authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). All planting shall be carried out in accordance with the approved details.
19. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer...
20. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
21. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Report Ref. B15279- FRA-01 v8 dated Jan 2018).
22. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
23. No development shall begin until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report

of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater's and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

24. No development shall begin until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
25. No development shall begin until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority.
26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 24, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 25.

27. No development shall commence until a scheme for Electric Vehicle Charging Points ("EVCP") has been submitted to and approved in writing by the Local Planning Authority, such scheme to include provision of at least a single EVCP for each dwelling comprised in the development which has a private driveway or garage within its curtilage ("Relevant Dwelling"). The installation of the EVCPs shall be completed in accordance with the approved scheme prior to first occupation of each Relevant Dwelling.
28. No development shall commence on site until a surface water drainage scheme based upon sustainable urban drainage principles (including a full drainage masterplan and associated drainage calculations) has been submitted to and approved in writing by the local planning authority, to include both the construction and operational phases of the development. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing by the local planning authority
29. Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for the design of public rights of way routes and their surfacing, widths, gradients, landscaping and road crossing points.
30. Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

REASONS FOR CONDITIONS

1. 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.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that surface water runoff from the development is discharged as high up the Drainage hierarchy as is feasible, and is managed in accordance with the principles of Sustainable drainage systems.

6. 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.
7. To ensure that the mature trees on site continue to contribute where possible to the character and appearance of the area
8. To ensure the proper development of the site.
9. To minimise the impact of the development on the highway network in accordance with Paragraph 109 of NPPF (2018).
10. To minimise the impact of the development on the highway network in accordance with Paragraph 109 of NPPF (2018).
11. To minimise the impact of the development on the highway network in accordance with Paragraph 109 of NPPF (2018).
12. To minimise the impact of the development on the highway network in accordance with Paragraph 109 of NPPF (2018).
13. In order to comply with the requirements of policy and to ensure that appropriate provision is in place for the recreational needs of future occupiers of the development
14. In order to comply with the requirements of policy DM4 of Mid Devon Local plan part 3 (Development Management Document) in relation to waste management.
15. To prevent any possible future claims for injurious affection due to traffic noise on the M5 being brought by potential residents of the proposed development.
16. To ensure that proposal will not have an adverse impact on the SRN drainage located at the toe of the batter slope supporting the M5.
17. To ensure the stability of the fence and to ensure it is provided to a suitable acoustic construction.
18. To ensure that the proposals do not cause issues with the existing Strategic Road Network (motorway).
19. To ensure that foul drainage from the development is adequately disposed of.
20. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.
21. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.
22. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
23. In the interests of public health and the protection of the environment.
24. In the interests of public health and the protection of the environment.

25. In the interests of public health and the protection of the environment.
26. In the interests of public health and the protection of the environment.
27. In order to comply with the requirements of policy DM8 of Mid Devon Local Plan part 3 (Development Management Plan) in relation to parking.
28. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.
29. In the interests of the amenity and safety of the public.
30. In the interests of the amenity of the public.

INFORMATIVES

1. This application is subject to a S106 agreement.

2. Rights of Way

- The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.
- Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed.

REASON FOR APPROVAL OF PERMISSION

The Local Planning Authority cannot demonstrate a 5 year housing land supply. The NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. There are no restrictive policies in the NPPF that indicate development should be restricted in this instance. At the heart of the NPPF is the presumption in favour of sustainable development, which has three mutually dependent dimensions - economic, environmental and social. Policies COR 17 and COR 18 are contributing to a restriction on bringing forward development in the District in line with the NPPF requirement to boost significantly the supply of housing. Accordingly, the Inspector considered that whilst the proposed scale of the development was clearly contrary to both these policies, little weight could be attached to them.

The NPPF seeks to boost significantly the supply of housing. In this respect the Inspector considering the appeal in Nov 2017 ref: 16/01811 was satisfied that a contribution of 259 dwellings to housing supply in a District where there is currently a shortfall carried significant weight and the LPA are of the view that this is also the case with the 125 dwellings now proposed. The NPPF also says that local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. The current scheme would result in 35% of the total number of proposed dwellings being affordable, which on the face of it would represent a significant benefit but as set out above, the provision is for 35% provision in line with policy to meet a district wide need rather than an identified local need. The Inspector considered all

of this in the wider context of creating a mixed and balanced community as promoted by the NPPF and this is where he considered that the harm caused to social cohesion as a result weighed against the development proposal. In weighing the benefits of this proposal for 125 houses against the harm the LPA have concluded that there are 2 key differences between this and the appeal proposal to consider. Firstly, the proposed scheme is substantially different in scale to the previous application (125 dwellings as opposed to 259 dwellings) and secondly, the applicant has considered what could be done to mitigate the impact of the development on the stretched facilities in the community by offering financial contributions towards 3 high priority projects identified by the community itself. Without the offer to fully fund a major project to improve the facilities at the school, fit out the Health and Community Centre and to improve recreational equipment in the village which could be used by all sectors of the community, the LPA would remain concerned about the level of development proposed and the effects on social cohesion in the village of Willand. However, in balancing the benefits against the harm, significant weight has been given to the mitigation proposals which seek to provide a sustainable form of development – improving the facilities on offer in the village and by offering to fully fund projects to ensure that they are able to come forward in-line with the development of the site. Therefore the key difference between this and the previous scheme is that it seeks to address the Inspectors concerns that there would be no corresponding increase in the number of services and facilities – the mitigation being offered seeks to make the additional provision rather than just a contribution towards existing provision. To this end, the LPA have concluded that the scheme would address the previous appeals shortcomings in respect of social cohesion, and consider that the development would now be considered sustainable and accordingly have approved the application with a S106 obligation to ensure that these benefits are delivered and in a timely manner.

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.