

Application No. 17/01178/MFUL

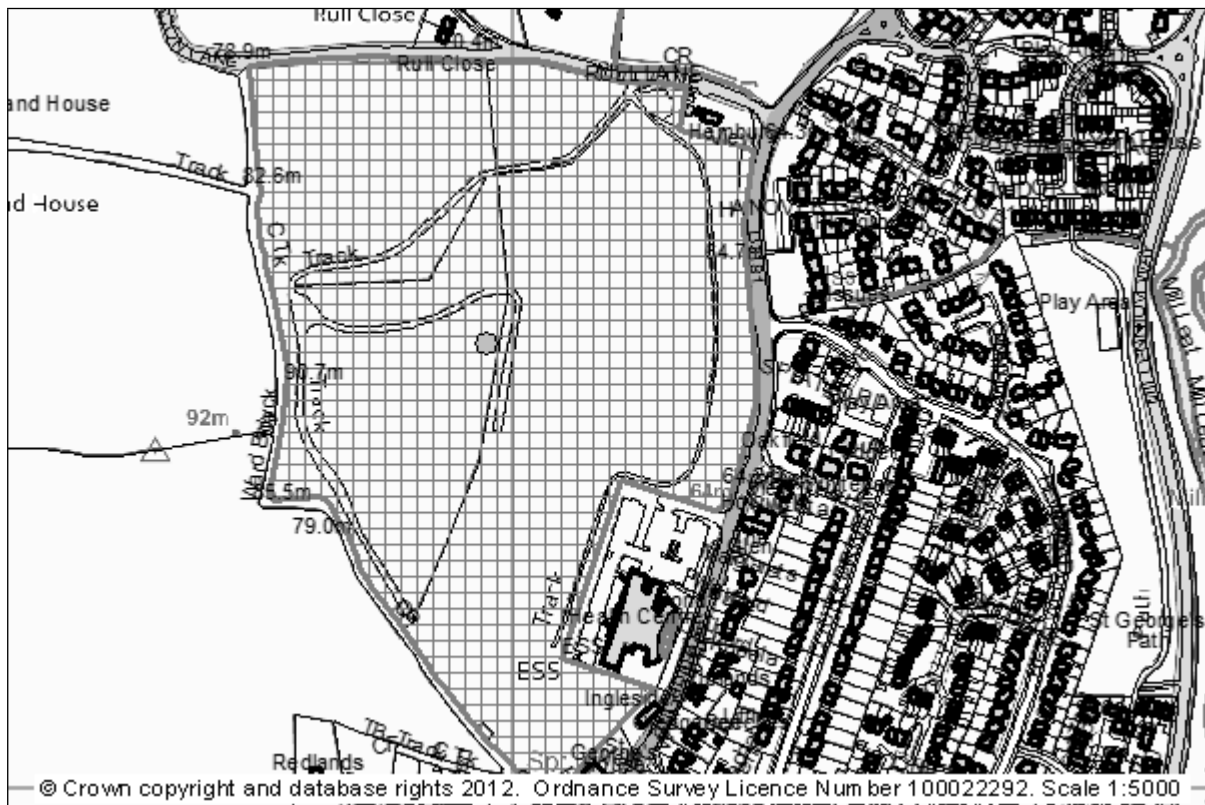
Grid Ref: 302103 : 108277

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



APPLICATION NO: 17/01178/MFUL

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 overarching 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

Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works. For more details please see the attached Planning Committee report dated 17th April 2019.

APPLICANT'S SUPPORTING INFORMATION

See attached Planning Committee report dated 17th April 2019.

RELEVANT PLANNING HISTORY

Site allocation under the Allocations & Infrastructure DPD
Masterplanned under the NW Cullompton Urban Extension Masterplan SPD

The two other applications relevant to this report are:

17/01178/MFUL: full application for 200 dwellings on land to the south of Rull Lane to include the transfer of land for a new primary school and community building; and
17/01346/MOUT: outline application for 200 dwellings on land to the north of Tiverton Road

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 Sustainable Communities
COR2 Local Distinctiveness
COR3 Meeting Housing Needs
COR8 Infrastructure Provision
COR9 Access
COR10 Strategic Transport Networks
COR11 Flooding
COR14 Cullompton

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

AL/DE/3 Affordable Housing Site Target
AL/DE/4 Occupation of Affordable Housing
AL/IN/2 Development without Community Infrastructure Levy
AL/IN/3 Public Open Space
AL/IN/4 Green Infrastructure
AL/IN/5 Education Provision
AL/CU/1 North West Cullompton
AL/CU/2 North West Cullompton Transport Provision
AL/CU/3 North West Cullompton Environmental Protection & Green Infrastructure

AL/CU/4 North West Cullompton Community Facilities
AL/CU/5 North West Cullompton Carbon Reduction & Air Quality
AL/CU/6 North West Cullompton Phasing
AL/CU/7 Masterplanning
AL/CU/15 Cullompton Air Quality
AL/CU/16 M5 Junction 28

Mid Devon Local Plan Part 3 (Development Management Policies)

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

North West Cullompton Urban Extension Masterplan SPD
National Planning Policy Framework 2019
Devon Waste Plan 2014

CONSULTATIONS

See attached Planning Committee report dated 17th April 2019.

Further consultation responses:

DEVON & CORNWALL POLICE – 14th August 2019:

As stated, perimeter security is one the basic principles of crime prevention being the first line of defence against unwanted trespassers. As such all rear and side boundary treatments must be 1.8m high as a minimum requirement, be solid and robust to prevent being breached.

It is again noted on the Materials Layout and Site Layout drawings, that the indicated dividing boundary treatment for some plots remains as a 1.2m high post & wire fence. However on drawing No. 1652 - Enclosures, only 1200mm post and 2 rail fencing is depicted. I cannot support either as a rear garden plot divisional 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 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 from a crime, disorder and anti-social behaviour reduction perspective, rear/side/divisional garden boundaries provide adequate and proper security and safety for residents.

ENVIRONMENT AGENCY – 16th August 2019:

As per our comments from the previous application (30 April 2018) we note that you have clarified the functionality of the surface water drainage network route which will be overseen by the LLFA to agree. We have no further comment to make.

DEVON COUNTY COUNCIL PUBLIC RIGHTS OF WAY – 19th August 2019:

The Public Rights Of Way section continues to uphold its objection to the proposal (ref DCC Planning and Transportation, and Environment comment dated 15/9/17).

CULLOMPTON TOWN COUNCIL – 27TH August 2019:

Council Town Council approves the application with the following provisos:

- (i) **Build standard:** The Council expects that the room sizes in houses will conform to at least the National minimum housing standard.
- (ii) **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 designs is approved as the Council doesn't want another Kingfisher Reach scenario where plans get changed at a later stage.
- (iii) **Attenuation ponds:** need to be designed to be effective and ensure that water doesn't enter the existing water courses.
- (iv) **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.
- (v) **Entrance into school site:** Concern about safety, mini-roundabout preferred. All vehicle movements for the Primary School must happen within the curtilage of the school site. There should an entrance for vehicles entering the site and a separate exit for vehicles leaving the site. Assurance that a large 52 seater coach will be able to drive into the Primary School grounds and turn safely within it. The Council does not believe that the current road/entrance design is of sufficient width to accommodate this. No parking to be permitted along the spine road. This will become more of a problem when school numbers start to increase and the link to the second phase of development is open.
- (vi) **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.
- (vii) **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.
- (viii) **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).
- (ix) **Refuse bin storage:** Is this effective?
- (x) **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.
- (xi) **Community Orchard:** Assurance that the Town Council will be consulted with regard to access to the proposed community orchard and who will maintain.
- (xii) **Pedestrian links to Rull Lane:** Designed to stop motorbikes etc. passing through e.g. zig-zag gates.
- (xiii) **Local Centre, shop:** To be provided in Phase 2.
- (xiv) **Bungalows:** Due to an ageing population give consideration to the building of bungalows as part of the development.
- (xv) **Public Rights of Way:** An assurance that the Public Footpath at St Georges View will be considered as it is on the edge of the development and may get neglected.

WILLAND PARISH COUNCIL – 26th August 2019:

Willand Parish Council has previously commented on this application and the applications for the two adjoining areas which combine to make the one proposed large development for 600 dwellings with relevant infrastructure.

Each time comment has been made concern has been raised as to additional traffic issues which will affect Willand and the wider B3181 but these still do not appear to have been addressed. The additional traffic which will be generated from this application area, together with traffic from other housing and business developments adjacent to and in Willand will have an adverse cumulative impact on traffic flows through the village and along the B3181 to Waterloo Cross. There is also the potential to adversely affect air quality in the village past the Primary School which does not appear to have been addressed.

In considering the perceived adverse cumulative impacts upon the village the Parish Council has decided that it must object to this revised application.

REPRESENTATIONS

See attached Planning Committee report dated 17th April 2019.

WARD MEMBER CULLOMPTON NORTH – 19th August 2019:

I support the refusal of permission for these applications, until such time as the sites can be accessed without detriment to the Town Centre. The Council has decided that at great expense (and the likely detriment to the people of Cullompton), a Town Centre Relief Road is necessary owing to poor air quality, damage to historic buildings and nuisance caused by large vehicles. It is therefore unconscionable that it would then permit developments that will exacerbate these issues - either there is a problem that needs to be addressed, or there isn't.

Two further objections summarised as follows:

1. Concerns over the safety and advisability of the two proposed pedestrian access points onto Rull Lane, especially as a primary school forms part of this development. Rull Lane is a very narrow country lane which carries a high volume of traffic avoiding town centre congestion and also used by tractors and trailers, milk tankers, courier vans. Rull Lane is not wide enough to allow a car and pedestrian to pass safely and this is impossible with large vans and agricultural vehicles.

The two proposed pedestrian access points onto Rull Lane will be a real safety concern and traffic hazard, especially for young children and pedestrians who will be at risk in stepping out onto a narrow lane which is steep sided and subject only to the national speed limit.

There is a six foot fall in height onto Rull Lane from the planned development area which means that people without suitable restraint systems in place, are likely to descend at speed onto the narrow lane which also has poor visibility. For cycles, this would be even more dangerous for pedestrians coming onto the lane considering the length of the average bicycle and its potential greater speed going downhill towards Willand Road.

A far safer policy would be to restrict pedestrian access directly onto Willand Road where there is a safe pavement and also direct pedestrians and cycles onto the bridle path to the north which is safe and free of motor traffic other than the occasional small tractor.

2. Junction 28 needs upgrading before any more development takes place in Cullompton,

Also the eastern relief road should at least be underway before more new houses are built. Regarding the re-alignment of Willand Road to facilitate the new access to the site, it would be helpful to have some shrubbery or hedging planted on the east side of Willand Road to help offset the increased traffic noise and pollution which will be suffered by the residents of Hanover Gardens both during construction and in the future.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application was considered by Planning Committee at the meeting on 17th April 2019. The officers report to that meeting is attached.

At the meeting, it was resolved that:

RESOLVED that the application be deferred for further negotiation to take place in relation to the percentage affordable housing, renewable energy, the size of dwellings in relation to the National Space Standards, parking provision, layout, property design, design quality, cycle route provision and access/egress to the school site.

The application was also deferred in order for further negotiations over the overall S106 package for applications 17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT to take place in terms of viability, costings, inclusions and in particular the percentage of affordable housing and the inclusion of a footpath/cycleway along Millennium Way.

A members briefing was held on 3rd September 2019 at which the applicants for the three applications presented the background to the applications and gave a detailed explanation of the viability considerations that had informed the proposed Section 106 package. Non-confidential details of these discussions are set out in a separate overarching Section 106 matters report included as Appendix A to this report.

The briefing also included a presentation by the applicants of this application only on how the items the subject of the deferral have been addressed. Revisions to the application and further comments are set out below in this report.

The reasons for the deferral of the application from Planning Committee on 17th April 2019 are addressed one by one below.

1. Percentage of affordable housing

The percentage of affordable housing is dealt with in the report on the Section 106 package as Appendix A to this report.

2. Renewable energy

The applicants have addressed energy efficiency on the proposed development by using a “fabric first” approach. They state that their timber frame houses are up to 4% more energy efficient than standard build and as such are an improvement on Building Regulations requirements. Their fabric first approach is used as an alternative to solar panels or other renewable energy solutions on their houses.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Whilst your officers appreciate that the Council has declared a climate emergency and revisions to planning policy will be pursued at the earliest opportunity to ensure more energy efficient housing is provided, current planning policies within the Development Plan (and National Planning Policy set out in the National Planning Policy Framework) do not mandate the provision of renewable energy on new homes or that new homes are built to an energy efficiency standard above Building Regulations requirements.

The applicant has therefore complied with planning policy in its approach to renewable energy and your officers do not consider it reasonable to refuse this application on lack of renewable energy provision.

3. Size of dwellings in relation to the National Space Standards

Your officers previously reported that a number of the houses to be provided on the development did not meet National Space Standards.

The applicant has revised the layout of these houses so that they do now comply. This has been achieved by reducing the size of one of the upstairs rooms so that it is below the 7.5 metre square minimum size for a bedroom as set out in the National Space Standards so providing an office instead of a bedroom. For example, the Alnmouth house type formerly considered to be a 2 bed house, is now classed as a 1 bed house with office. Space standards are now met for all house types.

House sizes are now therefore considered to comply with the requirements of policy DM15 of the Local Plan 3 Development Management policies and National Space Standards.

4. Parking provision and layout

Your officers previously reported concerns with the layout of one section of the development that had resulted in awkward parking arrangements. The layout has been revised to improve the parking arrangements in this area by relocating one of the houses and rationalising the parking provision. Your officers are now satisfied that the layout is much improved in this respect and is acceptable.

Concern was also raised at the 19th April 2019 Planning Committee that there was an inadequate level of parking. Your officers previously reported that parking standards meet those required by policy DM8 of the Local Plan 3 Development Management Policies (being 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.

The layout plan has been revised to include a further 3 visitor spaces along the school frontage (parallel parking bays). There are now 367 dedicated parking spaces for the 200 dwellings (excluding garages), plus a further 28 visitor parking spaces. This averages 1.975 parking spaces per dwelling on the site (1.835 per dwelling if visitor spaces are excluded). Even without the visitor spaces, this is above the standard set by policy DM8 (1.7 parking spaces per dwelling) and is therefore considered to be acceptable by your officers. The layout ensures that homes along the roads leading to the school have two parking spaces in addition to any garages. This ensures a higher level of parking provision in areas where there is likely to be most parking pressure.

Cullompton Town Council is concerned that there should be no parking on the carriageway along the link road and that residential roads are wide enough. The layout has been designed with parallel parking bays along the link road and school frontage to discourage on carriageway parking. The link road carriageway width is 6.5 metres (excluding parking bays,

pedestrian and cycle ways) and residential roads are 5 metres wide. Parking provision and residential road widths are acceptable to the Highway Authority and in accordance with the relevant planning policies.

5. Property design and design quality

The proposed development has been designed using the applicant's standard house types. However, since the original application was submitted, revisions have been made to ensure that the proposal better reflects the character of the site and of Cullompton.

Examples of these revisions include: removal of a three storey block of flats and blocks of three storey houses, removal of hipped roofs (traditionally Cullompton features gabled roofs), the addition of detailing such as brick quoins and banding to the larger houses and simplifying the design of the smaller houses. There will be no bungalows; these have not been offered by the applicant, however, there is no planning policy requirement that bungalows must be provided.

Materials are not yet agreed. Your officers consider that the development should be mostly red brick or render houses, with a few buff brick or stone faced houses for relief. There should also be the use of slate profile roof tiles, particularly along key street scenes such as the main link road and around the attenuation ponds. As the materials have not yet been agreed, your officers have recommended a condition that these be agreed prior to their use.

Another concern raised at the 19th April 2019 Planning Committee meeting was the small size of the some of the gardens. The scheme has been revised previously to increase the size of gardens where these back onto the existing treeline running through the site. Due to the topography of the site, there is a need to use retaining walls that have the effect of dividing up the gardens so that there is a small flat patio area directly behind the houses (or a flat decked area where the house is higher than the garden), which leads via steps to a further area of garden.

Additional section drawings have been provided to give more detail on these proposals. In many cases, it is not possible to extend the flat garden areas further as this would result in retaining walls being built within the root zones of the retained trees.

On balance, over the whole site, there are very few houses where garden size/layout is considered to be of any concern. The layout has been subject to a series of revisions since the application was first submitted, and your officers consider the current layout to be acceptable, bearing in mind the challenging topography of parts of the site.

Devon & Cornwall Police has raised concerns regarding the choice of post and wire fencing, requiring solid alternatives such as close boarded fencing instead. The applicant has confirmed that solid fencing/walls will be used on the site.

Refuse storage and collection has been considered and revised during the application process. There is now step free access between the pavement and bin stores. Where steps are needed to access back gardens, bin stores have been provided at the front of houses or to the side. Collection points are within easy walking distance of all houses.

Much consideration has been given to landscaping and planting through revisions to the scheme, particularly the use of native trees and shrubs, and this has been carefully detailed to reflect the character of the site and the surrounding rural area.

6. Cycle route provision

At the 19th April 2019 meeting, Members queried the effectiveness of the cycle route provision. A dedicated cycle route is shown along the length of the link road in this land parcel, and this route will continue for the entire length of the link road. The cycle route is separated from the road by a grass verge.

Additionally, it would be possible to cycle on the bridleway once upgraded, and on the car free route leading from the primary school site to the health centre and out onto Willand Road. From here, it is possible to cycle into the town centre.

7. Access/egress to the school site

Members also raised concerns about access into the school site, in particular the ability of coaches to turn into and out of the school. At the request of the Highway Authority, the applicant has replaced the proposed junction with a mini-roundabout. It is proposed that coaches drive into the school, drop off, turn and exit via the same point onto the mini-roundabout.

Cullompton Town Council and Members raised the possibility of having separate in and out access points from the school site. The school has not yet been designed and it is not possible at this stage to confirm whether or not this would be possible. However, the proposed mini-roundabout solution is considered to be sufficient to ensure free movement of coaches and other traffic, without them having to stop and turn.

The Highway Authority supports the mini-roundabout solution and has been consulted on the revised proposal. However, the Highway Authority has yet to confirm that it considers the details as proposed to be acceptable in terms of adequate swept paths for large vehicles. Members will be updated with the Highway Authority's response.

Other issues raised in representations

8. Public rights of way

Cullompton Town Council requested an assurance that the public footpath at St Georges View will be considered as it is on the edge of the development and may get neglected. There will be an upgrade to the two existing footpaths/bridleways that cross the urban extension (including the one that passes St Georges View), with details to be conditioned for approval. These details are to be agreed with Devon County Council as Highway Authority with consultation with the Public Rights of Way Team.

The Public Rights of Way Team has registered a holding objection. Your officers have clarified with them that they have no objection to the proposal as long as details of the upgrades are agreed before commencement of development. The recommended condition requires this approval.

Concern has also been raised through representations over the proposal to create footpath links onto Rull Lane. The idea here is to connect two land parcels either side of Rull Lane (17/01170/MOUT and this application site) to allow safe pedestrian access from one parcel to another, particularly to the school, health centre and Willand Road, rather than to give access directly onto Rull Lane. The design of these access points will ensure that there is adequate visibility to and from vehicles in Rull Lane. Ground levels will also be altered to ensure there is not a steep gradient between the development site and the access points.

These access points will also be designed to ensure that it is not possible to access the development by motorbike or other motorised vehicles.

9. Community orchard

Cullompton Town Council and Members asked for clarity over access to the community orchard on this proposed development and for details of its management and maintenance. There will be access from the bridleway leading from St Georges Well Avenue as well as from within the development itself.

The community orchard will be managed by the developers until it is handed over to a management company run by the future residents as part of the public open space provision for long term management and maintenance. Provision for this will be set out within the Section 106 Agreement.

10. Off-site highway works

Cullompton Town Council has requested traffic calming in Head Weir Road. The Highway Authority has previously confirmed that it did not require traffic calming in Head Weir Road but did require it in Saxon Way, Norman Drive and Plantagenet Drive. The Highway Authority has been asked to confirm this and Members will be updated on their response.

11. Capacity of road network/air quality

Your officers have previously set out in the report to Planning Committee dated 19th April 2019 the assessed impacts of the development on the capacity of Junction 28 of the M5 motorway and traffic in the town centre. Air quality impacts in the town centre have also been considered and set out in the same officers report. Minor works are proposed to the approach to the motorway junction and a £3m contribution (from all three linked applications) will be made towards delivery of the town centre relief road to mitigate the impacts of the development on air quality and traffic generation upon the highway network.

The Highway Authority has also considered the suitability of the roundabout at the Willand Road/Millennium Way junction and considers it to be suitable for construction and operational traffic.

Willand Parish Council has objected to the revised scheme as it has concerns over the impact of the additional traffic generated on congestion in Willand and air quality. The Highway Authority has assessed the impact over the entire local road network in raising no objections to the proposal, however, the Highway Authority has been asked to confirm specifically that the impact on Willand has been considered.

Similarly, Mid Devon's Environmental Health Officers have been asked to confirm that in their analysis of air quality impacts, impacts on Willand were considered as well as impacts on Cullompton town centre.

Members will be updated on these items.

CONCLUSION

Your officers consider that where possible concerns raised by Members and other interested parties have been addressed. Subject to conditions and the signing of a Section 106

Agreement to mitigate adverse impacts of the proposal, on balance, your officers continue to recommend approval of the application.

Conditions/reasons have been revised to correct an error in the previous report relating to conditions and reasons numbering.

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 Local 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 453-P-100 Rev H 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 National Planning Policy Framework 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 Part 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, and also to ensure that the attenuation ponds contribute towards biodiversity net gain on the site. 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 that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.

16. To ensure, in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies) 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.

17. 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 (Local Plan Part 1) 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 National Planning Policy Framework and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.

19. 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 National Planning Policy Framework and the guiding principles in the NW Cullompton Urban Extension Masterplan SPD.

20. 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 Part 3 (Development Management Policies).

21. 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.
22. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
23. To ensure a good standard of residential amenity and security for residents, in accordance with Policy DM14 of the Local Plan Part 3 (Development Management Policies).
24. 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 National Planning Policy Framework.
25. 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 Part 3 (Development Management Policies).
26. To ensure that adequate foul drainage facilities are available before any dwelling is occupied.
27. In order to protect wildlife habitats from light pollution in accordance with the provisions of the National Planning Policy Framework.

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.

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, DM15 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 of green infrastructure and community facilities.

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