

Application No. 19/00118/MOUT

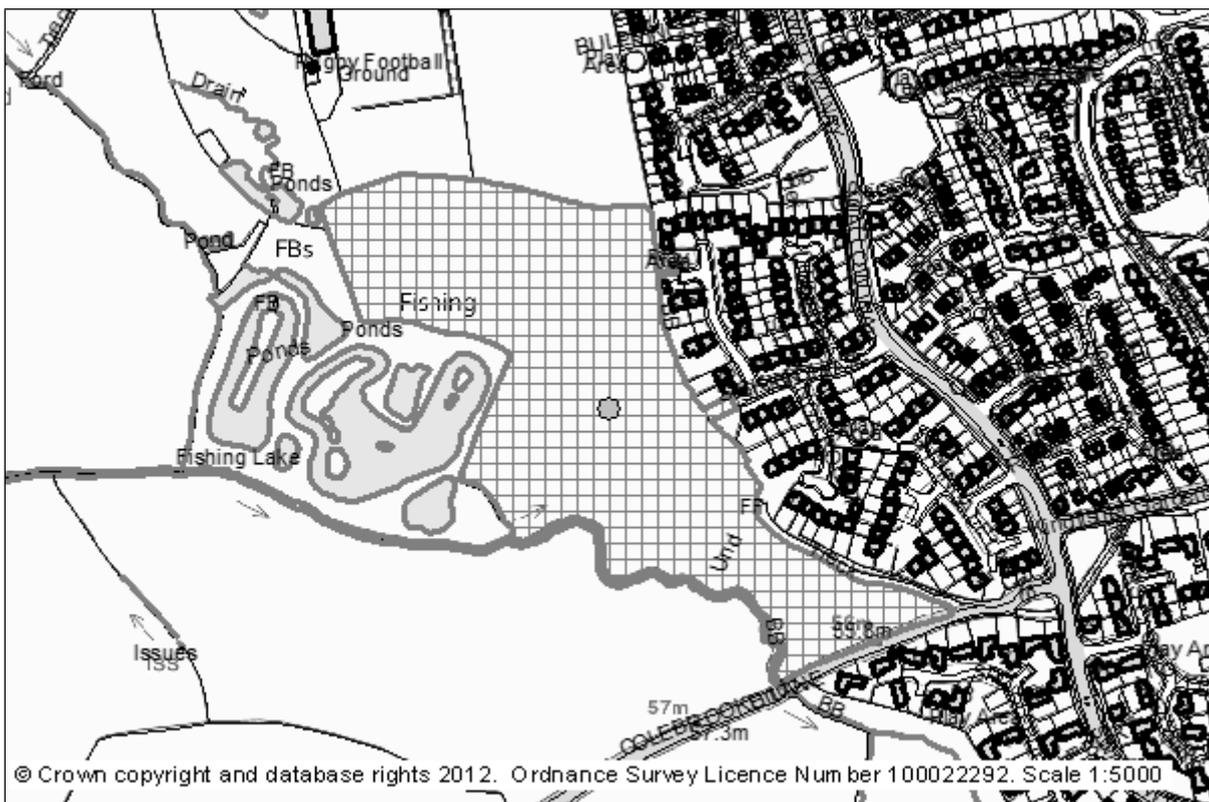
Grid Ref: 301216 : 106714

Applicant: Taylor Wimpey UK Ltd

Location: Land at NGR 301216 106714 (West of Siskin Chase)  
Colebrooke Lane  
Cullompton  
Devon

Proposal: Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane

Date Valid: 23rd January 2019



## **APPLICATION NO: 19/00118/MOUT**

### **RECOMMENDATION**

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

- 1) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) Financial contribution of £7,500 per dwelling towards the provision of the Town Centre Relief Road
- 3) A financial contribution towards delivery of the new primary school of £4004.75 per dwelling, (equating to £420,498.00 for 105 dwellings).
- 4) A financial contribution towards secondary education facilities of £345,255.00 (based on 105 dwellings and the DfE extension rate of £21,921 per pupil).
- 5) A financial contribution towards Early Years provision for 2, 3 and 4 year olds of £26,250 (based on 105 dwellings at £250 per dwelling).
- 6) A financial contribution of £135,000.00 towards the maintenance/provision/improvement of the bus service
- 7) A financial contribution of £1457.32 per dwelling to the Royal Devon and Exeter NHS Foundation Trust towards maintaining service delivery during the first year of occupation of each unit of the accommodation in the development.
- 8) Implementation and monitoring of a Travel plan
- 9) Provision of public open space, allotments and play areas on site.
- 10) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

Should there be any changes to the s106 requirements listed above prior to the signing of the s106, these shall be referred back to planning committee for consideration

### **PROPOSED DEVELOPMENT**

This is an outline application to establish the principle of development on the site, with all matters such as appearance, landscaping, layout and scale reserved for future consideration within any reserved matters application. The access is the one matter for which approval is sought as part of this application.

The site is located to the south west of Cullompton and is currently an irregularly shaped agricultural field accessed by way of a field gate off Colebrook Lane, which lies along the southern boundary of the site. The site slopes gently downwards in a broadly north to south direction. To the north of the site is the Cullompton Rugby club land, to the east is the existing residential development of Siskin Chase and to the west of the site are open fields.

The application is accompanied by an indicative layout plan and should be treated as such. It indicates how 105 dwellings, areas of open space and estate roads may be accommodated and laid out on site but should not be considered as an approved or final layout as this would be established at reserved matters stage.

The location of the access to the site, does form part of the consideration of this application. Vehicular access is proposed off the existing cul-de-sac known as Siskin Chase. Further pedestrian access is proposed to the south of the existing play area at the northern most end of Siskin Chase. A further pedestrian/cycle access is proposed at the southern end of the site out onto Colebrook Lane and at the northern end of the site which borders with the Rugby Club land.

The submitted indicative layout plan indicates areas of Public Open Space towards the southern end of the site, adjacent to Colebrook lane together with an area of allotments.

## **APPLICANT'S SUPPORTING INFORMATION**

Arboricultural Impact Assessment Report  
Design and Access Statement  
Draft Heads of Terms  
Ecological Impact Assessment  
Energy and Sustainability Statement  
Flood Risk Assessment and Drainage Strategy  
Heritage Statement  
Landscape and Visual Impact Assessment  
Planning Statement  
Statement of Community Involvement  
Transport Assessment  
Tree Constraints Plan  
Tree Protection Plan  
Waste Audit Statement  
Transport Assessment  
Various plans

## **RELEVANT PLANNING HISTORY**

18/01826/SCR - CLOSED date 16th November 2018

Request for Screening Opinion in respect of proposed development of 105 dwellings together with associated amenity and open space provision landscape and access from Siskin Close

## **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  
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/15 Cullompton Air Quality  
AL/CU/20 Colebrook

### **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  
DM28 Green infrastructure in major developments

## **CONSULTATIONS**

### **FLOOD and COASTAL RISK MANAGEMENT TEAM – 7<sup>th</sup> March 2019**

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### **Observations:**

The applicant has submitted greenfield runoff rates using the "developable area" of 2.9ha. However, Devon County Council require greenfield rates to be calculated using impermeable area only which as stated to be 1.74ha in section 6.23 in the FRA. Please submit revised calculations using the impermeable site area only.

Section 6.37 states that "The detention basin and swale could be maintained by the Local Authority, funded by a commuted sum". The local authority will not be able to take on maintenance responsibilities therefore SuDS features will need to be passed to a private maintenance company upon completion.

### **FLOOD and COASTAL RISK MANAGEMENT TEAM - 17<sup>th</sup> April 2019**

#### **Observations:**

Following my previous consultation response (FRM/MD/00118/2019; dated 7<sup>th</sup> March 2019), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Groundwater was encountered during the site investigation (dated May 2018). Groundwater will need to be accounted for within the design of the surface water drainage system. The excavation of a basin or tank will need to account for groundwater, these structures will also need to account for any effects (such as flotation) which can occur due to high groundwater levels. If groundwater is not monitored within the vicinity of the storage features then a conservative level should be used (at the moment a groundwater record of 0.2m below ground level is close to the proposed storage feature).

A SuDS Management Train should be implemented to ensure that surface water is well treated before being discharged to the watercourse. If an attenuation tank is proposed then a robust statement will need to be submitted at the next stage of planning to clarify why an above-ground feature cannot be implemented. If an attenuation tank is proposed then above-ground features will still be needed to ensure sufficient treatment of surface water. If a storage feature formed by bunds is proposed, then the Local Planning Authorities Landscape Officer may need to review this.

#### **Recommendation:**

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. 173040; dated December 2018)

and the additional information contained within the letter RE: West of Siskin Chase, Cullompton (dated 13<sup>th</sup> March 2019).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: 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.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

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.

Reason: 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.

Reason for being a pre-commencement condition: 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.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

#### **HISTORIC ENVIRONMENT TEAM - 30.01.19**

I refer to the above application and your recent consultation. The proposed development site lies in an area of archaeological potential with regard to known prehistoric and Romano-British activity within Cullompton and in the surrounding landscape. The geophysical survey undertaken in support of this application does not indicate the presence of any significant heritage assets with archaeological interest within the proposed development site. However, several anomalies have been identified that indicate the presence of archaeological deposits that will be affected by the proposed development. As such, the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

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'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine nature and significance of anomaly 8, as identified in the geophysical survey report, any further mitigation here would depend upon these results. In addition, the south-eastern part of the site should be subject to strip, map and recording where the survey has identified discrete anomalies that may be pits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

#### **HISTORIC ENVIRONMENT TEAM - 26.03.19**

I refer to your recent re-consultation. The Historic Environment Team have no additional comments to make to those already made,

#### **PUBLIC HEALTH - 05.02.19**

##### Contaminated Land:

The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site.

##### Recommended conditions:

1) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site

until either the LPA grants written consent for the development to commence or the requirements of condition (2) below are met.

2) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (1) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.

3) Following completion of any works required by condition (2) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

Reason: In the interests of public health and the protection of the environment

Informative note: It is recommended that applicants, agents and developers take specialist consultant advice before complying with these conditions.

#### Air Quality:

Given that Cullompton is in an Air Quality Management Area (AQMA), the recorded concentrations of relevant traffic related Nitrogen Dioxide (NO<sub>2</sub>) pollution is high and concerns are that developments within the area might contribute to the deterioration of poor air quality in certain locations.

These concentrations apply to areas where there is residential exposure in the town-centre and consequently, all major development in Cullompton area giving rise to new traffic trips within the town has to be managed carefully.

Recent monitoring data in the vicinity of the area indicates that the development may contribute to a deterioration in air quality and in certain locations, exceedances of the national air quality objectives (Air Quality Regulations - Part IV of Environment Act 1995) for nitrogen dioxide and particulates. This is due to the mass of emissions arising from transport movements generated by the proposal during both construction and operational phases and by increased trips through the town centre.

As such, an adequate and comprehensive proactive assessment and mitigation of air quality concerns is required. A Low emission assessment, which accounts for the cumulative impact of development within the AQMA as a whole, should be provided.

To assess the air quality impact we will require further information in order to consider air quality constraints adequately'

- An integrated Transport Assessment, traffic pollution mass emission assessment and low emission strategy (LES) which takes account of the cumulative effect on local air quality of the proposed development alongside other proposed new developments within the AQMA. Furthermore, within the LES, sets out defined changes arising from a range mitigation measures/options.

- Consideration to be given to a planning obligation/s106 agreement contribution to the delivery of the Cullompton Air Quality Action Plan to ensure the proposed development is acceptable in planning terms.

A report of the above assessments and its recommendations shall be submitted for consideration to the Local Planning Authority for consultation with Public Health and Regulatory Services prior to any decision on the proposal.

#### Environmental Permitting:

No objection to this proposal

#### Drainage:

No objection to this proposal

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 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 HEALTH** 1<sup>st</sup> May 2019

**Air Quality update:**

The Air Quality and low emissions assessment provided for the proposed residential development at Siskin Chase, Cullompton, is now considered acceptable. Taking into account the cumulative traffic, the results show that the development will not cause exceedances of the air quality objectives, and the impact of the development is considered to be satisfactory.

Necessary mitigation can therefore be secured by appropriate conditions and/or through the s106.

RSPB - 13th February 2019 - Thank you for inviting the RSPB to comment on the above application, we are pleased to see that provision will be made for building dependant bird species.

We are concerned that the numbers recommended are less than is currently accepted best practice as described in RIBA Publishing's Building for Biodiversity 2nd Edition 2016:

The latest guidance from the Town and Country Planning Association and The Wildlife Trusts, Planning for a Healthy Environment: Good Practice for Green Infrastructure and Biodiversity (2012), uses guidelines from Exeter City Council's Supplementary Planning Document Residential Design (available at: [www.exeter.gov.uk/index.aspx?articleid=127302010](http://www.exeter.gov.uk/index.aspx?articleid=127302010)). It recommends that nesting and roosting boxes be included as part of the fabric of the building for building-reliant birds (e.g. swift, swallow and house martin) and bats and birds associated with urban areas (e.g. house sparrow and starling). As a guideline, the number of built-in provisions of nest or roost sites per development should be approximately the same as the number of residential units. However, this provision would be located in the parts of the site suitable for the species in question and can be in residential or non-residential buildings.

We have come to the conclusion that as nest cups for swallows and house martins are retro-fitted, need ongoing maintenance and are easily removed they should not be conditioned but left to the discretion of the new occupiers

We are also concerned that equal numbers of bat tubes to bird nest boxes makes limited ecological sense as the types of bat that use the former tend to roost in groups and a bird box will only be used by one pair at a time !!

In Exeter recently Taylor Wimpey have concurred with this advice and are fitting a much higher ratio of bird boxes to bat tubes.

We strongly recommend that the number of bird boxes are increased and made a condition if planning consent is granted.

**RSPB** - 25 March 2019

Thank you for asking us to comment on the above, these are unchanged from our previous comments, the attached from Action for Swifts which we fully endorse may be helpful.

**DEVON COUNTY EDUCATION** - 13.02.19

Regarding the above application, Devon County Council has identified that the proposed increase of 105 family type dwellings will generate an additional 26.25 primary pupils and 15.75 secondary pupils which will have a direct impact on primary schools in Cullompton and Cullompton Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

**Primary School Provision:**

Devon County Council has already forward funded schemes at Willowbank Primary School and St Andrew's Primary School to provide capacity for future development and increasing demographics within the town. The cost of these expansion projects will be recouped from development in the town as it comes forward. Additionally, a new primary school is proposed as part of the NW Urban extension which is necessary to ensure sufficient pupil places for children living within the town. The new primary school will also be funded by development.

The County Council has indicated in our responses to other planning applications across the town (17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT) that pupils from 200 dwellings can be accommodated at the expanded schools. As such, the first 200 dwellings approved in the town will be required to pay the DfE extension rate of £13,652 per pupil (£3,413 per dwelling, equating to £358,365.00 for this development). Development beyond the first 200 dwellings approved will be required to contribute towards the delivery of the new primary school, and will therefore be required to pay the DfE new build rate of £16,019 per pupil (£4004.75 per dwelling, equating to £420,498.00 for this development). Therefore the amount requested from this development will be dependent upon the time of determination. This request relates directly to providing education facilities for those living in the development.

**Secondary School Provision:**

Although Cullompton Community College has some forecast 'spare' capacity available, this is expected to be filled by sites allocated in the submission Local Plan. As this site is a contingency site in the Local Plan, it is not considered to be allocated and therefore a proportion of this spare capacity has not been assigned to this application site. As such, a contribution towards secondary expansion is expected to be required from the development. The contribution sought would be £345,255.00 (based on the DfE extension rate of £21,921 per pupil). This will relate directly to providing education facilities for those living in the development.

**Early Years Provision:**

In addition, a contribution towards Early Years provision would be needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £26,250 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2015 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

**NATURAL ENGLAND - 1 February 2019**

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

**NATURAL ENGLAND – 25<sup>th</sup> March 2019.**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 01 February 2019.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult.

## **DEVON, CORNWALL & DORSET POLICE**

Police have no objections in principle to this proposal. It is appreciated that at this time it is an outline application, as such I am unable to comment in depth as the only available proposed layout drawing does not reveal many, if any details that would be of concern to the police. However, the reference to Crime Prevention within the Design and Access Statement is noted and welcomed. The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community, in addition to the layout the physical security is now a consideration.

Planning applications should demonstrate, generally in the Design and Access Statement, how the principles of Crime Prevention through Environmental Design (CPTED) combined with the principles and practices of Secured by Design (SBD) have been considered and incorporated into the design and layout of all new developments. This helps provide reassurance and will ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised.

CPTED principles:-

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

'Structure - Places that are structured so that different uses do not cause conflict.

'Surveillance - Places where all publicly accessible spaces are overlooked.

'Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

'Physical protection - Places that include necessary, well-designed security features.

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

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

Having reviewed the available outline masterplan, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

The one main access into the development creates strong active frontages with good neighbourly surveillance opportunities to deter criminal activity and anti-social behaviour (ASB).

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

Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass.

Where dwellings are adjacent to public open space, (POS), considerations should be given to the inclusion of defensive planting as part of clear boundary definition for private and public space.

Any proposed pedestrian routes must not run to the rear of and provide access to gardens, rear yards / parking courts or dwellings as this has been proven to generate crime and anti-social behaviour (ASB).

If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has

matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

With regard to the proposed allotments, which can be the target of crime and ASB, consideration must be given to appropriate security measures with for example the inclusion of a robust perimeter fence and gates.

**DEVON, CORNWALL & DORSET POLICE –**

Thank you for this application.

Police have no additional comments to those of 4th February 2019.

Kind regards

**ENVIRONMENT AGENCY - 08.05.19**

Thank you for consulting us on this application.

Environment Agency position

The development will be acceptable provided that a condition regarding flood resilience is included within any permission granted.

The suggested wording for our recommended condition is set out below, together with associated advice on flood risk.

Condition

No development approved by this permission shall commence until details of finished floor levels of property, and landscaping between the existing ponds and properties, have been submitted to, and agreed in writing by the local planning authority.

Reason - To safeguard property adjacent an existing ponds from the consequences of a scenario of water discharging from them.

Advice - Flood Risk

We hold no objections but do raise some issues as material considerations.

Flooding of Colebrook Lane and third party land

There is a history of flooding from the Cole Brook, most notably in August 1997, which resulted in water flowing east along Colebrook Lane into Spindlebury and Swallow Way. Numerous residential properties in Knightswood were flooded. Indications are that the road culvert under Colebrook Lane is of limited flow capacity which can lead to instances of water flooding Colebrook Lane and in larger floods water flowing east and effecting third party land. Development provides an opportunity to upgrade this culvert, perhaps in conjunction with Devon County Council in their role as the Highway Authority.

The proposed pedestrian/cycle link onto Colebrook Lane would increase the risk of flooding of Colebrook Lane because it would act as a flow path for flood waters, through an existing bank/wall. We advise that the proposal be revised to reduce the likelihood of water passing onto Colebrook Lane.

It may be feasible to construct an embankment, or bolster the existing earth and stone wall, along the southern and eastern boundary of the proposed area of public open space, in conjunction with other minor earthworks, to encourage the storage of flood water reducing risk downstream. We are happy, and indeed would suggest either hosting, or attending, a meeting to discuss the above.

Proximity of some of the proposed properties to existing ponds.

Several of the proposed properties would sit adjacent to several existing ponds. The ponds are higher in level than the proposed houses. As such measures should be put in place to safely manage any water that may discharge from the ponds.

#### Advice - Flood Resilience

Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:  
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

#### **HISTORIC ENGLAND - 09.04.2019**

Thank you for your letter of 21 March 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

#### **HIGHWAY AUTHORITY – 25<sup>th</sup> March 2019**

##### Observations:

The Highway Authority has considered the application and the transport assessment, and are accepting of its contents as a reasonable expectation of the traffic generations likely within the development. The application is in out line and details beyond the point of access are to be determined through the reserve matter application.

Current emerging policy requires the delivery of the distributor road through the NW Cullompton allocation before the site comes forward, however the Secretary of states Inspectors decision on the traffic in Cullompton would result in such requirement falling foul of CIL regulations, The Highway Authority through the enquiry in public(LPR) have requested that this is now removed from policy based on the Inspectors decision.

The Highway Authority are content to accept a single point of vehicle access, but would require that an emergency/Footway/ cycle way access is formed to the west of the site and again the use of Colebrook lane cycle lane access can also be for emergency vehicles too.

Similarly the use of this point of access to the land should be used for construction vehicles to avoid conflict with residential traffic in Siskin Chase and should form part of the construction management plan. The internal layout will need to demonstrate suitable speed reducing features e.g. Speed reduction bends or other Horizontal alignment features.

The Highway Authority would support the Local planning Authority in seeking contributions to the Town centre relief road, and may require contributions towards public transport to be included in a legal agreement through the Town and country planning act.

Therefore the following conditions should be imposed

##### Recommendation:

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

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (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 inc.; 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 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;
- (g) 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;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

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

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

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

4. No development shall take place until details of the layout and construction of the Colebrook lane access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

REASON: To ensure the layout and construction of the access is safe in accordance with NPPF

5. No part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

REASON: To ensure the proper development of the site.

## REPRESENTATIONS

41 letters of objection have been received summarised as follows:

- Ability of DCC to change their minds about the need for NW link road to be in place
- Concern over use of Siskin chase for more housing and construction traffic – safety issues, existing parking, narrowness of road
- Greater number of parking spaces required than shown
- Impact on all roads leading to motorway at rush hours
- Why go to great expense of producing a development plan and then not stick to it
- Dangerous levels of air quality in town at present
- J28 is at capacity
- Road surface in Siskin chase is already cracking and who will repair this
- Developers have said that they can't put access in from Colebrook lane as it's too marshy but why are they building houses there?
- Increased waiting times for doctors and dentists – increased pressure on services
- Colebrook lane wouldn't be suitable for access as it's a narrow rural lane
- Colebrook lane would be the most suitable access point
- Disturbance to bats and geese
- Concern over the accuracy of the documents submitted by the applicant and that they are biased. MDDC should commission their own reports and studies
- Overwhelming number of journeys made from the site will be by car
- Increased risk of flooding to existing properties
- Mud from builders traffic will be dragged onto the road
- Will inevitably lead to the development of the rugby club land

2 letters of either support or neutral have been submitted summarised as follows:

- Glad to see some further development
- Good quality proposed with large areas of POS
- More housing is good for the economy
- No objection subject to their being sufficient highway capacity for both this site and the NW Cullompton allocation

A further letter of representation has been received from the RD&E NHS Foundation Trust requesting a financial contribution from the development towards their services. This is dealt with in section 8 below.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Principle of development and 5 year housing land supply**
- 2. Highway safety**
- 3. Air quality**
- 4. Drainage and flood risk**
- 5. Public open space and green infrastructure**
- 6. Landscape and ecology**
- 7. Heritage**
- 8. Section 106 obligations**
- 9. Comments received**
- 10. Planning balance**

### **1. Principle of development 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 emerging Mid Devon Local Plan Review (submitted for examination) focuses development mainly on Cullompton and Tiverton with Cullompton being identified as an area for strategic growth. The application site is allocated under policy CU21 in the Local Plan Review (LPR) submission as a contingency site and states:

A site of 4.8 hectares at Colebrook is identified as a contingency site for residential development to be released in accordance with Policy S4, subject to the following:

- a) 100 dwellings with 28% affordable housing;
- b) The development shall not commence until completion of the North West Cullompton through route linking Tiverton Road to Willand Road;
- c) Provision of two points of access from Siskin Chase;
- d) Provision of 1.1 hectares of green infrastructure, to include the retention of land in the floodplain as informal amenity open space and for Sustainable Urban Drainage provision;
- e) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;
- f) Archaeological investigation and appropriate mitigation; and
- g) Transport assessment and implementation of travel plans and other measures to minimise carbon footprint and air quality impacts.

Policy S4 of the LPR states that sites identified as contingency sites will be permitted to boost housing supplies if cumulative housing completion levels fall below expected rates or a five year deliverable supply of sites cannot be demonstrated.

The site was previously allocated as a contingency site in AL/CU/20 of the Allocations and Infrastructure DPD.

The Local Plan Review has been through examination but the Inspector's report has not yet been received and the Plan has not yet been adopted. At the time of writing this report, The Local Plan Review carries only some weight in consideration of this planning application.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. However since an appeal at Uffcume in 2016, its policies relating to housing delivery in the Core Strategy are considered to be out of date and therefore the tilted balance in the NPPF applies to the consideration of applications. 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 10 of this report.

The principle of developing the site for up to 105 dwellings and the proposed means of access to the site are the only issues for consideration through this application. The quantum of development proposed reflects the policy aspirations in the LPR, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed.

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

Mitigation is proposed to off-set the impacts of the proposed development and a package of Section 106 obligations will be delivered (see section 8 of this report)

## **2. Highway safety**

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.

The NPPF states that transport issues should be considered from the earliest stages of planning 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.

As set out above, policy CU21 sets out the requirement for the completion of the North West Cullompton through route linking Tiverton Road to Willand Road prior to the commencement of development on this site. As Members will be aware, the road in question has not commenced construction and therefore to grant planning permission for 105 dwellings on this application site would be contrary to that policy. That does not mean that planning permission must be refused as section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 advised that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (underlining for emphasis only)

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.

It is this appeal decision that the Highway Authority are referring to in their consultation response and as such, do not consider that it would be reasonable to require the North West through route linking Willand Road to Tiverton Road to be in place prior to the occupation of the proposed 105 dwellings. The views of the Inspector in that appeal are a material consideration which in your officers view, outweighs the policy requirement. The Highway Authority would not be able to substantiate a refusal on this matter, despite there being clear wording within the policy, due to a change of circumstances since the policy wording was drafted.

Many of the letters submitted make reference to the perceived inadequacies of Siskin Chase to provide access to 105 dwellings. Many of the letters suggest a potential access from Colebrook Lane. Some residents are in favour of development access coming solely from Colebrook Lane, some are against any access from Colebrook Lane. However, the Highway Authority, as statutory consultee has advised that in their view Siskin Chase is an acceptable means of access for the development, requiring a pedestrian/cycle/emergency access only onto Colebrook Lane. The applicants have also agreed to use Colebrook Lane for construction traffic to minimise disruption to residents on Siskin Chase. This would be subject to a Construction Management Plan. Access via Siskin Chase accords with the policy requirement of CU21.

Concerns have been received about the levels of parking provision proposed for the site. The current policy (DM8) requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not fall to be considered under this

application. Concerns have also been expressed about the quality of the road surface in and around Siskin Chase but this is a maintenance matter for the Highway Authority and does not fall to be considered here.

The applicants are also making financial contributions to mitigate the impact of the development and subject to these, 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.

### **3. Air quality**

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

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

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

The application is supported by the required documentation which includes mitigation to reduce the impact of the development on air quality. Environmental Health officers are satisfied with the measures to reduce reliance on car travel through the implementation of a Travel Plan (which promotes car sharing, promote walking/cycling and the provision of electric vehicle infrastructure) and a financial contribution towards the Town Centre Relief Road, although they have recommended more detail on the provision of electric car charging points be provided. This will be conditioned for provision at reserved matters stage when the layout of the site is known.

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

### **4. Drainage and flood risk**

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

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

The site is in Flood Zone 2 (which means there is between a 1:1000 and 1:100 year risk that the site will flood. The lower (southern most part bordering Colebrook Lane) is in Flood Zone 3 (high risk) 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.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have also advised that they have no objections subject to the imposition of a conditions relating to site levels. They have however set out a series of recommendations which can be accommodated (with the exception of the culverting work) within the layout of the reserved matters application. The suggested work to the culvert seeks to deal with an existing situation rather than mitigate the impact of the development and therefore it would not be appropriate to require the developer to carry out this work.

On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3 and criteria d) of policy CU21 of the LPR

## **5. Public open space and green infrastructure (GI)**

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.

Policy CU21 of the LPR requires the provision of 1.1h of green infrastructure, to include the land within the flood plain as informal amenity space.

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 submitted layout plan does indicate a swathe of open space along the southern end of the site, where the flood plain is. It also includes an area for allotments and a local area of play. Given that this is an illustrative plan only, final details will be required as part of the reserved matters submission and the details of its provision will be a requirement of the s106. Given that its provision can be secured by way of a s106 agreement, it is considered that the policy requirement has been satisfied.

## 6. Landscape and ecology

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

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

Policy CU21 requires measures to protect and strengthen trees, hedgerows and other environmental features which contribute to character, biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;

The site is in an edge of settlement location so to the west of the Site, the wider landscape begins to rise and forms rolling hills with varied undulations. This area is characterised by mixed agricultural use with irregularly shaped fields following the landform and separated by dense hedgerows and mature hedgerow trees. The roads become narrow, winding and usually sunken as they run westwards out of Cullompton. The application is accompanied by a Landscape and Visual impact assessment which looks at the impact of the development in terms of visual impact and landscape impact. In order to carry out the assessment, reference is made to the Mid Devon landscape character assessment which was prepared in 2011. The site is located on the boundary between two different Landscape Character Types (LCT). The northern (highest) part of the site is located within LCT 3B: Lower Rolling Farmed and Settled Valley Slopes, and the southern part in LCT 3G: River Valley Slopes and Combes.

The study identifies that LCT 3B: Lower Rolling Farmed and Settled Valley Slopes is a gently rolling and strongly undulating landscape characterised by intensively farmed light soils. The sources of rivers create a lush damp character in the valleys. Woodlands are mixed with dense undergrowth giving a well-wooded character, which gives a strong sense of enclosure. It is primarily pastoral, fertile farmland with some arable with tightly clipped hedgerows unifying the landscape when viewed from distant vantage points. Road are mostly winding with bends and frequently sunken.

With regards to LCT 3G: River Valley Slopes and Combes (the southern part of the site), it is described as a landscape that has a very strong sense of enclosure with lush valleys with attractive, fast flowing streams. Some of the main areas of trees are ancient seminatural woodland. It is a strongly undulating landscape with a variety of sloping land. Woodlands are predominantly characterised by oaks and extensive deciduous tree species. Copses are widespread and have dense scrubby undergrowth.

The submitted LVIA, concludes that visually, the site is relatively well contained within the wider landscape with few long distance views due to the well vegetated and undulating landform. The trees and vegetation to the west of the site, combined with the site's low-lying position contribute to screening and filtering of views of the site from the wider area. The northern part of the site, being slightly more elevated, is slightly more visible. However, due to the sunken nature of many of the surrounding public rights of way and roads, publically accessible views of the site are limited to the local area.

With regards to impact on the landscape, the LVIA concludes that overall, the site is of medium quality and sensitivity to residential development because it forms part of a landscape with reasonable ability to accommodate change and is well related to the adjacent settlement edge of Cullompton. Change would be accommodated on this Site with limited loss of some features or elements, and residential development would not be especially discordant in this location and could be sensitively designed to mitigate harm to landscape character.

In addition, Members are advised that the landscape impacts of a development on the site would have been considered prior to allocating the site. Mitigation proposals would need to form part of the reserved matters application.

With regards to protected species and habitats, an Ecological Impact Assessment has been submitted which shows the survey results for the site. No protected species were found on site but the survey indicates the use of the site for foraging by bats. Mitigation through provision of bat boxes and consideration within the scheme design to items such as lighting will need to form part of the reserved matters application.

Subject these further assessments to inform reserved matters, it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1), CU21 of the LPR and the provisions of the NPPF.

## **7. Heritage**

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

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

A geophysical survey has been carried out on the site, the results of which have been submitted. Whilst this does not indicate the presence of any significant heritage assets with archaeological interest within the site, several anomalies have been identified and as a result the DCC Archaeologist has recommended that a condition be applied to any consent granted requiring a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches and the south-eastern part of the site being subject to strip, map and recording where the survey has identified discrete anomalies that may be pits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

With the imposition of their recommended condition, and considering that there are no listed buildings or conservation areas close to the site the development is considered to comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

## **8. Section 106 obligations**

The s106 requirements are set out in full at the start of this report.

The applicants are proposing 35% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The Highway Authority have requested financial contributions of £7,500 per dwelling towards the provision of the Town Centre Relief Road and a single payment of £135,000 to support the bus service. As part of the s106, they will also require the implementation of a Travel plan. In addition, your officers are recommending that an area of land to the north of the site be transferred to the ownership of DCC so as to ensure access can be provided into the land to the north, should it be required for development in the future.

The Education Authority have requested financial contributions towards primary, secondary and early years provision.

The NHS have requested a financial contribution towards maintaining service delivery during the first year of occupation of each unit of the accommodation on/in the development. They advise that due to the payment mechanisms, constitutional and regulatory requirements the Trust is subject to, it will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and they go on to advise that there is no mechanism for the Trust to recover these costs retrospectively in subsequent years. Without securing such contributions, the Trust advise that it would have a direct and adverse impact on the delivery of health care in the Trust's area.

The application includes the provision of public open space, allotments and a play area and it is necessary to secure their adequate provision by way of a s106 agreement.

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

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

It is considered that each of these obligations satisfies the relevant tests above

## **9. Comments received**

Comments received from members of the public have been addressed in the relevant sections above. In addition, comments have been received regarding the impact of the development on increased waiting times for doctors and dentists and the increased pressure on health services in general. Members will note in the section above, that contributions towards this provision have been requested.

Concern has also been expressed about the accuracy of some of the documents submitted by the applicant and that MDDC should commission their own reports and studies instead. Members will be aware that the Local Planning Authority is required to consult with statutory consultees on

planning applications it receives. It is the role of these consultees to assess the relevant information submitted with the application and its appropriateness or otherwise. Members will have seen in the 'consultations' section above that questions or concerns have been raised initially by consultees, who are experts in their fields, and the applicant has been given time to address these. The reports and studies submitted with the planning application have been carried out by qualified professionals and the reports should therefore be read and considered in this context.

Concern has been expressed that approval of this development will inevitably lead to the development of the rugby club land. The plans clearly indicate the desire for pedestrian access into the land and your officers included a requirement in the s106 to ensure that vehicular access up to and including the northern boundary of the site is provided so that this cannot prevent development in the future. It does not however give an indication that development of that land would inevitably be acceptable and nor should the possibility of further land coming forward in future be a barr to development on the application site.

## **10. Planning balance**

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

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

Community facilities are to be provided in the form of allotment, a play area and landscaped open space.

The delivery of 105 new homes, including 35% 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 North West Cullompton road being in-situ but the reason for this has been addressed above.

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

## CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings of layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. The detailed drawings required to be submitted by Condition 1 shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of public open space and green infrastructure, arboricultural method statement and tree protection plan, to include engineering details for any areas of no-dig construction and cabling for electric vehicle charging points at a rate of one per residential property
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. 173040; dated December 2018) and the additional information contained within the letter RE: West of Siskin Chase, Cullompton (dated 13<sup>th</sup> March 2019).
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
8. 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.
9. 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 6.

10. No development approved by this permission shall commence until details of finished floor levels of property, and landscaping between the existing ponds and properties, have been submitted to, and agreed in writing by the local planning authority
11. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
12. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the Local Planning Authority for approval in writing. No work shall proceed on site until either the Local Planning Authority grants written consent for the development to commence or the requirements of condition 13 below are met.
13. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition 12 above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the Local Planning Authority.
14. Following completion of any works required by condition 13 above, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted in writing by the Local Planning Authority.
15. 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 and a phasing plan;
  - 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 to include the temporary use of an access from Colebrook Lane;
  - 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. Once approved in writing by the Local Planning Authority, the works on site shall be carried out in accordance with the approved CEMP unless a subsequent variation is agreed in writing by the Local Planning Authority.

16. 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.
17. No development shall take place until details of the layout and construction of the construction access from Colebrook Lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.
18. Prior to construction of any residential dwellings above slab level (excluding enabling works and excavation), the first 10 metres of the access roads back from its junction with the public highway, and details of the construction compound must be submitted to and agreed with the Local Planning Authority. The access road must be laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway and a site compound and car park have must be constructed in accordance with those details approved.

## **REASONS FOR CONDITIONS**

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 however the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning

Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 however the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.

4. For the avoidance of doubt and in the interests of proper planning.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
7. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
8. 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.
9. 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.
10. To safeguard property adjacent an existing ponds from the consequences of a scenario of water discharging from them. Several of the proposed properties would sit adjacent to several existing ponds. The ponds are higher in level than the proposed houses. As such measures should be put in place to safely manage any water that may discharge from the ponds.
11. 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
12. In the interests of public health and the protection of the environment
13. In the interests of public health and the protection of the environment
14. In the interests of public health and the protection of the environment
15. To minimise the impact on the highway network and on nearby residential properties during the construction period.
16. To ensure that adequate information is available for the proper consideration of the detailed proposals.
17. To ensure the layout and construction of the access is safe in accordance with the National Planning Policy Framework.
18. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

## **INFORMATIVES**

- 1) It is recommended that applicants, agents and developers take specialist consultant advice before complying with conditions 12, 13 and 14.

## **REASON FOR APPROVAL OF PERMISSION**

The principle of developing the site for 105 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The access into the site is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply.

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

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

The delivery of 105 new homes, including 35% affordable housing weighs in favour of approval of the application as do provision of green infrastructure.

Also weighing in favour of the approval are the financial contributions 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 this being a contingency site and in relation to the requirement for the North West Cullompton linking road not yet having been constructed.

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

The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR10, COR11 and COR14 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM6, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

The 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.