

Grid Ref: 302994 : 107178

Applicant: Mr Steve Russell

Location: Land and Buildings at
NGR 302994 107178
(Former Cummings
Nursery) Culm Lea
Cullompton

Proposal: 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

Date Valid: 24th October 2014



Application No. 14/01748/MARM

RECOMMENDATION

Approve Reserved Matters subject to conditions

PROPOSED DEVELOPMENT

Reserved Matters application for the erection of 112 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT.

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 have been received (7 January) which includes 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).

APPLICANT'S SUPPORTING INFORMATION

The application was first registered with the following information:

Application Form, Red Line site plan.
 Design & Access statement, compiled by GJR
 Carbon Reduction Strategy prepared by AES Southern Ltd
 Site waste Management Plan prepared by Devonshire Homes
 Site layout, individual house type elevations and floor plans, accommodation schedule and street elevations prepared by GJR
 Landscaping / planting proposals prepared by Redbay Design

Additional Information was subsequently submitted as follows:

7th January: Revised site layout plan and revisions to elevations and layouts for some house types (relating to revised position of windows at rear and confirmation of patio zones), preliminary Drainage layout plan, Drainage Maintenance Plan, a copy South West Water's Developer Evaluation Report.

Further additional information/plans showing the relationship between the public open space/retention tanks and the main development area are to be submitted and will be incorporated in the presentation of the Committee Meeting on the 5th February.

PLANNING HISTORY

13/00859/MOUT: The application was granted permission subject to a section 106 agreement and conditions, after it was considered by the Planning Committee at their meeting on 8th January 2014. A number of the conditions which the applicant is seeking to have discharged at this stage are listed as follows: 4, 6, 7, 8, 17 & 19 (in part).

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/1 - Housing Plan, Monitor and Manage
 AL/DE/2 - Overall Affordable Housing Provision
 AL/DE/3 - Affordable Housing Site Target
 AL/DE/4 - Occupation of Affordable Housing
 AL/DE/5 - Inclusive Design and Layout
 AL/IN/3 - Public Open Space
 AL/IN/6 - Carbon Footprint Reduction

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
 DM2 - High quality design
 DM3 - Sustainable design
 DM8 - Parking
 DM14 - Design of housing
 DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 29th October 2014 - The traffic impact of the proposed development was dealt with at the outline stage and this application addresses the reserved matters only, specifically for the layout, scale, appearance, landscaping and design of the development in relation to conditions 1 and 4 of approval 13/00859/MOUT. I also note that a similar number of dwellings is now proposed.

The Agency therefore has no objection to this application.

CULLOMPTON TOWN COUNCIL - 19 December 2014

At a recent meeting of Cullompton Town Council, it was resolved that the Council recommends that this application is granted permission subject to the following:

Wheelie bins: There is concern about location spaces for wheelie bins for flats, these should be adjacent to the flats and not halfway down the road.

Car parking: It was noted that the majority of the plots only have one allocated parking space and there is very limited visitor parking which will result in cars parking on the public highway which in turn makes it difficult for refuse collection lorries etc. More parking required.

Outflow water pipes: Please ensure that the outflow pipes are capped to ensure that water flows out but not in.

Emergency access: The proposed location of removable bollards is not suitable for emergency vehicle access, the access for emergency vehicles should be relocated to come off the farm access lane.

Flood mitigation: Confirmation required that front and back doors are above ground level to limit the risk of flooding.

Accessibility: Confirmation required with regard to the door widths being sufficient for double buggies and wheelchairs i.e. wider than 85cm.

S106 Agreement, Off-site open space contribution: This should be reworded to state that the sum of £1205 per Dwelling payable by the developer to the District Council for the provision of formal playing fields in the Parish (not the District).

Size of properties: Particular concern about 1 Bed affordable units which are only 47m². We understand that the guidelines recommend that a property is not less than 50m². Please could you clarify whether properties meet the Parker Morris standard house size guidelines.

Public Rights of Way

Part of Public Footpath No. 2 from Honiton Road to Duke Street passes close to or within Devonshire Homes land. From the photographs below Cullompton Town Council would urge MDDC to get the footpath and gates upgraded along this section. Suggested requirements include:

- a) Make the footpath a good all weather all-purpose surface (tarmac or similar).
- b) Remove kissing gates and install gates that allow for Mobility Scooter and pushchair access. (DCC footpaths have many alternative gates to kissing gates).
- c) Failure to provide disabled wheelchair access puts them in breach of the Equality Act 2010. Gates need to allow a mobility scooter 85cm wide and 165 cm long access.
- d) Long term opportunity to create a pedestrian (car free walking route to Last Bridge/Duke Street avoiding Junction 28). This would help public and school pupils.

Notes from DCC public Health report

Devon County Council Public Health Annual Report 2013-14:

Taking advantage of our natural environment to improve our health is one of the objectives of the Local Nature Partnership, a new statutory partnership to promote the natural environment - The Devon Local Nature Partnership.

EQUALITY ACT 2010: PUBLIC SECTOR EQUALITY DUTY

What is the Equality Duty?

The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work - in shaping policy, in delivering services, and in relation to their own employees. Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies - such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others (e.g. pavements, footpaths, gates, accessibility).

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

Discrimination means treating one person worse than another because of a protected characteristic (known as direct discrimination); or putting in place a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified (known as indirect discrimination).

It could be argued that if MDDC and DCC fail to use house developer funds to make the Cullompton Public footpaths accessible to wheelchair users they are engaging in indirect discrimination and are in breach of the equality Act 2010 (this is particularly noteworthy as the Sustrans footpath document of 2004 advocated developing Cullompton's footpaths and this has been ignored up to now).

College Surgery partnership organised weekly walks to be healthy as per the Devon Local Nature Partnership. No one in Cullompton who uses a wheelchair or mobility scooter can take part in these walks as very few of the footpaths are not accessible to wheelchairs.

Q1. Will MDDC ensure the footpaths in the Northwest extension become wheelchair accessible?

Q2. Will MDDC ensure footpath No. 2 alongside Cummings Nursery becomes wheelchair accessible?

Q3. Will MDDC ensure the Knowle Lane development makes public footpaths wheelchair accessible.

26th January 2015 - Recommend grant approval. There is a concern that the bank of the river Culm at the NW corner of the site is eroding and the footpath adjacent the site is in danger of being lost. cc to DCC Footpaths Officer (Ross Mills).

ENVIRONMENT AGENCY - 29th October 2014 - We have no objections to the proposal, despite no Flood Risk Assessment having been submitted with this application.

A Flood Risk Assessment has been agreed in respect of application 13/00859 and conditions recommended, providing these are included as part of this application, we are happy that flood risk has been considered.

Please also refer to our suggested contaminated land conditions and comments.

27th January 2015-

I refer to your email, regarding the above, which was received on the 15th January 2015.

ENVIRONMENT AGENCY POSITION.

In terms of condition 6 we consider that there is insufficient information to discharge the condition at this stage. We also question the design outflow of 145l/s.

Whilst the 'PRELIMINARY DRAINAGE LAYOUT' by AWP helps us understand the Suds layout it does lack detail regarding quite fundamental elements. We would advise that engineering drawings be produced detailing the swales and attenuation basins including details of inflow and outflow structures and flow control devices. On the issue of the outflow hydrobrake, we recommend that your authority gains clarification of the specification of the feature to be used. We further advise that a outflow arrangement be provided that would manage low flows, as well as the proposed design flow of '145l/s'. Failure to do so would result in the scheme attenuating water in only very rare circumstances, rather than over a range of rainfall events.

In terms of Condition 7 we suggest that specific reference be made to ensure the inflow and outflow structures, and any associated flow control devices, will be regularly inspected, and cleared of debris if found necessary.

HIGHWAY AUTHORITY - 11 November 2014 - no objection in principle to the application but has the following observations which need to be addressed prior to any conditions being imposed. The Applicant or the Local Planning Authority may wish to discuss these prior to an amended plan being submitted if so they should contact Ian Sorenson to discuss

Comments on layout of reserve matters application and the Highway Authority recommends that they should be addressed prior to consent being granted..

1. Visitor space r/o plot 74 and space 91 should be 3m wide given side obstructions.
2. Private lane between 31 and 32 needs to be extended to provide sufficient turning for plot 32 and widen to 4.1m and/or look at swept path of turning vehicles.
3. Highway Authority has concerns at access to number 35 and its proximity to the junction given forward visibilities are restricted by trees. Consider removing the trees outside 58 and 57 or handing property and drive.
4. Turning head in Avenue 1 is too short needs to be a minimum of 8.0m, recommend that the garages of plots 87 and 86 are set back to accommodate.
5. Turning head in Avenue 2 should be all tarmac and continuous with the road to avoid confusion which can currently be taken as additional parking for plot numbers 59 and 60.
6. Tree adjacent to space 3 in the block of spaces should be removed to provide forward visibility also tree adjacent to space 1.
7. Footpaths linking Avenues 1 and 2 to the Public right of way will breach the sound attenuation and should be avoided, also the links do not connect to the right of way and no access over the field is available to the applicant .footpath should be provided which links both avenues with the footpath along river drive and the details of its connection onto the right of way at the North West corner should be agreed with eth Highway Authority and the rights of way Officer.
8. The parking provision on the development has a number of properties with one space and a garage, the Local plan does not recognise a garage as a space. However the provision of the visitor spaces gives a general provision in compliance with the average 1.7 spaces required by the Local Planning Authority. However plot 59 has a space which is too short for two vehicles and will encourage parking on the footway and the garage should be dropped back to provide a clear 10m in front., In addition plots 50 and 52 only have a garage space and the Planning Authority may wish to have visitor spaces allocated to the properties.

RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

20th January 2015

Further to my previous letter the applicant has addressed most of the concerns and the Highway Authority are happy to impose conditions. The items that are still outstanding from my previous letter are item 6 position of a number of trees and they can be addressed through the section 278 access works. Item 7 is still relevant and I confirm my conversation with the planning officer and the need to realign the footpaths to form a cohesive link to the north west of the site. The drainage drawing a do not show any gullies and this has been requested of the applicant, and a condition approving the surface water is requested.

Notwithstanding the above the highway Authority would have no further observations and would request the following conditions be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. 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.

2. 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.

3. 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.

4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local 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.

6. 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 Local Planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the 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;

ENVIRONMENTAL HEALTH - 10th November 2014 - Contaminated Land - No further comments

Air Quality - No further comments

Drainage - No further comments

Noise & other nuisances - No further comments

Housing Standards - No objections

Licensing - No comments

Food Hygiene - N/A

Health and Safety - No further comments

DEVON COUNTY EDUCATION - 6th November 2014

Following receipt of your letter regarding the above planning application. A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within 1.5 mile radius of this development are St Andrews Primary School and Willowbank Primary School, both of which are deemed full after taking into account other approved developments within Cullompton. This development of 112 dwellings is expected to produce 28 primary aged pupils which will increase the shortfall of pupil places. The contribution required is £318,122.00 which would be used to increase education facilities in the area of development which includes a contribution towards ICT equipment required.

The secondary schools within the development area is Cullompton Community College which currently has capacity for the 16.8 secondary aged pupils expected to be created by this development.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

DEVON & CORNWALL POLICE AUTHORITY - 5th November 2014

The main concerns that the Police have is in relation to defensible planting, and one area of excessive permeability from a parking area. Further defensible planting is requested at the following locations:

The corner of plot 37 in order to deter a desire line developing, this may already have a fence. Externally along the perimeter fences of plots 32,34,35,59,89, this is to avoid the community conflict of getting too close to the perimeter fence, or the recovery of balls etc over the fence, or even kicking a ball against the fences. If the gradient is steep and overgrown hence impossible to play ball games this will not be necessary. There requires to be defensible space in front of 110,111, and 112 to allow ownership of the front of their homes, not leading directly onto POS. There appears to be a pathway leading from the parking area (for 38-42) between 52 and 53. This does not serve the users of the car parking area and makes the area vulnerable to crime and anti social behaviour. Can this path be removed please.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 27th November 2014 - The affordable housing mix required would be as follows:

4 x 1 bed house
8 x 1 bed flat
18 x 2 bed house
8 x 3 bed house

We would require all of the affordable housing to be at affordable rent.

NATURAL ENGLAND - 4th November 2014

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

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

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

SOUTH WEST WATER - 10th November 2014 - The public foul sewer network does not have sufficient capacity to serve the proposals without causing the public sewer network to surcharge, with resultant flooding.

This has been made known to the applicants and who have funded a detailed investigation to establish the level and cost of improvements necessary to accommodate the foul flows generated by their particular development.

Should your Council be mindful to approve this application South West Water will therefore require the following condition to be imposed:

Foul Drainage

No development shall commence until:

a) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

16th January 2015 - the foul drainage improvements identified in the evaluation report are required to allow us to support the development proposals.

The recommended improvements will be undertaken as a result of the developer entering into a sewer requisition under Section 98 of the Water Act which will result in the costs being apportioned between the developer and ourselves in line with that legislation.

Until such time as the requisition has been entered into and the legal agreement signed we cannot agree to condition 17 being discharged as there is no guarantee that the requisition will actually be progressed.

The requisition can be submitted once detailed planning/reserved matter permission is held and the legal elements concluded with 1 -2 months which would then allow us to agree to the planning condition being discharged in full.

ENVIRONMENT AGENCY - 27th January 2015

In terms of condition 6 we consider that there is insufficient information to discharge the condition at this stage. We also question the design outflow of 145l/s.

Whilst the 'PRELIMINARY DRAINAGE LAYOUT' by AWP helps us understand the Suds layout it does lack detail regarding quite fundamental elements. We would advise that engineering drawings be produced detailing the swales and attenuation basins including details of inflow and outflow structures and flow control devices. On the issue of the outflow hydrobrake, we recommend that your authority gains clarification of the specification of the feature to be used. We further advise that a outflow arrangement be provided that would manage low flows, as well as the proposed design flow of '145l/s'. Failure to do so would result in the scheme attenuating water in only very rare circumstances, rather than over a range of rainfall events.

In terms of Condition 7 we suggest that specific reference be made to ensure the inflow and outflow structures, and any associated flow control devices, will be regularly inspected, and cleared of debris if found necessary.

27th January 2015 -

We have no concerns regarding the planting plan as shown on Drawing 'Flood Plan for the Flood Zone' by redbaydesign.

REPRESENTATIONS

4 representations have been received raising the following concerns about the development:

- Concern about the increase in traffic seeking access to the M5.
- Light Pollution from new street lighting impacting on the existing properties on River Drive and the new properties.
- Pedestrian and cycle routes between the site and the River Culm and Cullompton should be provided.
- The scheme includes too many houses with inadequate levels of parking.
- Does the scheme inadequate areas of open space.
- Public transport between the site and other destinations should be encouraged.
- Concern about the relationship between plots 9 and 10, and the existing property on Culm Lea that sits adjacent.

Further notifications were sent out to contributors regards the revisions to the plans received on the 7th January as outlined above in this report. At the time of writing this report one further comment has been received which recognises the improvements to the layout in terms of the relationship between plots 9 and 10 and the existing adjacent property.

One further comment is raised regards the position of the boundary fence to the site and how it will affect the ability of the occupier to maintain the side elevation of the garage building. In response to this particular point it is considered to be a matter between the occupier and whoever will become the owner of the land adjacent as would be the case as existing.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy DM1, DM2 , DM3, DM8, DM14 and DM15 of Mid Devon Local Plan 3 (Development Management Policies) out the key policy considerations for the assessment. Your officer's recommendations are set out below under the following headings.

Policy/ Planning History

The Scheme Layout

Design Quality

Impact on general amenities of the area (existing residents)

Design of landscaped areas

Parking provision

Other issues

Policy / Planning History.

The site lies just outside the settlement boundary of Cullompton, and comprises a largely flat (with a slight slope from east to west and south to north) and rectangular shaped site to the east of the M5 and the River Culm. Historically the site was used for horticultural purposes, and although the horticultural use has not been operation for a number of years, the 10 commercial scale Green Houses remain on site and have fallen into a state of disrepair.

Outline planning permission has been granted, as a departure to the development plan, for the development of the site under reference: 13/00859/MOUT. The outline planning permission approves the principal of residential development on the site with an approved means of access, with all matters relating to quantum of development, siting, layout, appearance and landscaping reserved for future consideration. Members may remember that when this outline application was first submitted outline permission was sought for up to 120 dwellings.

This reserved matters application proposes 112 new dwellings, of which 38 would be affordable homes and therefore in accordance with the relevant policy and terms of the section 106 agreement pursuant to the outline approval. As stated the housing mix as set out above reflects the guidance provided by the Housing Enabling manager.

The site is close to the River Culm and the part of the site on the western boundary falls within the operational flood plain of it, however no development is proposed on this part of the site. The scheme includes two basins to retain surface water run off which is then subsequently channelled to the River Culm utilising the existing outfall pipe that has served the site historically. The size of the basins have been modelled to have a 30% capacity above the predicted 1:100 year event. With regards to this matter the Environment Agency raise no concerns about the flood risk associated with the proposed houses as proposed within the developable area, and their comments are awaited with regards to the operational details.

The number of parking spaces complies with the adopted standards outlined at Policy DM8 achieving an average of 1.7 spaces per dwelling and this does not include the provision of garages.

The issue of density was raised at the outline stage with a further comment from a single stakeholder at this stage of the process. As the site is 2.78 hectares the scheme delivers a density of 40 dwellings per hectare. Policy COR 1 promotes densities of between 30-70 per hectare with the potential to achieve the highest densities in town centres. Whilst the proposals achieve a higher density for the new estate compared to the existing Culm Lea estate, the density as proposed is at the lower end of threshold which is now allowable in policy terms. It is also relevant that the site coverage in terms of built footprint as proposed is probably not significantly different from the existing situation given the presence of the existing 10 Green Houses.

In summary subject to the site layout being considered acceptable in terms of how it fits within the context of the site, there would be are no policy objections to the development on density ground.

The Scheme Layout / Structure

The layout before members has been developed in conjunction with discussion with officers developing the concept on the basis of a feeder road leading into the site at a point close to the junction of Culm Lea and River Drive as approved. The road follows a path due south curving round the southern boundary, with two tree lined avenues leading off of it down to the areas of open space on the western boundary. Whilst the arrangement for the layout is fairly linear it provides 5 blocks of housing.

On the main feeder road the road width is 5.5 metres in width with a separation of approximately 12.0 metres from house to house either side of the carriageway. However the layout has been designed so that there are very few instances of front elevations of the houses facing other.

The tree lined avenues are narrower in terms of carriageway width (4.8 metres) but reflecting the verge to accommodate the trees there is a separation distance of approximately 15.0 metres from house to house either side of the carriageway which will help maintain the amenities of future occupiers given that the layout along the Avenues are more regimental.

The layout includes two access points on the southern boundary which could be used for emergency, a pedestrian footpath to the houses that face River Drive purposes and a circulation route around the public open space on the western boundary which both link up to the permissive footpath that heads out to the River Culm.

The layout includes two access points on the southern boundary which could be used for emergency purposes, a pedestrian footpath to the houses that face River Drive and a circulation route around the public open space on the western boundary which both link up to the permissive footpath that heads out to the River Culm. An acoustic barrier is proposed along the western boundary which comprises the following details.

In summary the layout as it has been revised for 112 dwellings creates a development which presents an efficient and effective use of the site. It seeks to deliver a scheme layout with defined legible routes leading through the site to the main area of open space that links out to the River Culm walkway beyond.

Design Issues / Scheme Quality

The prevailing context directly adjacent to the site comprises two storey detached, semi-detached or terrace houses (some with attached garages). The scheme reflects this with predominantly two storey buildings (including the two apartment blocks) across the site with the inclusion of some 4 single storey 1 bed houses.

Elevations of all the house types have been provided and two character types are proposed. The houses lining the two avenues are to be brick faced with slightly higher eaves and clay tiled roof coverings, not dissimilar to a Victorian style design. The houses off of the main loop are designed on more of a cottage style basis, with rendered faces, slate roof coverings with slight lower eaves and narrower porches. The scheme includes a significant amount of new tree planting (including street trees) and landscaping across the site, and which will help soften the new built form as proposed.

As stated above the housing is arranged in 5 blocks, where there is a back to back relationship between the house blocks it is a minimum of 20.0 metres, and a minimum of 10.0 metres where there is a rear to side relationship.

The dwellings range in size as follows:

- 1 bed flats @ 47 square metres
- 1 bed house @ 47 square metres with defined garden areas 39 square metres
- 2 bed houses @ with a range 61 -78 square metres with gardens of between 29-54 square metres
- 3 bed house @ with a range 82 -102.5 square metres with garden areas of between 34-81 square metres
- 4 bed houses @ 118 to 147 square metres with garden areas ranging from 128 to 147 square metres.

As set out above all the houses benefit from private amenity space (rear gardens) with defined patio areas. Whilst the occupiers of the 8 apartments will not benefit from a rear garden each of the buildings has an area of communal space adjacent to the buildings. Finally the internal floor areas as proposed and set out above meet the minimum space standards as required by policy.

In summary the applicant proposals will provide for an estate type environment with a range of house sizes and with the social housing pepper potted around the site in groups of 10 or less.

There are a variety of house types based around two design types. The issue of the density that will be delivered is addressed above. Overall it is not considered that there would be justification to refuse the application on the grounds that the quality of the housing in terms of the visual appearance of the new buildings, and/or in terms of the standard of the accommodation for the future occupiers, falls below the standards expected by Policy (DM2, DM 14, DM15).

Impact on general amenities of the area (existing residents)

The new houses will effectively sit as an extension to the existing Culm Lea housing estate with existing residential properties on part of the northern and across the eastern boundaries to the site. There have not many comments from local stakeholders expressing concern about the details of the development that are proposed. However where comments have been that highlight amenity issues for existing occupiers, the applicant has made some amendments to the scheme to seek to positively address those comments. This has included revisions to siting of the house blocks on plot 9 and 10 and the removal of the proposed adopted footpath that links back into the existing estate. Although the separation distance between the house blocks on the eastern boundary and the existing houses on Culm Lea falls just short of 10.0 metres, the back of the new houses will present to the side elevation of the existing houses that are adjacent.

The applicant has confirmed that the boundary treatment to the rears of plots 3-14, 15-18, 19-22, 24-31 (adjacent the existing properties on the estate and to remaining part of the former nursery site) will be standard close boarded timber fence 1.8 metres in height, which reflects the treatment to the plots on the site. With regards to River Drive the layout proposes a split terrace of two and three bedroom houses with front door access and front garden areas set back from a new section of footway.

Tree issues / Design of landscaped areas

As stated the application scheme includes significant new tree planting with the public realm area of the site. A hedgerow is also proposed around the verge of plot 37 to redress an issue raised by the police architectural liaison officer, as have the other comments that have been raised by him.

The applicant has submitted detailed plans showing the scope of new planting details for the new trees (redbay design drawing 283.086). The details will be required to be implemented in full prior to the occupation of the first dwelling within the relevant phase.

The space on the western boundary will provide a dual function, accommodating two basins to retain any surface water run-off from the development before it discharge into the River Culm in managed way, and an area of public open /amenity space that will link to the existing public right of way onto the land and river beyond. A detailed landscape management strategy will be required to be submitted and approved in writing as a conditional requirement. A phasing plan condition will establish the timing of the delivery of each aspect of this part of the development to ensure that it relates to the delivery of the new housing as required.

Parking provision

As stated above the number of car parking spaces complies with the terms of Policy DM8 in numerical terms; however not all the parking spaces are provided on plot. A number of dedicated spaces will be set out adjacent to the highway areas with four parking court proposals to serve approximately 18 of the houses proposed. In all instances the parking areas have designed with good natural surveillance and with convenient points of access to the properties to which they will provide parking for. It is noted that the police architectural liaison officer has not expressed concern about these arrangements

In summary it is considered that the parking arrangements now sufficiently comply with the guidance in the adopted SPD on parking.

Other Issues.

The applicant has submitted the relevant information to discharge the terms of a number of conditions on the outline permission as outlined below.

6. No development shall be commenced until details of the surface water drainage system, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained. The surface water details shall utilise infiltration systems unless it is proven that ground conditions dictate otherwise, and above ground swales, and detention areas.
7. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS shall thereafter be managed in accordance with the agreed details.

No further comments have yet been received from the Environment Agency regards the submitted details at the time of writing this report, and will be provided as an update before the committee meeting.

17. Prior to the commencement of the development a scheme for improvement of the public foul sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those approved details.

In response to the details submitted to discharge this SWW have responded (15/01) as follows:

The foul drainage improvements identified in the evaluation report are required to allow us to support the development proposals.

The recommended improvements will be undertaken as a result of the developer entering into a sewer requisition under Section 98 of the Water Act which will result in the costs being apportioned between the developer and ourselves in line with that legislation.

Until such time as the requisition has been entered into and the legal agreement signed we cannot agree to condition 17 being discharged as there is no guarantee that the requisition will actually be progressed.

The requisition can be submitted once detailed planning/reserved matter permission is held and the legal elements concluded with 1 -2 months which would then allow us to agree to the planning condition being discharged in full.

Finally the application submissions satisfactorily discharge the terms of condition 4 (sub sections i, iv and iiv), 6 and part of 19 in that the development is registered with a Code for Sustainable Homes certification body and a pre-assessment report has been submitted.

Summary

The layout, scale, appearance and landscaping details are considered acceptable in demonstrating that it will be possible to extend the existing Culm Lea estate to accommodate a further 112 dwellings on the site in a manner which is on balance acceptable in policy terms and respectful to amenities of the neighbouring occupiers.

CONDITIONS

1. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.
2. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
3. No development shall begin until a scheme for the management and maintenance of all areas the communal open space and retention ponds as shown on the submitted plans has been submitted to, and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented on completion of development and the open space and retention ponds shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.
4. 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.
5. 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.
6. 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
7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
8. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local 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.

9. 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 Local planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the 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;
10. The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

REASONS FOR CONDITIONS

1. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
2. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
3. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure the proper development of the site.
6. 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.

7. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
8. To protect water quality and minimise flood risk.
9. In order to ensure the proper management over the development of the site and to protect the general amenities of the area.
10. To ensure that the appearance of the development is satisfactory and in order to enhance the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The layout, scale, appearance and landscaping details are considered acceptable in demonstrating that it will be possible to accommodate 112 dwellings on the site, including 35% affordable housing, in a manner which is on balance respectful in townscape terms and to the amenities of the neighbouring occupiers. On this basis the proposals are considered to sufficiently comply with the Policies DM1, DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies), and Policies in the National Planning Policy Framework. Therefore reserved matters approval is recommended to be issued subject to the following further conditions and reasons.