

**Application No. 17/01178/MFUL**

**Agenda Item**

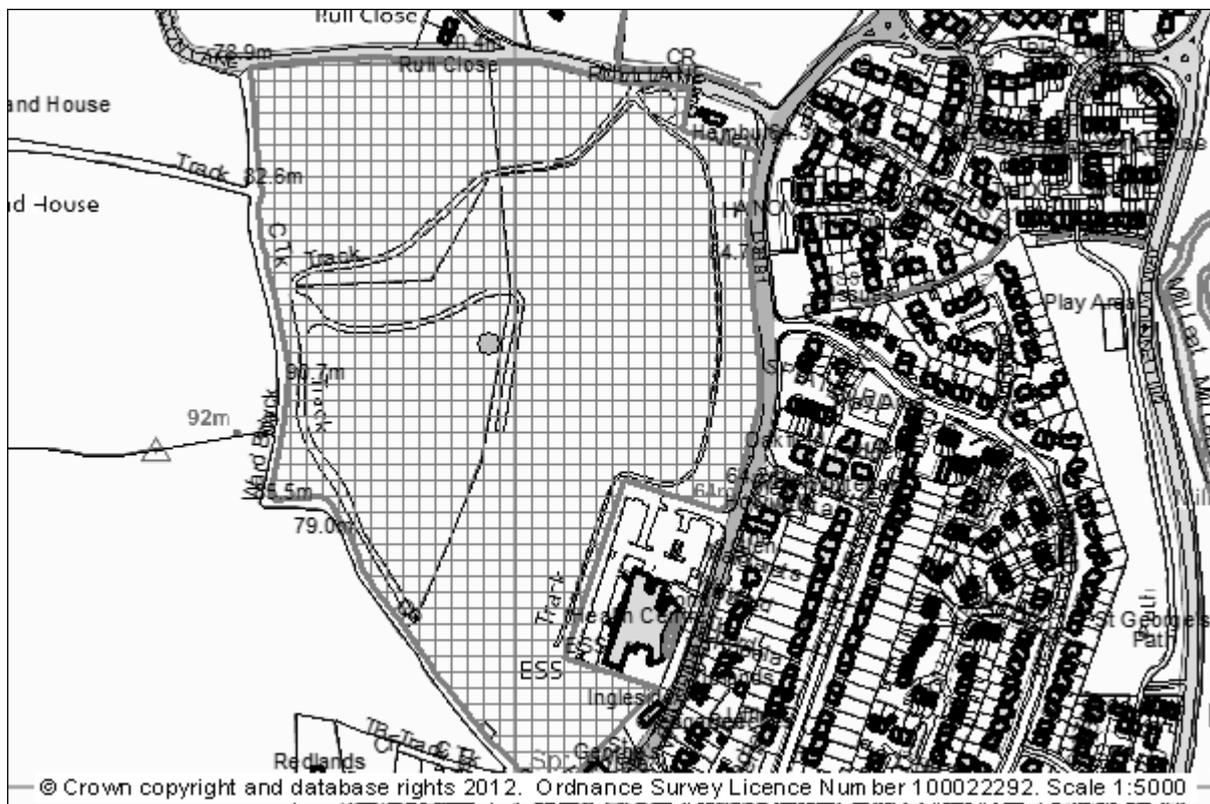
**Grid Ref:** 108277 : 302103

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

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

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

**Date Valid:** 2nd August 2017



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

## **RECOMMENDATION**

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

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

## **PROPOSED DEVELOPMENT**

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

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

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

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

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

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

Phase 1 also includes two other applications for planning permission:

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

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

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

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

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

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

Environment Statement including the following chapters:

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

Design and access statement

Planning statement

Statement of community involvement

Waste audit statement

Carbon reduction strategy

Draft S106 heads of terms

Transport assessment addendum

Landscape and visual appraisal

Arboricultural impact assessment and tree protection plans

Design and character area analysis

Sustainable design and construction statement

### **RELEVANT PLANNING HISTORY**

Site allocation under the Allocations & Infrastructure DPD

Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

Other applications relevant to this report are:

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

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

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR1 Sustainable Communities

COR2 Local Distinctiveness

COR3 Meeting Housing Needs

COR8 Infrastructure Provision

COR9 Access  
COR10 Strategic Transport Networks  
COR11 Flooding  
COR12 Development Focus  
COR14 Cullompton

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

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

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 Presumption in favour of sustainable development  
DM2 High quality design  
DM4 Waste management  
DM6 Transport and air quality  
DM8 Parking  
DM14 Design of housing  
DM15 Dwelling sizes  
DM27 Development affecting heritage assets  
DM28 Green infrastructure in major development

### **North West Cullompton Urban Extension Masterplan SPD**

### **National Planning Policy Framework 2019**

### **Devon Waste Plan 2014**

## **CONSULTATIONS**

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

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

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

ENVIRONMENT AGENCY – 1st May 2018

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

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

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

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

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

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

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

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

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

SOUTH WEST WATER – 22<sup>nd</sup> August 2017

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

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

#### DEVON COUNTY EDUCATION – 20th December 2017

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

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

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

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

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

#### HISTORIC ENVIRONMENT – 29th May 2018

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

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

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

#### HISTORIC ENGLAND – 23<sup>rd</sup> November 2017

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

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

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

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

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

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

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

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

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

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

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

#### PUBLIC HEALTH COMMENTS – 12th October 2017

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

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

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

#### DEVON, CORNWALL & DORSET POLICE - 10th August 2017

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

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

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

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

#### DEVON, CORNWALL & DORSET POLICE - 10th July 2018

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

#### ENVIRONMENTAL HEALTH - 26th January 2018 - Air quality

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

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

#### ENVIRONMENTAL HEALTH - 1st February 2018

Contaminated Land - no objection to this proposal

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

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

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

#### PUBLIC RIGHTS OF WAY – 12th October 2017

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

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

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

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

SPORT ENGLAND - 15th September 2017

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

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

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

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

DCC WASTE AND TRANSPORT MANAGER - 23rd August 2017

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

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

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

CULLOMPTON TOWN COUNCIL – 12th February 2018

Cullompton Town Council approves the application with the following provisos:

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

(ii) Pedestrian crossing required on the spine road.

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

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

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

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

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

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

(x) Refuse bin storage: Is this effective?

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

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

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

zig-zag gates.

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

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

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

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

## **REPRESENTATIONS**

6 objections and 1 general comment summarised as follows:

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

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

states:

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

For decision-taking this means:

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

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

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

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

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

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

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

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

## **2. Transport and air quality**

### **2.1 Capacity of road network**

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

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

The NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on

the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

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

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

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

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

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

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

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

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

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

Strategy and the requirements of the masterplan SPD in this respect.

## **2.2 Air quality**

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

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

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

The application is supported by the required documentation which includes mitigation to reduce the impact of the development on air quality. Environmental Health officers are satisfied with the measures which include the implementation of a Travel Plan and a financial contribution towards a town centre relief road, although they have recommended more detail on the provision of electric car charging points be provided. The applicants have indicated that they would be able to provide electric car charging points for all dwellings with garages. Detail of the number and location of these charging points is recommended to be conditioned.

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

## **3. Access and link road**

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

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

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

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

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

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

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

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

The Highway Authority considers the proposed access and the design of the link road to be acceptable, subject to approval of final details to be required by conditions. Subject to final details, your officers consider the access arrangements comply with policies COR9 of the Mid Devon Core Strategy and DM2 of the LP3 DMP.

#### **4. Landscape and ecology**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should provide net gains for biodiversity, including by establishing coherent ecological networks.

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

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

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

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

The specific report identifies the site as sitting on a low lying hill, split into two field compartments by a line of existing trees and hedgerow. The eastern portion slopes relatively steeply towards Willand Road, whilst the western portion of the site slopes more gradually to the ridgeline on the sites western boundary. The site occupies a settlement edge location and is influenced by the adjacent housing to the south and east which is visible within views across the site.

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

The report concludes that: the impacts of the proposed development on the landscape and the consequential landscape effects have been assessed. It is considered that the site's landscape is one that could accommodate change as presented by the Masterplan, and the consequential landscape effects as a result of the proposed development would not result in any unacceptable harm to landscape character.

The Council commissioned a landscape architect to consider the proposals. The landscape architect had concerns that the landscape and townscape character analyses, including the viewpoint analysis, had been completed retrospectively rather than informing the proposals and did not follow best practice or the guidelines in the Masterplan SPD. Concern was also raised by the landscape architect about the key hedgerows being backed onto by private gardens and the issues this raises with retention into the future. The applicant provided further details but information was considered still to be lacking the required detail and clarity. However, some effort has been made by the applicant to improve the landscaping of the site so that it better reflects the surrounding landscape character, introducing more native planting and providing a long term management and maintenance plan of the public open spaces and key landscape features. A recommendation needs therefore to be made on the information provided.

The Council also commissioned an ecologist to consider the ecology mitigation proposed.

The applicant's ecologist has been able to respond to most of the comments positively and has provided most of the additional information requested.

There are still some concerns about the effectiveness of the key hedgerow to function as a wildlife corridor due to lighting and disturbance from the houses backing onto the hedge, but the introduction of the maintenance corridor separating the private gardens from the hedge will help with this and it is recommended that a lighting plan is conditioned to keep the corridor as dark as possible.

The proposal includes substantial areas of new hedge and tree planting, wildflower meadows and permanent water and planting within the attenuation ponds. A spreadsheet has been provided which shows a net gain in habitat across the site. A new community orchard will be provided to the south of the Health Centre and an area of land is to be transferred to the Health Centre for them to provide a health garden. The area of land shown on the plans is larger than that specified in the Masterplan SPD.

There are a number of trees and hedges with high amenity value within and on the boundaries of the site and the majority of these are being retained. It is recommended that Tree Protection Plans and an Arboricultural Method Statement are conditioned to ensure the specified trees and hedges are retained and protected during the construction period.

Three Oak trees with habitat potential are being removed from the site to make way for the link road. The applicant has given justification for the need to remove these trees as the link road route has been set within the wider urban extension context and links into other land parcels. It also follows the contours of the landscape. The route is not able to avoid these trees.

A Landscape & Ecological Framework Plan has been provided that sets out details of habitats on site, landscape and ecological issues, and recommendations for enhancement and mitigation. The recommendations include keeping dark corridors for wildlife movement, including bats, checking for badger and reptile activity before construction starts and the provision of a hedgehog highway, bird and bat boxes and reptile refugia. This Plan is currently being updated and it is recommended that the updated Plan conditioned for implementation.

Subject to conditioning the ecology mitigation, it is considered that the proposal is acceptable in this regard and in broad compliance with the provisions of the NPPF.

## **5. Design and layout**

The NPPF states that the creation of high quality places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. New places should be visually attractive, sympathetic to local character and landscape setting, and establish a strong sense of place.

The NPPF encourage local planning authorities to make use of tools and processes for assessing and improving the design of development, and to have regard to the outcome from these processes, including any recommendations made by design review panels.

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

Policy DM2 of the Local Plan 3 Development Management Policies requires designs of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area and making efficient and effective use of the site. It should make a positive contribution to local character including any heritage or biodiversity assets, and create safe and accessible places that encourage sustainable modes of travel such as walking and cycling. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes.

Policy DM14 of the Local Plan 3 Development Management Policies requires new housing development to deliver high quality local places taking into account physical context, local character, density and land use mix. Proposals should demonstrate adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows and housing should have suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage. Private amenity space should reflect the size, location, floorspace and orientation of the property.

Policy DM15 of the Local Plan 3 Development Management Policies requires newly constructed dwellings to meet or exceed minimum internal floorspace requirements (now set out by the National Space Standards).

The Masterplan SPD sets out a number of guiding principles in relation to design. Guiding Principle A relates to Urban Design – Placemaking and Quality Design. It requires that a scheme should create a place locally inspired by the characteristics of Cullompton and its immediate surroundings with the aim of achieving a high quality environment. It should take advantage of existing topography, landscape features, wildlife habitats and site orientation. New buildings should be designed and positioned with landscaping to define and enhance streets and spaces. They should also be designed to turn street corners well.

Guiding Principle C relates to Landscape, Open Space and Recreation. It states that development should be shaped around the existing character and features of the landscape, and protect and enhance biodiversity on the site. Landscape and open space should be integrated into the new community, and used to connect the various parts of the neighbourhood together, creating strong green links and corridors into the wider landscape. Existing public rights of way should be improved to aid accessibility.

Guiding Principle G relates to Character. It states that development will need to take its inspiration from the character of the locality, based on a character analysis of the site, its surroundings and Cullompton in order that locally distinctive character is reflected in the development.

Guiding Principle B of the Masterplan SPD relates to Movement and Transport. It states that transport provision should allow for accessibility for all modes of travel including pedestrian and cycle links both to/from the town centre and within the scheme itself. Existing public rights of way should be improved to aid accessibility. The structure of the development should create a well-connected and walkable neighbourhood with a clear and legible hierarchy of streets and spaces.

A key landscape feature is the treeline running across the site from north to south which is to be retained and enhanced in places. This connects into existing hedgerows around the boundary of the site to the boundary with Rull Lane and the green bridleway running around the site from St George's Well Avenue to Rull Lane, which are also to be retained. These landscape features form the basis for the proposed layout.

For the most part, dwellings are orientated north-south across the site with estate roads off the main spine road running with the contours of the land, which slopes up from Willand Road to the east to a treeline on the skyline to the west. There is logic to this layout and whilst it may not be imaginative, it makes good use of the land available and allows the landscape features to be retained. The layout provides good permeability with pedestrian and cycle connections into the existing bridleway, Rull Lane and Willand Road. There is a wide pedestrian route from Willand Road adjacent to the health centre and the school site. It is recommended that conditions are imposed for submission of technical details of the route connection and to ensure the walking and cycling routes connect to the public highway and the means of preventing vehicular access to these.

The entrance to the site features two attenuation ponds that will have permanent water with reed planting within the ponds, and meadow planting with trees around the edges. The boundary of the site along Willand Road will feature a new native hedgebank and there will be tree planting along the main route and throughout the site, including the provision of a community orchard. An area of land (at least 0.1ha) will be transferred to the adjacent health centre to form a health garden. This responds to a request from the adjacent Health Centre.

Residential estate roads are 5 metres in width with pavements on both sides. All dwellings, with the exception of the one coach house on the site, have private gardens and dedicated parking (the coach house has 2 garages but no garden). Parking standards meet those required by policy DM8 of the Local Plan 3 Development Management Policies (an average of 1.9 spaces per dwelling), with two parking spaces provided for all houses fronting onto the primary school site and an additional 25 visitor parking spaces provided in the way of layby spaces along the school frontage. Detached garages meet the sizes required by Mid Devon's Parking SPD, although the integral garages fall short of this size requirement. The garages are, however, in addition to a policy compliant level of parking.

The site is sloping and there is therefore the inevitable use of retaining walls. The majority of these are to the rear of or between the dwellings and vary in height from 0.5 metres to a maximum of 2.5 metres. With the exception of one terrace of 4 dwellings where the space between the rear of the dwellings and a retaining wall of up to 2 metres is only 3.5 metres, the remainder of the houses backing onto retaining walls have adequate amenity space.

The dwellings are to be a mix of 2, 3 and 4 bedroom houses, mostly two storeys but with some (19) 2.5 storeys. 60% of the houses have two bedrooms, 31% have 3 bedrooms and 9% have 4 bedrooms. There are 10 house types across the scheme, all houses except for one coach house. All house types meet National Space Standards as required by policy DM15 of the Local Plan 3 Development Management Policies, except the Leicester (8 dwellings) which is only 2 square metres below the standard, and the Alnmouth (39 dwellings) which is 10 square metres below the standard, but provides a small dwelling of a type that has been accepted on other Mid Devon schemes. Cullompton Town Council has recommended some of the houses are bungalows but this is not a policy requirement that can be insisted on. There may be scope within the larger urban extension for the inclusion of bungalows or other single storey homes.

Materials are red brick, render and some reconstituted stone, dark roof tiles and UPVC windows. There are no details of the doors and windows so there is a need to condition these. Boundary treatments are a mix of brick walls, stone walls, railings and fences (close boarded and post and wire). Devon & Somerset Police do not recommend the use of post and wire fences and the applicants have been asked to change these to meet the Police recommendations.

The scheme as originally submitted (since revised) was taken to the Devon & Somerset

Design Review Panel and their comments are summarised below.

The Panel did not consider adequate analysis had been carried out of the character of the site and area and landscape framework, and thought the green infrastructure layout should have been the basis on which the layout was designed. Their comments include:

*The proposal is a standard layout not informed by the masterplan SPD guiding principles. Analysis of the site was been provided retrospectively and has not influenced the layout. Cullompton has a mixed character, history and special hidden elements and the policies aim to bring these out. The inadequate understanding of local character has resulted in a development with no sense of place. Frontages onto primary routes are poor (spine road and walking route to health centre), street scenes are poor and houses are bland. Main areas should feature enhanced designs – better materials, detailing (e.g. banding, windows) and boundary treatments, and information is required on the amount of cut and fill and use of retaining walls. Gradients of footpaths should be suitable for use by all people including wheelchairs, parents with buggies etc.*

*High value/quality housing should be used to properly frame the attenuation ponds. These could be a real feature for the development and include/be used as more open space. Attenuation ponds should be deeper and have more than 1m deep permanent water. Banks should be graded. There is a need for decent planting of these areas and inclusion of open space. Views of the ponds should be available from the houses framing them.*

*There are better ways to incorporate the key hedge in the development. Part of the hedge line could be used as a key space, e.g. a green square with bus stop and waiting area around key hedgerow tree/s. Reconsider placement of development close to the important hedge line, include in ecology mitigation framework, and show root protection zones in relation to cut and fill. Ensure maintenance strip next to hedgerow to ensure long term protection/maintenance of it.*

Whilst not within the conservation area, this is a prominent site that has potential to affect its setting. The Council's Conservation Officer has commented on the scheme and those comments are summarised below.

*Whilst supporting documents state that the development reflects the local vernacular the building types are all clearly standard designs rather than a development that reflects the character or qualities of the traditional buildings in the town. The colour of the brickwork will be important and should respect the typical mellow red palette typical of the area. There is scope for some use of contrasting brick detailing as seen in many examples around the town. With the trend for wood burners it is surprising that there are no chimneys. Also these are features that are quite distinctive within the roofscape of the town and can give a sense of rhythm and architectural continuity within a development.*

*The use of two and a half storey units scattered apparently randomly through the streets is not visually harmonious. The rooflines in several places are disjointed. I would strongly recommend that consideration is given to the use of some longer terraces. Putting the three storey apartment block on some of the highest ground in the site will make it very prominent.*

*The use of land to the front of houses for parking will give rise to a very bleak appearance unbroken by any greenery in several parts of the layout. Improvements to the design detail and layout are required to comply with the NPPF.*

Following these comments, the scheme has been revised to take into account many of the recommendations.

More detail has been provided on the use of retaining walls, landscaping and materials. Houses have been moved further away from the key hedge running through the site and retaining walls and garden paths taken outside of the root protection zone. Whilst the suggestion of moving the key hedge into the public realm has not been taken up by the applicant, some mitigation has been agreed. The hedges will be kept as part of the public open space rather than being transferred with the properties and a gated 2m maintenance strip has been provided to all hedges to allow for access and provide a buffer between the hedgebank and private gardens. A management plan has been provided detailing ongoing management.

The attenuation ponds have been graded to provide aquatic benches rather than continuous sides, and the planting improved. Houses frame the ponds better and detailing such as brick banding has been introduced to larger and more prominent dwellings. House types have been revised and the 3 storey buildings have been removed. Chimneys have been introduced to some of the house types.

Parking has been rationalised so that it better relates to the dwellings and landscaping revised to better reflect the surround landscape character and break up hard landscaping. The green walking route from the school to the health centre/Willand Road has been amended to be step-free and at a shallower gradient for walking. All open space is now overlooked and corner houses have been provided to assist with this.

Whilst the scheme is still a standard layout with standard house types, effort has been made to improve the scheme and take into account many of the comments of the Design Review Panel and the Conservation Officer. Your officers consider that improvements made to frontages, house types, parking provision and landscaping is sufficient to be able to recommend approval on layout and design.

Whilst not fully compliant with the design guidelines set out in the Masterplan SPD, or with the National Space Standards, design quality has improved significantly from the first submission and your officers are content that the layout and design no longer warrants a recommendation of refusal. This will be set out further within the Planning balance section below.

## **6. Drainage and flood risk**

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

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

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

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

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

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

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

The submitted drainage strategy indicates that much of the site is not suitable for infiltration methods of surface water drainage and it is proposed to provide attenuation ponds to the east of the site, either side of the new access from Willand Road, to hold surface water before it discharges into Rull Leat at no more than the existing greenfield run off rates (with a 40% allowance for climate change). The leat will need to be culverted under the new access. Investigation into the functionality of the leat has been undertaken and its functionality has been confirmed.

The surface water drainage strategy makes some assumptions about surface water drainage of the primary school site, as the detailed design and layout of the school has not been provided. The Lead Local Flood Authority has recommended that further work on run-off rates is carried out once details of the school site are known.

It is recommended that a permanent surface water drainage management system is conditioned for later approval, together with a temporary system to deal with surface water discharge during the construction period. It is also recommended that the surface water drainage scheme is inspected at key stages of its installation, signed off by an appropriately qualified person, and confirmation provided in writing to the Local Planning Authority that the system has been installed in accordance with the approved details.

The attenuation ponds will have a permanent water level of approximately 1 metre. Slopes are to be 1 in 3 steep with a shallow zone (aquatic bench) along the edge of the permanent pool to support wetland planting. Further technical details of the ponds, to include details of the outfall, are required and it is recommended that these details are conditioned for approval.

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

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

## **7. Public open space, green infrastructure (GI) and community facilities**

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with

recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development. The requirements for open space and green infrastructure are set out more fully in the masterplan SPD.

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

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

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

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

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

For the land parcel subject to this application, the submitted plans show a new community orchard adjacent to the Health Centre. The plans also show other areas of informal green space around the development as part of the landscaping scheme. An area of land between the community orchard and the Health Centre is intended to be transferred to the Health Centre for use as a community garden (at least 0.1 ha in size). Boundary hedges are also to be retained and protected, and a wildlife corridor is to be retained through the site as part of the GI provision. It is recommended that provision of the community orchard, health garden and other public open space is secured within the S106 Agreement, together with its long term management and maintenance by a management company.

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

The masterplan SPD requires the Rull Hill green infrastructure to be provided within Phase 1 of the development of the urban extension. Due to viability issues, only part of the Rull Hill GI is anticipated to be included within Phase 1 (see separate report on Section 106 and Viability on the same Agenda). This will include a multi-use games area and play area as well as landscaping to the GI area. Allotments and a community orchard will come forward in Phase 2. Exact details of the GI to be provided in each Phase will need to be agreed in

consultation with Cullompton Town Council. Details of the ongoing financial support, maintenance and management of the open space areas will also need to be conditioned. The sports pitch to be provided as part of application 17/01170/MOUT is recommended to be delayed until Phase 2 to aid the viability of Phase 1 (see the separate report on 17/01170/MOUT on the same Agenda).

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

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

Within this application, it is intended to provide a community orchard adjacent to the Cullompton Integrated Health Centre and to transfer an area of land to the Health Centre for a health garden, accessed from the Health Centre.

## **8. Heritage**

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

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

An archaeological investigation has been carried out on the site, the results of which have been submitted. The archaeological investigations have demonstrated the presence of Bronze and Iron Age heritage assets with archaeological interest that will be affected by the proposed development. The Historic Environment Team does not consider the assets to be of such significance that they would recommend preservation in situ. Instead, the recommended mitigation takes the form a programme of archaeological investigation and recording prior to development commencing, and post-excavation analysis, reporting and archiving.

St Andrew's Hill Scheduled Ancient Monument lies approximately 350 metres to the south and the Grade II listed building at Little Rull lies approximately 80 metres to the north. There is a second Grade II listed building at Paulsland approximately 400 metres to the west. The proposal has the potential to affect the settings of these heritage assets.

Historic England has no objection to the application on heritage grounds. The areas of concern in the Historic England response to the west of St Andrew's Scheduled Monument,

relate to those on the land parcel subject to application 17/01346/MOUT and are dealt with in that report.

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

*No objection in principle subject to suggested amendments to assist mitigation of the less than substantial harm identified with regard to heritage assets affected and the wider landscape impact.*

*Retention management and protection of existing hedges to the northern boundary will offset some of the most immediate adverse potential impacts on the setting of Grade II listed building of Little Rull which is in closest proximity to the application site; Paulsland, also Grade II, is more difficult to assess for impact on setting since the intervening school site and how that is developed and landscaped will affect this. Other listed buildings identified in the Environmental Statement are mainly affected by the cumulative impact of the encroachment of the total development in this part of Cullompton on the wider rural setting including the views across (intervisibility); this is also true of the scheduled Ancient Monument which is affected by other blocks of development within the masterplan area.*

*The degree of adverse impact will be reduced by some amendments to design / layout, retention and strengthening of hedgerows and the careful choice of materials that will reflect the typical colour palette of the wider landscape.*

*Whilst the impacts on individual heritage assets can be described as "less than substantial harm" the NPPF requires that such harm needs to be offset by public benefit. Clearly the need for housing including affordable housing is a public benefit with considerable weight.*

The Conservation Officer's comments on layout and design are discussed within the Layout and design section of this report.

In terms of impacts on the settings of heritage assets, the application is considered to be acceptable and in accordance with policy DM27 of the LP3 DMP and the NPPF.

## **9. Delivery of primary school**

The application includes the site for the new primary school within the red line. However, no details of the school have been submitted as the school will be designed and delivered by Devon County Council. Details of the design and layout of the school will be considered at a later date and will need to be conditioned. This application includes transfer of the land and access for the school to Devon County Council at no cost and this obligation will be included in the Section 106 Agreement. There will also be a financial contribution towards the cost of building the school (see separate report on the Section 106 Agreements for phase 1 of the NW Cullompton allocation).

Cullompton Town Council has raised concerns that sufficient parking and turning for cars and coaches are provided on the school site and that traffic management is carefully considered. The reason for this request is that the Town Council would like to be sure that potential highway safety issues are resolved before any development takes place. As yet, Devon County Council does not have a design for the school site and this will need to be conditioned for approval before construction of the new school begins. Delivery of the school site will be secured by Section 106 Agreement.

Delivery of the primary school in Phase 1 is considered to comply with the triggers in the Masterplan SPD and the transfer of the land to Devon County Council will be in advance of

the triggers set out within the allocation policies set out in the AIDPD.

## **10. Viability and Section 106 obligations**

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

## **11. Comments received**

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

Comments about flooding and drainage, landscape and wildlife have also been dealt with elsewhere in this report.

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

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

Cullompton Town Council has raised a number of concerns with regard to affordable housing, public rights of way, road infrastructure and traffic, and drainage, which are dealt with elsewhere in this report.

## **12. Planning balance**

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

The layout and design of the scheme is considered to be broadly acceptable, although one or two areas of concern remain which need to be weighed against the benefits of granting planning permission for the scheme. Impacts on biodiversity and landscape can be adequately mitigated, and the increase in traffic on the local road network and the motorway junction is acceptable to the Highway Authority, subject to the mitigation outlined above. The details of the portion of the link road subject to this application are satisfactory to the Highway Authority.

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

The delivery of 200 new homes, including 10% affordable housing weighs in favour of

approval of the application. Also weighing in favour of the approval is the financial contribution towards delivery of the Town Centre Relief Road which will provide substantial benefits for delivery of future housing developments and the improvement of the quality of the environment in the town centre.

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

Also weighing against the application are areas of concern with the layout that remain: the provision of small gardens and retaining walls for a terrace of 4 dwellings and the awkward parking arrangements in another small section of the layout, as well as a number of dwellings being below National Space Standards. However, these design issues are not considered significant enough to warrant a reason for refusal of the application.

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

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place on the primary school site indicated on the approved plans until details and drawings in respect of the following matters have been submitted to and approved in writing by the Local Planning Authority:
  - A. Access, parking and turning
  - B. Design of all buildings, including layout, floor plans, elevations, finished floor levels and materials, windows and doors
  - C. Landscaping, including changes in ground levels, planting and sports pitch provision
  - D. Boundary treatments
  - E. Surface water drainage

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

4. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
5. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - A. the timetable of the works;
  - B. daily hours of construction;

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

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

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

- B. The ironwork has been set to base course level and the visibility splays required by this permission laid out;
- C. The footway on the public highway frontage required by this permission has been constructed up to base course level; and
- D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 4.
8. No development shall take place until an access scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include the design of existing public rights of way routes where these are to be upgraded and new public rights of way, their surfacing, widths, gradients, landscaping, road crossing points, drainage and technical details of their connections to the public highway, as well as trigger dates for the implementation of the provision and/or upgrade of the public rights of way and details of ongoing maintenance and management or adoption arrangements. The development shall be carried out in accordance with the approved scheme.
9. No development shall begin until a scheme for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The installation electric vehicle charging points shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling.
10. No part of the development hereby permitted shall begin until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.
11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy (Ref. NW Cullompton; Rev. A; dated 21st June 2017), Drainage Strategy Addendum (Ref. NW Cullompton; Rev. -; dated 20th March 2018) and Flood Exceedance Routing (drawing No. 453-P-500; Rev. C; dated 25th February 2019). The surface water drainage management system shall be installed in accordance with the approval details and retained and maintained in accordance with the approved details.
12. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
13. No development shall begin until the construction details of the attenuation ponds, including heights and positions of outfalls, has been submitted to and approved in writing by the Local Planning Authority. The ponds shall be designed to maintain a permanent water level of at least 1 metre in depth. Construction of the attenuation ponds shall be completed in accordance with the approved details before any dwelling is occupied in any phase.

14. Details of an inspection regime in respect of the installation of the surface water drainage management system, including any attenuation ponds and outflows, shall be submitted to and approved in writing by the Local Planning Authority before its installation begins. The inspection regime shall include details of key stages of the installation to be signed off by a drainage engineer or other qualified professional and confirmation provided in writing to the Local Planning Authority that each stage of the installation has been provided in accordance with the details approved under Condition 11.
15. No part of the development hereby permitted shall begin until full details of the adoption and maintenance arrangements, for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority. The approved arrangements shall be provided in accordance with a timescale to be approved under this condition and thereafter permanently retained and maintained in accordance with the approved details.
16. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
17. No development shall take place until details of all changes in ground levels to be demonstrated by reference to existing and proposed levels, and details of all retaining walls, including heights, construction methods and surface treatments with reference to plot numbers, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place only in accordance with the approved details.
18. No development shall take place on the site except in accordance with the details set out within the submitted Landscape & Ecological Framework Plan (LEFP) by FPCR Environment and Design Ltd dated [date to be inserted once a revised Plan received]. The recommendations in the LEFP shall be adhered to throughout the construction period and the development shall be operated only in accordance with the management provisions set out within the LEFP.
19. No development shall take place until revised Tree/Hedge Protection Plans detailing trees and hedges to be removed and to be retained, and an Arboricultural Method Statement detailing how retained trees and hedges will be protected during the construction period, have been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection shall be in place before development on the site begins and shall remain in place during the entire period of construction on site.
20. Finished floor levels shall be those specified on drawing number [to be inserted once revised plans received] unless otherwise agreed in writing by the Local Planning Authority.
21. Before their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings, and details of windows and doors, shall have been submitted to and approved in writing by the Local Planning Authority. Only such approved materials shall be so used.

22. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
  - A. The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B. The spine road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
  - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
  - D. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - E. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined; and
  - G. The street nameplates for the spine road and cul-de-sacs have been provided and erected.
23. First occupation of any dwelling in any agreed phase shall not take place until boundary treatments have been installed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be installed.
24. First occupation of any dwelling shall not take place until details of street furniture to be provided within the public areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include benches or other seating, dog waste and litter bins, and handrails for steeper areas, in particular along the walking route between Willand Road and the primary school site and the community orchard, together with a timescale for their delivery. Following their provision, such facilities shall be permanently retained and maintained for their purpose at all times.
25. First occupation of any dwelling shall not take place until bin stores have been provided in accordance with the approved details.
26. No dwelling hereby permitted shall be occupied until works to improve the existing public foul sewerage network so that it is able to cope with the flows from the proposed development have been completed.
27. No external lighting shall be installed on any part of the site unless as part of an external lighting plan that has been previously approved in writing by the Local Planning Authority. The external lighting plan should include all details of external lighting and light levels falling on wildlife habitats and demonstrate how dark corridors will be provided for wildlife.

## REASONS FOR CONDITIONS

1. In accordance with the provisions of the NPPF 2019 and Planning Practice Guidance, to help ensure the housing proposal is implemented in a timely manner.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that adequate information is available for the proper consideration of the detailed proposals on the primary school site.
4. To ensure the proper development of the site.
5. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
8. To ensure that new and upgraded public rights of way are delivered in a timely manner and function for their purpose at all times, providing sustainable walking and cycling links, in accordance with the provisions of the adopted NW Urban Extension Masterplan SPD. This information is required before construction begins in order to ensure that the benefits are delivered with the development.
9. To provide opportunities for the reduction of carbon emissions to help combat climate change in accordance with policy DM8 of the Local Plan 3 Development Management Policies. This information is required to ensure the development is constructed with these features as integral to the housing.
10. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
11. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.
12. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.
13. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.

14. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.
15. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development before construction starts.
16. To ensure the development assimilates well into the surrounding landscape and the public open space and residential amenity spaces are appropriately designed for their use, in accordance with policy CO2 of the Mid Devon Core Strategy and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
17. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the NPPF and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
18. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the NPPF and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
19. To ensure the development makes a positive contribution to the area and to protect the residential amenity of neighbouring residents in accordance with policy DM2 of the Local Plan 3 Development Management Policies.
20. To ensure the development makes a positive contribution to the area in terms of its character and visual amenity in accordance with the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.
21. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
22. To ensure a good standard of residential amenity and security for residents, in accordance with policy DM14 of the Local Plan 3 Development Management Policies.
23. To ensure adequate facilities are provided that are usable for all residents of the site in terms of accessibility in accordance with the provisions of the NPPF.
24. To ensure adequate facilities for waste management are provided on site to protect the residential amenity and visual qualities of the area, in accordance with policy DM14 of the Local Plan 3 Development Management Policies.
25. To ensure that adequate foul drainage facilities are available before any dwelling is occupied.
26. In order to protect wildlife habitats from light pollution in accordance with the provisions of the NPPF.

## **INFORMATIVE**

The archaeological programme of work should take the form of:

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

(ii) The area excavation of areas of archaeological sensitivity.

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

## **REASON FOR APPROVAL OF PERMISSION**

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

The layout and design of the scheme, including scale and massing, dwelling design and materials, estate roads and parking areas, and landscaping are considered to be broadly acceptable, with layout issues not being significant enough to warrant refusal of the application.

Impacts on biodiversity and landscape can be adequately mitigated, and the increase in traffic on the local road network and the motorway junction is acceptable to the Highway Authority, subject to the mitigation outlined above. The access onto Willand Road and the detailed of the portion of the link road subject to this application are satisfactory to the Highway Authority. The drainage arrangements are considered to be acceptable to the Environment Agency and Lead Local Flood Authority, and the application would provide additional foul drainage capacity.

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

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

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

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

The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR10, COR11 and COR14 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/CU/1 (with the exception of the affordable housing percentage), AL/CU/1-5, AL/CU/15-16, and AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM6, DM8, DM14 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details). The application does not fully accord with Policy AL/CU/1 or the adopted Masterplan SPD in respect of the

affordable housing percentage and phasing and of green infrastructure and community facilities, or DM15 of the Local Plan 3 Development Management Policies with regard to compliance with National Space Standards.

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