

REPORT OF THE HEAD OF PLANNING AND REGENERATION

**14/01748/MARM - RESERVED MATTERS FOR THE ERECTION OF 112 DWELLINGS, INCLUDING GARAGES, DOMESTIC OUTBUILDINGS AND STRUCTURES, ASSOCIATED INFRASTRUCTURE, ESTATE ROADS, FOOTWAYS, CAR PARKING COURTS, DRAINAGE, PUMPING STATION AND LANDSCAPING, TOGETHER WITH ALL OTHER ASSOCIATED DEVELOPMENT, FOLLOWING OUTLINE APPROVAL 13/00859/MOUT - LAND AND BUILDINGS AT NGR 302994 107178 (FORMER CUMMINGS NURSERY) CULM LEA CULLOMPTON DEVON**



### **Reason for Report:**

At the Planning Committee on the 11<sup>th</sup> February 2015 the above application was presented and considered by the Committee for determination. Members at that Committee expressed the view having considered the application and material planning matters they were minded to refuse the application based on the unacceptable

- layout, density, massing and external appearance; and,
- the proposed development was not in character with the adjoining Culm Lea residential development.

and deferred the decision to allow for this report setting out the implications of the proposed decision and the reason for refusal.

### **Relationship to Corporate Plan:**

The corporate plan sets out the objective of meeting housing needs through the provision of good quality housing in the public and private sector.

### **Financial Implications:**

The refusal of planning permission for housing will impact on the amount of new homes bonus the local authority may receive. The refusal may be appealed which could have cost implications

### **Risk Assessment:**

The risk of a potential cost award at appeal should always be borne in mind. The potential of an appeal costs award should not however unduly inhibit the authority from refusing unacceptable development providing demonstrable reasons for withholding planning permission can clearly be justified and substantiated.

### **Description of Development:**

This application proposes 112 dwellings (104 houses and 8 flats) across the site, and the application proposes the following issues for consideration:

- Siting of the building plots
- Architecture and design of all buildings
- Height, scale and massing of all buildings
- Design and layout of public and other highway infrastructure (carriageway, footpaths) within the site area
- Design and layout of open space and landscaped areas
- Parking provision

The layout includes; 4 x 1 bedroom houses, 8 x 1 bedroom apartments, 35 x 2 bedroom house, 57 x 3 bedroom houses, 8 x 4 bedroom houses. In total there are 13 different housing types.

The affordable houses comprise the 1 bed houses and flats, 18 x 2 houses and 8 x 3 bed houses, comprising 38 units in total which is 35% (policy calculation:112-4).

The majority of the houses are proposed in buildings with accommodation over two floors and on these house types the eaves level is set at approximately 5.0 metres & ridge set at approximately 8.5 metres. The 8 x 1 apartments are set out in two separate building block which are similar in terms of height to the house blocks. The 4 x 1 bedroom houses are with single storey units with eaves set at approximately 2.5 metres and ridge level at just above 5.5 metres.

The layout includes 193 parking spaces, either on plot, as an integral part of the layout and/or in dedicated on street parking zones. 59 of the houses are proposed with a garage. Access into the site is from River Drive as from the agreed point of access established by the outline permission with the estate road leading into 3 tree lined avenues that terminate directly in front of the proposed open space that provides the buffer / boundary between the new houses and the open space that sits beyond the site. This area is to be remodelled to also accommodate 2 flood water retention ponds. Approximately 60 trees are proposed as part of the new highway design, and on the site boundary in conjunction with defined areas of planted hedgerow on the site boundary.

Amendments to the original plans were received (7 January) that include the following revisions to the scheme layout, with the number of houses remaining at 112:

- Removal of pedestrian link to neighbouring estate adjacent to plot 8.
- Re-positioning of dwellings along Road 1 to improve relationship between plots 9/10 and neighbouring property and to give additional garage.
- Inclusion of bin/bike stores for plots 15-22.
- Traffic priority at Road 3 junction altered and Road 3 changed to shared surface.
- Defensible planting added to western boundaries of plots bordering POS.
- Access footpath adjacent to plot 52 removed.
- Plots 59-61 shuffled to improve relationship and parking.
- Parking for plots 65-75 rationalised.
- Access between garages to plots 80&81 removed.
- Entry junction to development brought in line with engineer drawings.
- Adjustment of patio locations to ensure level access to meet Code for Sustainable Homes (CFSH).

### **Implications report**

At the meeting on 11<sup>th</sup> February 2015 Planning Committee indicated that they were minded to refuse this application and in accordance with the protocol covering proposed decisions against officer recommendation, consideration of the application was deferred for this implications report setting out the suggested reason for refusal and advice on the grounds for refusal.

The suggested reason for refusal based on the grounds put forward by the Committee on the 11th February 2015 reads as follows:-

**The Local Planning Authority consider the design of the proposed residential development to be unacceptable by virtue of its density, its regimented layout, its massing and repetitive and limited external designs which would result in a development not in keeping or character with the adjoining development of Culm Lea or the immediate locality. The proposal would result in a residential development contrary to the design policies in the National Planning Policy Framework and Policy DM2 (a),(b),(c),(e) of the Mid Devon District Local Plan Part 3 Development**

**Management Policies, which recognise that good design is a key aspect of sustainable development, is indivisible from good planning, and ensures that new development contributes positively to making places better for people.**

Members need to ensure that the wording of the reason for refusal adequately reflects the Committee's objections to the application.

The National Planning Policy Framework (NPPF) places significant emphasis on requiring good design. It requires all local planning authorities to *"plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes"*.

It requires Local plans develop robust and comprehensive policies that set out the quality of development that will be expected for the area and the Mid Local Plan Policy DM2 does so in paragraphs (a), (b), (c) and (e):-

#### DM2

**Designs of new development must be of high quality, based upon and demonstrating the following principles:**

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;**
- b) Efficient and effective use of the site, having regard to criterion (a);**
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;**
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
  - i) Architecture**
  - ii) Sitting, layout, scale and massing**
  - iii) Orientation and fenestration**
  - iv) Materials, landscaping and green infrastructure.****

The NPPF states *"planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*
- are visually attractive as a result of good architecture and appropriate landscaping.*

The NPPF requires *"design policies should avoid unnecessary prescription or detail"*, but emphasises that they *"should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally"*. It is clearly in relation to these specific issues in the NPPF and your Local Plan the Committee consider this planning application unacceptable.

The Committee considered the development by virtue of its density, its regimented layout, its massing and repetitive and limited external designs was not in keeping or character with the adjoining development of Culm Lea or the immediate locality.

The NPPF states that *“design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

Interconnectivity was missing between the new proposed development and the existing Culm Leas residential estate.

The National Planning Policy framework is quite clear *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”* and the Planning Committee can consider in the light of the above their reasons for refusal are justified in this instance

**Contact for any more information**

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**Background Papers**

Planning Committee 11th February 2015  
Agenda, Plans List, Minutes and update sheet.

**File Reference**

14/01748/MARM

**Circulation of the Report**

Cllrs Richard Chesterton  
Members of Planning Committee