

Application No. 17/01346/MOUT

Agenda Item

Grid Ref: 107570 : 301560

Applicant: Mr J Turner, PM Asset Management

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

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

Date Valid: 15th August 2017



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

RECOMMENDATION

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

PROPOSED DEVELOPMENT

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

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

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

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

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

Phase 1 also includes two other applications for planning permission:

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

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

These applications are the subject of separate reports.

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

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

APPLICANT'S SUPPORTING INFORMATION

Environment Statement including the following chapters:

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

- Design and access statement
- Affordable housing statement
- Arboricultural report
- Draft S106 heads of terms
- Energy statement
- Existing surrounding character analysis
- Planning statement
- Statement of community involvement
- Utility report
- Waste audit statement

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD

Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

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

17/01170/MOUT: outline application for 200 dwellings on land to the north of Rull Lane; and
17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building. This application would deliver the northern part of the new spine road connecting into Willand Road.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 Sustainable Communities

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

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

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

Mid Devon Local Plan Part 3 (Development Management Policies)

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

North West Cullompton Urban Extension Masterplan SPD

National Planning Policy Framework 2019

Devon Waste Plan 2014

CONSULTATIONS

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

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

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

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

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

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

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

DEVON COUNTY EDUCATION – 20th December 2017

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENT AGENCY – 20th July 2018

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

To clarify our findings:

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

DEVON, CORNWALL & DORSET POLICE - 20th July 2017

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

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

ENVIRONMENTAL HEALTH - 26th January 2018 - Air Quality

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

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

Housing Standards - No comment

Licensing - No Comments

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

SOUTH WEST WATER - 20th September 2017

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

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

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

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

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

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

PUBLIC RIGHTS OF WAY – 12th October 2017

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

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

PUBLIC HEALTH COMMENTS – 12th October 2017

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

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

SPORT ENGLAND - 15th September 2017

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

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

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

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

NATURAL ENGLAND - 11th September 2017

Statutory nature conservation sites - no objection

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

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

DCC WASTE AND TRANSPORT MANAGER - 20th July 2017

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

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

HISTORIC ENGLAND – 23rd November 2017

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

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

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

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

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

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

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

HISTORIC ENVIRONMENT SERVICE - 29th May 2018

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

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

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

CULLOMPTON TOWN COUNCIL – 23rd March 2018

The Council approves the application with the following provisos:

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

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

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

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

HALBERTON PARISH COUNCIL - 13th September 2017

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

REPRESENTATIONS

7 objections summarised as follows:

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

27. Loss of beautiful countryside

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

states:

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

For decision-taking this means:

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

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

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

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

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

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

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

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

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

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

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

2. Transport and air quality

2.1 Capacity of road network

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

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

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

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

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

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

In November 2017, a planning application for 259 dwellings on an unallocated site in Willand was refused and appealed. One of the reasons for refusal was concerned with the impact additional traffic from the development would have on Junction 28 of the M5 and congestion on the surrounding road network.

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

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

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

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

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

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

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

2.2 Air quality

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

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

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

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

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

3. Access and link road

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

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

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

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

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

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

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

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

4. Drainage and flood risk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Landscape and ecology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Heritage

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

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

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

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

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

through the planning balance.

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

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

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

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

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

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

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

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

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

8. Viability and Section 106 obligations

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

9. Comments received

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

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

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

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

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

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

10. Planning balance

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

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

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

The application is in outline (except for a portion of the link road) and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated, and the increase in traffic on the local road network and the motorway junction is acceptable to the Highway Authority, subject to the mitigation outlined above. The details of the portion of the link road subject to the full part of this application are satisfactory to the Highway Authority.

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

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

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

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, and the balance between public benefit and the less than substantial harm to the heritage asset does not provide a clear reason or refusal, your officers consider that the balance weighs in favour of approval of the application.

CONDITIONS

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

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

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

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

4. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
5. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
6. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
7. The detailed drawings required to be submitted by Condition 1 shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of public open space and green infrastructure, arboricultural method statement and tree protection plan, to include engineering details for any areas of no-dig construction.
8. The first Reserved Matters application to be submitted shall include a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of public open space). The strategy document shall set out the funding, management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant green infrastructure and public open space areas. Reserved matters applications for the site shall incorporate the approved details.
9. The first Reserved Matters application to be submitted shall include details of a package of proposals to enhance public understanding and enjoyment of the St Andrew's Hill Scheduled Monument to include interpretation materials.
10. As part of the Reserved Matters submission/s referred to in Condition 1, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall be carried out in accordance with the agreed scheme.
11. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

12. No part of the development hereby permitted shall begin until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
13. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
14. No part of the development hereby permitted shall begin until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the NW Cullompton Drainage Strategy (Rev. A; dated 21st June 2017), NW Cullompton Drainage Strategy Addendum (Rev.-; dated 20th March 2018) and Drainage Strategy (drawing No. 432-010; Rev. D; dated 16th June 2018). The surface water drainage management system shall be installed in accordance with the approval details and retained and maintained in accordance with the approved details.
15. Details of an inspection regime in respect of the installation of the surface water drainage management system, including any attenuation ponds and outflows, shall be submitted to and approved in writing by the Local Planning Authority before its installation begins. The inspection regime shall include details of key stages of the installation to be signed off by a drainage engineer or other qualified professional and confirmation provided in writing to the Local Planning Authority that each stage of the installation has been provided in accordance with the details approved under Condition 14.
16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved temporary surface water drainage management system shall be installed and maintained for the entire construction period.
17. No part of the development hereby permitted shall begin until full details of the adoption and maintenance arrangements, for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority. The approved arrangements shall be provided in accordance with a timescale to be approved under this condition and thereafter permanently retained and maintained in accordance with the approved details.
18. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - A. the timetable of the works;

- B. daily hours of construction;
- C. any road closure;
- D. hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays including 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- E. the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- F. The proposed route of all construction traffic exceeding 7.5 tonnes;
- G. the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- H. areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- I. hours during which no construction traffic will be present at the site;
- J. the means of enclosure of the site during construction works;
- K. details of wheel washing facilities and obligations, and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways;
- L. photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- M. the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development, to include the recommended mitigation measures identified during Chapter 12 of the submitted Environmental Statement covering Dust and Air Quality.

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

- 19. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 20. No part of the development hereby approved shall be commenced until:
 - A. The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway;

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

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

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. To ensure the site is developed in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension.
3. To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity, accordance with paragraph 174 of the NPPF 2019.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
5. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
6. For the avoidance of doubt and in the interests of proper planning.
7. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
8. To ensure that green infrastructure and public open space is delivered for the amenity of the future residents in a timely manner in accordance with the adopted Masterplan SPD for the NW Cullompton Urban Extension and policies AL/CU/1 and AL/CU/3 of the Allocations and Infrastructure DPD.
9. To provide public benefits in the form of interpretation and understanding of the Scheduled Monument to balance against the less than substantial harm to the heritage asset.
10. To ensure that the construction and operation of the development will accord with sustainable waste management principles in accordance with policy DM4 of the Mid Devon Local Plan 3 Development Management Policies and policy W4 of the Devon Waste Plan 2014.
11. To ensure the proper development of the site.
12. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.
13. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is

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

14. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.
15. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.
16. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. This needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.
17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.
18. To minimise the impact on the highway network and on nearby residential properties during the construction period.
19. To ensure that adequate information is available for the proper consideration of the detailed proposals.
20. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
21. To ensure that new and upgraded public rights of way are delivered in a timely manner and function for their purpose at all times, providing sustainable walking and cycling links, in accordance with the provisions of the adopted NW Urban Extension Masterplan SPD. This information is required before construction begins in order to ensure that the benefits are delivered with the development.
22. To provide opportunities for the reduction of carbon emissions to help combat climate change in accordance with policy DM8 of the Local Plan 3 Development Management Policies. This information is required to ensure the development is constructed with these features as integral to the housing.
23. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development before construction starts.
24. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

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

REASON FOR APPROVAL OF PERMISSION

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

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

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

The tilted balance does not apply where development affects heritage assets. The development would cause less than substantial harm to the St Andrew's Hill Scheduled Monument and this harm needs to be weighed against the public benefit. The public benefit of the provision of housing, including affordable housing, and the proposed package of interpretation, together with provision of a larger buffer zone and suitable design that respects the setting of the heritage asset, is not considered to provide a clear reason for refusal and is considered to weigh in favour of approval of the application.

The application is in outline (except for a portion of the link road) and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated, and the increase in traffic on the local road network and the motorway junction is acceptable to the Highway Authority, subject to the mitigation outlined above. The details of the portion of the link road subject to the full part of this application are satisfactory to the Highway Authority.

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

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

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, and the balance between public benefit and the less than substantial harm to the heritage asset does not provide a clear reason or refusal, the proposal is considered to be acceptable.

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

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