

Application No. 17/01170/MOUT

Agenda Item

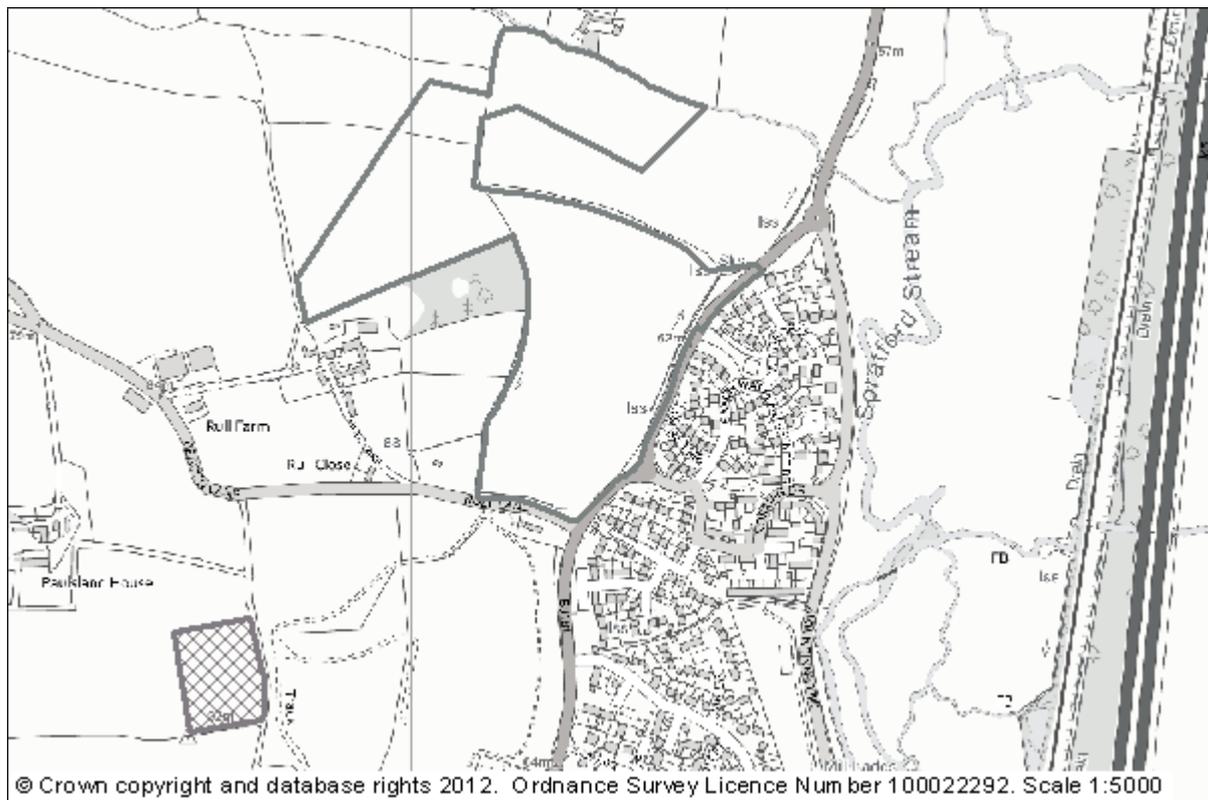
Grid Ref: 108607 : 302186

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

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

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

Date Valid: 14th July 2017



REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

RECOMMENDATION

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

PROPOSED DEVELOPMENT

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

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

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

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

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

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

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

Phase 1 also includes two other applications for planning permission:

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

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

Environment Statement including the following chapters:

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

Design and access statement

Affordable housing statement

Arboricultural report

Draft S106 heads of terms

Energy statement

Existing surrounding character analysis

Planning statement

Statement of community involvement

Utility report

Waste audit statement

Archaeological written scheme of investigation

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD

Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

The two other applications relevant to this report are:

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 Sustainable Communities

COR2 Local Distinctiveness
COR3 Meeting Housing Needs
COR8 Infrastructure Provision
COR9 Access
COR10 Strategic Transport Networks
COR11 Flooding
COR14 Cullompton

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

AL/DE/3 Affordable Housing Site Target
AL/DE/4 Occupation of Affordable Housing
AL/IN/2 Development without Community Infrastructure Levy
AL/IN/3 Public Open Space
AL/IN/4 Green Infrastructure
AL/IN/5 Education Provision
AL/CU/1 North West Cullompton
AL/CU/2 North West Cullompton Transport Provision
AL/CU/3 North West Cullompton Environmental Protection & Green Infrastructure
AL/CU/4 North West Cullompton Community Facilities
AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development
DM2 High quality design
DM4 Waste management
DM6 Transport and air quality
DM8 Parking
DM27 Development affecting heritage assets
DM28 Green infrastructure in major development

North West Cullompton Urban Extension Masterplan SPD

National Planning Policy Framework 2019

Devon Waste Plan 2014

CONSULTATIONS

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

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

DEVON COUNTY EDUCATION – 20th December 2017

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

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

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

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

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

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

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

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

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

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

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

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

HISTORIC ENVIRONMENT SERVICE – 2nd May 2018

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

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

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

ENVIRONMENTAL HEALTH - 26th January 2018

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

Noise & other nuisances - Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include the recommended mitigation measures identified during Chapter 12 of the Environmental Statement covering Dust and Air Quality. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto

the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing Standards - No comment

Licensing - No comments

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

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

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

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

PUBLIC RIGHTS OF WAY – 12th October 2017

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

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

PUBLIC HEALTH COMMENTS – 12th October 2017

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

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

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

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

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

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

NATURAL ENGLAND - 8th August

Statutory nature conservation sites - no objection

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

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

DCC WASTE AND TRANSPORT MANAGER - 20th July 2017

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

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

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

DEVON, CORNWALL & DORSET POLICE - 20th July 2017

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

SOUTH WEST WATER - 8th August 2017

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

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

CULLOMPTON TOWN COUNCIL – 23rd March 2018

The Council approves the application with the following provisos:

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

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

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

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

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

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

HALBERTON PARISH COUNCIL - 9th August 2017

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

REPRESENTATIONS

22 objections summarised as follows

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Principle of development, including masterplanning and 5 year housing land supply

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

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car.

Policy COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types.

Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.

Policy COR14 sees Cullompton developing as a small market town with the provision of market and affordable dwellings and employment floorspace. The policy sets out a number of objectives to improve transport, flood risk and the town centre environment.

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

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

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

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

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

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

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

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

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

The emerging Mid Devon Local Plan Review (submitted for examination) focuses development mainly on Cullompton and Tiverton with Cullompton being identified as an area for strategic growth. Policies CU1-CU6 allocates an extended area for the NW Cullompton allocation (100 hectares) to provide 1,350 dwellings with a reduced target for affordable housing of 28%. The revised policies also make changes to the phasing and timing for the provision of infrastructure and services. The Local Plan Review has been through examination but the Inspector's report has not yet been received and the Plan has not yet been adopted. At the time of writing this report, The Local Plan Review carries only some weight in consideration of this planning application.

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

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

Members will be aware that although the Council can demonstrate a 5 year housing land supply, policies relating to housing delivery in the Core Strategy are still considered to be out of date and the tilted balance in the NPPF still applies. Paragraph 11 of the NPPF 2019 states:

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

For decision-taking this means:

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 9 of this report.

The principle of developing the site for 200 dwellings and the proposed means of access to

the site are the only issues for consideration through this application. The quantum of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed.

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

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

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

2. Transport and air quality

2.1 Capacity of road network

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

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

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

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

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

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

In November 2017, a planning application for 259 dwellings on an unallocated site in Willand

was refused and appealed. One of the reasons for refusal was concerned with the impact additional traffic from the development would have on Junction 28 of the M5 and congestion on the surrounding road network.

The inspector took considerable time to look at the operation of the junction and observed queuing for much of the way along Station Road. The Inspector also observed there was a steady stream of traffic between the roundabout and the traffic light controlled junction at the Junction 28 slip roads and no clear signs of an unacceptable delay. Although slow, the Inspector considered there was a steady flow of traffic along Station Road and Millennium Way towards Junction 28. The Inspector's view was that there were no clear signs of unacceptable delay.

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

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

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

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

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

Subject to the proposed mitigation measures, your officers consider that the development can be accommodated without an unacceptable impact on the highway network. The development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy and the requirements of the masterplan SPD in this respect.

2.3 Air quality

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

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

The NPPF states that planning policies and decisions should sustain and contribute towards

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

The application is supported by the required documentation which includes mitigation to reduce the impact of the development on air quality. Environmental Health officers are satisfied with the measures which include the implementation of a Travel Plan and a financial contribution of £3 million towards the Town Centre Relief Road, although they have recommended more detail on the provision of electric car charging points be provided. This will be conditioned for provision at reserved matters stage when the layout of the site is known.

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

3. Access arrangements to be determined

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

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

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

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

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

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

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

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

4. Drainage and flood risk

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

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

The site is in Flood Zone 1 which has the lowest risk of flooding. Cullompton is in a Critical Drainage Area where surface water drainage from development needs to be very carefully considered and managed to ensure that an overall reduction in flood risk is achieved.

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

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

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

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

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

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

details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Landscape and ecology

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

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

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

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

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

established hedgerows.

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

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

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

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

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

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

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

Subject this further assessment to inform reserved matters, it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1), AL/CU/3 of the AIDPD, the Masterplan SPD and the provisions of the NPPF.

7. Heritage

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals

should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

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

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

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

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

No objections in principle.

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

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

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

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

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

The layout and design of the development in the reserved matters application will need to take account of the setting of nearby listed buildings. Subject to this and the recommended conditions, the development is considered to comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

8. Viability and Section 106 obligations

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

9. Comments received

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

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

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

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

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

10. Planning balance

As set out in section 1 of this report, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

when assessed against the policies in the NPPF, taken as a whole.

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

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

The delivery of 200 new homes, including 10% affordable housing weighs in favour of approval of the application. Also weighing in favour of the approval is the financial contribution towards delivery of the Town Centre Relief Road which will provide substantial benefits for delivery of future housing developments and the improvement of the quality of the environment in the town centre.

Weighing against approval of the application is the fact that the application is not policy compliant in terms of the level of affordable housing and the reduced Section 106 package for Phase 1 (to be delivered in Phase 2). This is set out in the separate over-arching Section 106 and Viability report for the three linked applications forming Phase 1 of the delivery of the NW Cullompton urban extension.

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

CONDITIONS

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

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

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

4. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
5. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
6. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
7. The detailed drawings required to be submitted by Condition 1 shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of public open space and green infrastructure, arboricultural method statement and tree protection plan, to include engineering details for any areas of no-dig construction.
8. The first Reserved Matters application to be submitted shall include a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of public open space). The strategy document shall set out the funding, management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant green infrastructure and public open space areas. Reserved matters applications for the site shall incorporate the approved details.
9. As part of the Reserved Matters submission/s referred to in Condition 1, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall be carried out in accordance with the agreed scheme.
10. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
11. No part of the development hereby permitted shall begin until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
12. No part of the development hereby permitted shall begin until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be informed by the

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

13. Details of an inspection regime in respect of the installation of the surface water drainage management system, including any attenuation ponds and outflows, shall be submitted to and approved in writing by the Local Planning Authority before its installation begins. The inspection regime shall include details of key stages of the installation to be signed off by a drainage engineer or other qualified professional and confirmation provided in writing to the Local Planning Authority that each stage of the installation has been provided in accordance with the details approved under Condition 12.
14. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved temporary surface water drainage management system shall be installed and maintained for the entire construction period.
15. No part of the development hereby permitted shall begin until full details of the adoption and maintenance arrangements, for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority. The approved arrangements shall be provided in accordance with a timescale to be approved under this condition and thereafter permanently retained and maintained in accordance with the approved details.
16. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - A. the timetable of the works;
 - B. daily hours of construction;
 - C. any road closure;
 - D. hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays including 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
 - E. the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - F. The proposed route of all construction traffic exceeding 7.5 tonnes;
 - G. the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- H. areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- I. hours during which no construction traffic will be present at the site;
- J. the means of enclosure of the site during construction works;
- K. details of wheel washing facilities and obligations, and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways;
- L. photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- M. the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development, to include the recommended mitigation measures identified during Chapter 12 of the submitted Environmental Statement covering Dust and Air Quality.

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

- 17. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 18. No part of the development hereby approved shall be commenced until:
 - A. The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway;
 - B. The ironwork has been set to base course level and the visibility splays required by this permission laid out;
 - C. The footway on the public highway frontage required by this permission has been constructed up to base course level; and
 - D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 16.
- 19. No development shall take place until an access scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the design of existing public rights of way routes where these are to be upgraded and new public rights of way, their surfacing, widths, gradients, landscaping, road crossing points, drainage and technical details of their connections to the public highway, as well as trigger dates for the implementation of the provision and/or upgrade of the public rights of way and details of ongoing maintenance and

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

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

REASONS FOR CONDITIONS

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

2. To ensure the site is developed in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension.
3. To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity, accordance with paragraph 174 of the NPPF 2019.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
5. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
6. For the avoidance of doubt and in the interests of proper planning.
7. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
8. To ensure that green infrastructure and public open space is delivered for the amenity of the future residents in a timely manner in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension and policies AL/CU/1 and AL/CU/3 of the Allocations and Infrastructure DPD.
9. To ensure that the construction and operation of the development will accord with sustainable waste management principles in accordance with policy DM4 of the Mid Devon Local Plan 3 Development Management Policies and policy W4 of the Devon Waste Plan 2014.
10. To ensure the proper development of the site.
11. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.
12. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.
13. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.
14. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. This needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

15. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.
16. To minimise the impact on the highway network and on nearby residential properties during the construction period.
17. To ensure that adequate information is available for the proper consideration of the detailed proposals.
18. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
19. To ensure that new and upgraded public rights of way are delivered in a timely manner and function for their purpose at all times, providing sustainable walking and cycling links, in accordance with the provisions of the adopted NW Urban Extension Masterplan SPD. This information is required before construction begins in order to ensure that the benefits are delivered with the development.
20. To provide opportunities for the reduction of carbon emissions to help combat climate change in accordance with policy DM8 of the Local Plan 3 Development Management Policies. This information is required to ensure the development is constructed with these features as integral to the housing.
21. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.
22. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
23. To ensure that adequate foul drainage facilities are in place before any dwelling is occupied.

REASON FOR APPROVAL OF PERMISSION

The principle of developing the site for 200 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The access into the site is considered acceptable to the Highway Authority.

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

Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply. Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in the NPPF, taken as a whole.

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

The delivery of 200 new homes, including 10% affordable housing weighs in favour of approval of the application as do provision of green infrastructure and community facilities. Also weighing in favour of the approval are the financial contributions towards delivery of the new road to link Tiverton Road to Willand Road and the Town Centre Relief Road which will provide substantial benefits for delivery of future housing developments and the improvement of the quality of the environment in the town centre.

Weighing against approval of the application is the fact that the application is not policy compliant in terms of the level of affordable housing and the reduced Section 106 package for Phase 1 (to be delivered in Phase 2), due to the upfront infrastructure burden on Phase 1, including financial contributions towards the delivery of the Cullompton Town Centre Relief Road.

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

The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR10, COR11 and COR14 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/CU/1 (with the exception of the affordable housing percentage), AL/CU/1-5, AL/CU/15-16, and AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM6, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details). The application does not fully accord with Policy AL/CU/1 or the adopted Masterplan SPD in respect of the affordable housing percentage and phasing and of green infrastructure and community facilities.

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