

PLANNING COMMITTEE AGENDA - 11th August 2021

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>21/00072/MARM - Reserved Matters 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, following Outline approval 19/01839/MOUT at Land at NGR 301216 106714 , (West Of Siskin Chase), Colebrooke Lane.</p> <p>RECOMMENDATION Approve Reserved Matters subject to conditions</p>
02.	<p>20/00748/FULL - Change of use of land from commercial to residential use, including the demolition of a building and erection of a single storey dwelling at 22 Lower Town, Sampford Peverell, Tiverton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 21/00072/MARM

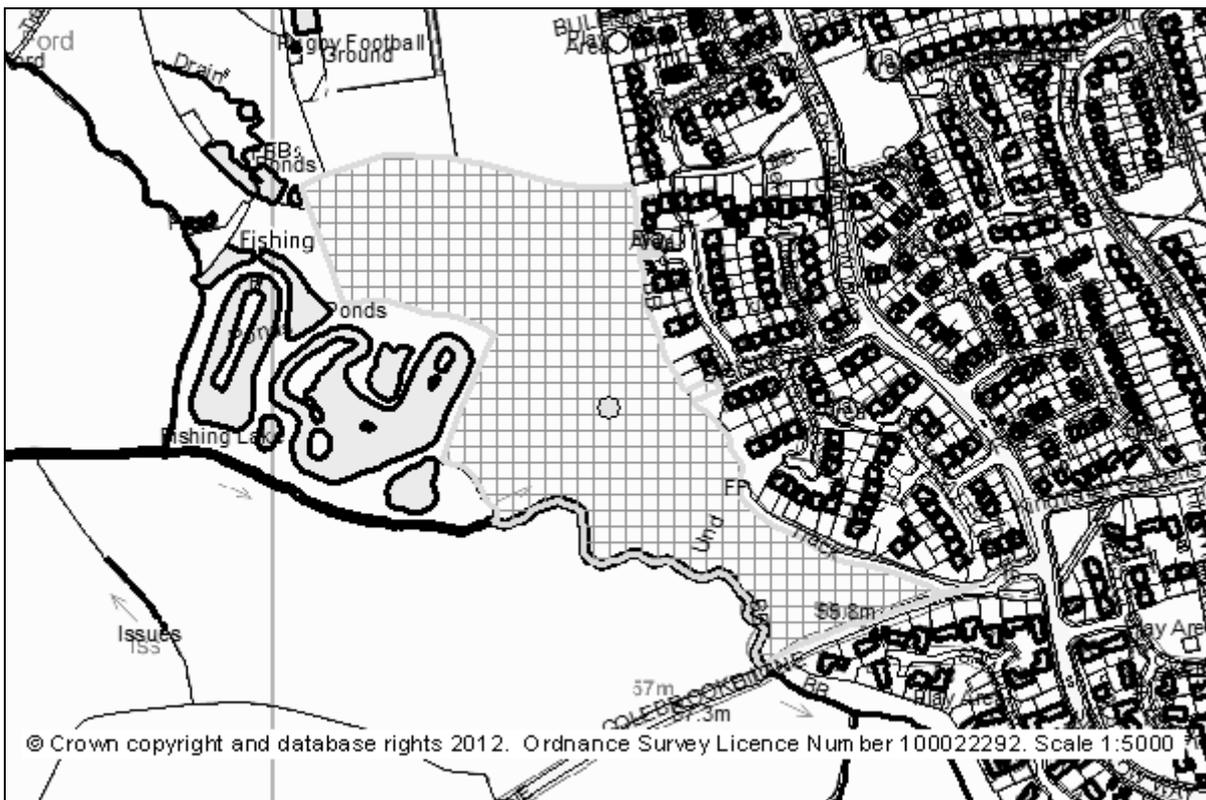
Grid Ref: 301216 : 106714

Applicant: Taylor Wimpey UK Ltd

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

Proposal: Reserved Matters 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, following Outline approval 19/01839/MOUT

Date Valid: 2nd February 2021



APPLICATION NO: 21/00072/MARM

Site Visit: Yes Date of Site Visit: March & April 2021

Decision Delayed Reason: Committee call in and amendments to scheme

MEMBER CALL-IN

RECOMMENDATION

Grant reserved matters approval subject to conditions

PROPOSED DEVELOPMENT

The application constitutes a Reserved Matters application 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, following Outline approval 19/01839/MOUT.

The site is situated immediately to the west of Cullompton and falls within the settlement boundary and constitutes an allocated site with the Council's Local Plan. The site largely falls within Flood Zone 1 where all residential development is proposed, with the far south west of the site falling within Flood Zone 3.

As noted, the application constitutes a reserved matters application, and therefore outline permission has already been granted and secured the principle of residential use on the site.

The application constitutes approval of details only.

APPLICANT'S SUPPORTING INFORMATION

Accordingly, a number of supporting documents have been submitted with the application including plans and elevations, together with necessary details of landscaping, layout and design details.

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

19/00118/MOUT - NONDET date 22nd October 2020 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 - APPEAL ALLOWED - PLANNING PERMISSION GRANTED 09-07-20

19/01839/MOUT - PERCON date 18th September 2020 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

21/00072/MARM - PCO date Reserved Matters 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, following Outline approval 19/01839/MOUT

OTHER HISTORY

00/00930/FULL - PERMIT date 9th August 2000 Construction of a fishing lake (max. 50 rods) and provision of associated access and car parking area

99/03319/FULL - REFUSE date 26th April 2000 Construction of a fishing lake (max 50 rods) and provision of associated access, access track and car parking area

10/01291/FULL - REFUSE date 2nd November 2010 Change of use of land to garden and erection of double detached garage

18/01223/PREAPP - CLO date 19th October 2018

PROTECT - Proposed development of approximately 100 dwellings (and 5 self build plots)

20/01876/PREAPP - CLO date 25th March 2021

PROTECT - Proposed Reserved Matters submission following Outline permission 19/01839/OUT

INFORMATIVES

Conditional Approval (with negotiation)

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

S106

This development is subject to a Section 106 agreement dated 21 August 2020

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-2033

Policy S1 - Sustainable development priorities

Policy S2- Amount and distribution of development

Policy S3- Meeting housing needs

Policy S4 - Ensuring housing delivery

Policy S5 - Public open space

Policy S9 – Environment

Policy S11 – Cullompton

Policy CU21 - Land at Colebrook

Policy DM1 -High quality design

Policy DM2 - Renewable and low carbon energy

Policy DM3 - Transport and air quality

Policy DM4 – Pollution

Policy DM26 - Green infrastructure in major development

National Planning Policy Framework

National Planning Practice Guidance

Cullompton Neighbourhood Plan 2020 – 2033

Policies

SD01 Traffic Impact of Major Development

SD02 Links to the Town Centre

SD03 Flood Attenuation

SD04 Solar Design in Housing Schemes

SD05 Connectivity

SD07 Timing of Infrastructure

HT04 Improving Footpaths

HS01 Housing Mix

HS02 Social and Affordable Housing

HS04 Parking on Housing Schemes

EN01 Protecting and Enhancing the Natural Environment

TC02 Character of the Built Environment

WL07 Community Allotments, Orchards and Composting

WL08 Dementia Friendly Town

WL09 Providing for Young People

CONSULTATIONS

Health & Safety Executive - 17/02/2021

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice.

However, this application does not fall within any HSE consultation zones. There is therefore no need to consult HSE on this planning application and HSE has no comment to make.

CULLOMPTON TOWN COUNCIL

RESOLVED to suspend Standing Orders for 10 minutes to enable Councillors to ask the developer's representatives questions and get their responses.

' Access road ' Colebrook Lane ' what will happen to the access road in the future?

The representatives responded that the link is going to be used for construction traffic to limit the disruption to residents of Siskin Chase. When the development is complete the road will be downgraded to a 3m pedestrian / cycle way.

It could be made into a road in the future if required.

' Road widths and access due to parked vehicles is a big problem on many developments
The representatives responded that the proposed site layout tries to ensure that parking spaces are close to the relevant homes and the Cullompton Neighbourhood Plan parking standards were used in the design; all of the road widths take into account the requirements long /larger vehicles such as refuse trucks, fire engines etc.

All the roads on the development will be offered to the highway authority for formal adoption.

' Play Areas / Open Space 5 a side goals, basketball hoop & fibreglass climbing boulders suitable for older children would be a good idea ' not just play areas and equipment for toddlers

The representatives explained that proposals include a woodland trail theme, creating some natural play areas, there will be space for playing football but not formally marked

' The layout of the site needs to be more interesting with different aspects of the buildings visible and a greater variety of building materials used

' The road safety aspects of Siskin Chase going into the new development will require mitigation
The representatives responded that significant thought has gone into the open space provision but some aspects are still under discussion with Mid Devon District Council.

The access to the development was subject to a road safety audit but developers do need to be aware of various risks and mitigations have been considered as an integral part of the lay out.

RESOLVED that the Council supports the amended proposal for reserved matters subject to further consideration being given to:

- Play areas and provision for children older than toddlers
- Access road
- Road widths
- A greater variety of building orientation and finishes making the site more interesting and dementia friendly

Case Officer comment:

The play areas have been looked at to ensure they are made more accessible for those children which may have difficulties using play equipment.

The access road was approved at outline. Discussions were had to see if anything further could be done to reduce speed of traffic in this area. Whilst Devon County would not adopt the road if a change in material was proposed, the applicant has agreed to incorporate a block design to make drivers aware that they are entering a different development and to be cautious.

The road widths are considered to be appropriate for the scale of the development

The materials and key characteristics of the buildings have been looked at to ensure dementia friendly design as this is a passion of the case officer in any instance. More detail is explained within the body of the report.

Highway Authority:

This is a Reserved Matters Application for 105 dwellings of Siskin Chase.

Although there is no formal Highway layout Plan, there is a Landscape Master Plan CSA-3626-116 which I am using to assess the Highway Layout.

The proposal for the Temporary Construction Access in Colebrooke Lane would require the appropriate Agreement from Devon County Council prior to any works being carried out in this area on the Highway.

The Highway Authority has no objection to the proposed development, if it is the applicant's intention to offer any of the highway included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

FLOOD and COASTAL RISK MANAGEMENT TEAM – (Initial response) Please see further response below.

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

The applicant has proposed to manage most of the surface water from the site within a detention basin, whilst some of the surface water will be managed within an attenuation tank.

Shallow groundwater was identified at the Outline stage. This groundwater could affect the designs of the detention basin. The applicant has submitted a Ground Investigation Report, however, unfortunately I cannot download this report from Mid Devon District Council's website. Could Mid Devon District Council or the applicant submit the report directly to us for review?

There does not appear to be a flow control downstream of the proposed attenuation tank. Therefore, I am unsure how flows will be restricted within this tank. The applicant must clarify this arrangement. The applicant must also clarify whether the levels of the pipework draining into the tank could be altered to drain into the basin. Although the attenuation tank drains into the swale, the surface water may be further treated if it flows through the basin.

The applicant must submit MicroDrainage model outputs (or similar) to demonstrate that the surface water drainage system has been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant must submit cross-sections of the proposed detention basin and swale. These features should be designed to incorporate within the landscape and to be easily maintained.

The details submitted for the outline planning application confirmed that permeable paving and filter drains would be implemented. The applicant must depict these features on the plans.

The applicant must confirm whether check dams will be constructed within the proposed swale.

The applicant should clarify whether the levels of the pipework near plot 94 could be lowered to allow a swale to be constructed upstream of the detention basin.

The applicant should also clarify whether levels could be altered to improve the management of exceedance flows:

Could the highway levels in front of plots 77 and 78 be altered to allow exceedance flows to remain within the highway and flow to the east or west (within the highway)?

Could the levels within the courtyard of plots 56 - 60 be altered to allow exceedance flows to drain to the highway?

The applicant must confirm who shall be responsible for maintaining the entire surface water drainage network.

The applicant has proposed measures to prevent sediment and debris flowing into drainage features and watercourses during the construction phase. The applicant must also acknowledge that surface water needs to be managed to prevent large volumes of surface water flowing into surrounding drainage networks and watercourses unrestricted, as this could increase flood risk downstream.

LEAD LOCAL FLOOD AUTHORITY – second response

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:

Construction of the groundwater management system should be in accordance with SuDS Maintenance Technical Note (Rev. D; dated 20th July 2021) and the Groundwater Flow and Volume Compensation Calculations (dated 14th June 2021). The monitoring results for this groundwater management system shall be submitted to the Local Planning Authority every 6 months for review. The monitoring period should cover 2 winters. If any damage occurs to the groundwater management system during the monitoring phase, or if groundwater discharges above the designed rate, then this must be remediated.

Observations:

Following my previous consultation response (FRM/MD/00072/2021; dated 22nd February 2021), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via email, for which I am grateful. The applicant must submit the most recent revisions of these documents to the Local Planning Authority:

- MicroDrainage Model Outputs
- SuDS Maintenance Technical Note (Rev. D; dated 20th July 2021)
- Groundwater Flow and Volume Compensation Calculations

The applicant has proposed to manage groundwater to prevent any impacts on the proposed detention basin. The basin is designed to be 'usually' dry (apart from during precipitation events or during snowmelt).

The applicant has confirmed that they will monitor the flow rate from the groundwater management system for a period covering at least 2 winters. The applicant has noted that the discharge rate would only be above the designed rate if the system has not been constructed correctly.

Therefore, if the rate is above the designed rate then the applicant will reconstruct the detention basin and groundwater management system. The applicant has proposed to construct 'sealed/tanked' permeable paving. This type of permeable paving

will be wrapped in an impermeable liner to prevent any water from infiltrating into the ground and to prevent any groundwater from draining into the paving system. The applicant should manage surface water appropriately during the construction phase. The applicant should ensure that the basin can establish.

HISTORIC ENVIRONMENT TEAM - 08/02/2021

The Historic Environment Team has no comments to make on this planning application.

PUBLIC HEALTH

Contaminated Land: A Stage 1 and Stage 2 contaminated land assessment has been submitted and is acceptable. Therefore the pre-commencement element of the condition has been met. (09.02.21).

Air Quality: No concerns. (09.02.21).

Environmental Permitting: No objection to this proposal. (03.02.21).

Drainage: No concerns. (09.02.21).

Noise & other nuisances: A CEMP has been submitted which includes standard working hours and a commitment to prohibit high frequency audible reversing alarms on site vehicles which will be of significant benefit to existing nearby residents. We have no concerns regarding this plan. (09.02.21).

Housing Standards: Ashenford- 2 bedrooms are inner rooms due to stairs descending into high risk are for fire. No safe primary means of escape in the event of a fire.

Maisonette ' ground floor okay due to exit within bedroom. First floor needs door on kitchen living space to provide a safe primary means of escape from the bedroom down the main stairs and out of the building.

Benford, Benton, Byford, Huxford, Kingdale, Manford, Trusdale ' all with protected hallway and safe exit from the property from the bedrooms. (05.02.21).

Case Officer comment: Planning permission would not be required for internal alterations.

Licensing: No comments. (03.02.21).

Food Hygiene: No comments. (03.02.21).

Private Water Supplies: No comment if mains water supply. (03.02.21).

Health and Safety: No comments. (03.02.21).

RSPB - 6th May 21

Thankyou for inviting the RSPB to comment on the above, we are disappointed with the following recommendations in the Ecologist's Report:

3.3.3 Birds

" The locations of 50 Schwegler Lightweight Type 1A swift boxes (<https://www.nhbs.com/schwegler-lightweight-swift-box-type-1a>), or similar approved, to be integrated into the walls of new buildings will be shown on detailed construction drawings; refer to

Figure 7 for proposed locations. Nest boxes will be integrated into the walls at a minimum height of 5m, close to the eaves / on gable ends. The ECW will advise on the precise locations."

3.3.5 Bats

The locations of 50 Schwegler 2FR bat tubes (<https://www.nhbs.com/2fr-schwegler-bat-tube>), or similar approved, to be integrated into the walls of new buildings will be shown on detailed construction drawings; refer to Figure 7 for proposed locations. The boxes will be integrated into the walls at a minimum height of 3m, close to the eaves / on gable ends, away from windows and external light sources and avoiding north-facing aspects where possible. The ECW will advise on the precise locations.

Bat tubes are designed for multiple occupation, bird boxes will only be used by one pair, we are unsure how installing equal numbers can be justified!!

We recently asked the Bat Conservation Trust for their advice, they replied that in the absence of information on occupation rates they were reluctant to make any recommendations at the present time.

As a consequence we understand that the British Standards Panel on Biodiversity in Buildings forthcoming Standard on Integral Roosting/Nesting Boxes will only be for birds and will recommend one box per residential unit with a separate standard for roosting bats to follow.

The RSPB's position is set out in a paper submitted to the CIEEM in 2019 and the recently released "NHBC's guide to Biodiversity in new housing developments: creating wildlife-friendly communities", which we co-authored with Barratt Homes, both are attached.

In recent years we have arranged monitoring programs across a number of sites, the most extensive information comes from the Duchy (see attached), the results from a number of smaller surveys are very similar, the general consensus is that our recommendations to install an average of one bird box per dwelling is fully justified.

We agree with the recommendation to install swift boxes, evidence suggests that most species that nest/roost in cavities in buildings and mature trees will use them, see attached paper on "the case for artificial bricks".

We therefore recommend that:

- o an average of one swift box per dwelling (105no.) are installed.
- o that the majority should be located under the eaves or adjacent to the verges of gable ends whilst avoiding proximity to doors and windows.
- o Integral boxes are not as prone to overheating as external varieties but preference should be given to locations with some shelter from prevailing weather conditions.
- o the CEMP is revised to reflect the above

NATURAL ENGLAND - 18/02/2021

Natural England previously commented on this proposal [19/01839/MOUT] and made comments to the authority in our emails dated 01 February 2019, 22 March 2019 and November 2019.

The advice provided in our previous responses applies equally to these Reserved Matters 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 us.

DEVON, CORNWALL & DORSET POLICE 15th February 2021

Police have no objections to the proposal, the general layout proposed will provide both active frontages and good overlooking to the new internal streets which is welcome.

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour. Therefore please note the following comments from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Residential - Building Regulations ' Approved Document Q - Security.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 (2016) or equivalent.

To assist the process in ensuring compliance with the requirements of ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires that doors and windows are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus reducing much time and effort in establishing the provenance of non SBD approved products.

SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.

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, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.

Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016

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 and ASB.

Site Specific Recommendations.

The proposed boundary treatments are noted and the use of back to back gardens where possible is welcomed. Gates giving access to rear gardens, particularly those between dwellings, for example, plots 40-41 & 57-58 should have an additional gate(s) positioned as close to the front building line as possible to remove accessibility to sides of dwellings where surveillance opportunities are limited. It is recommended private front gardens are suitably defined, as open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, with for example, the creation of desire lines for pedestrians and cyclists, dog fouling, ball games and general anti-social behaviour. If existing hedgerow is likely to comprise new rear garden boundaries, it must be fit for purpose. Hedges 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. Pedestrian and cycle routes through the site, must be and feel as safe as possible for users and again should not potentially undermine the security of dwellings. Where possible, they should be overlooked and have dwellings facing on to them. It is important to consider which routes may just be used for leisure and others which for example children may have to use to walk to school etc.

From a designing out crime and disorder perspective, it is vital that the parking provision for the proposed development is both, sufficient when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles and designed that it is convenient and practical to use. For example, side by side parking as oppose to tandem style parking, as this will encourage its use and reduce the level of unplanned parking elsewhere. It is the 'elsewhere parking' that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

Consideration must be given to their security with the inclusion of robust perimeter security and gates for the proposed Community allotments. There must also be sufficient parking provided to prevent inappropriate on street parking leading to conflict with residents.

Please do not hesitate to contact me if any clarification is sought or I can assist further.

HISTORIC ENGLAND - 09/02/2021

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.

HISTORIC ENVIRONMENT TEAM - 26/04/2021 - Comments from Stephen Reed, Senior Historic Environment Officer

The Historic Environment Team has no comments to make on this planning application.

HISTORIC ENGLAND - 27/04/2021

On the basis of this information, 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.

NATURAL ENGLAND - 05/05/2021

Natural England has no comments to make on this application.

Highway Authority

The County Highway Authority have no further comments to make on this application

DEVON, CORNWALL & DORSET POLICE

Re Reserved Matters for the erection of up to 105 dwellings, (additional information & revised drawings) Siskin Chase, Colebrooke Lane Cullompton - 21st April 2021

Thank you for this application. The proposed boundary treatment details are noted.

REPRESENTATIONS

The application was advertised by means of site notices displayed in three different locations, together with neighbour notifications and an advert within the local paper.

There have been a total of 4 no objections to the scheme and two representations made in regards to general comments on the application.

The objections received raise concerns regarding the following matters:

- Concerns over the access – requests for the access to be at Colebrook
- The principle of the development in this location
- Concerns over climate change
- Questions over the availability of services within the area for the new residents
- Proximity of the development to existing dwellings.
- Likely increase of noise pollution
- Loss of light
- Impact on privacy

The representations made constitute comments regarding the application and make suggestions to the proposals. This includes having the play area located such that there is minimal harm to biodiversity, concerns around the access, noise concerns, wheel washing for cars and mud on the road, and request for more vegetation to be planted.

Exeter Cycling Campaign has also objected to the application as they consider the development fails on cycling measures.

The case officer has worked with the applicant during the course of the application to try and address these concerns and how this has been achieved will be outlined within the body of the report. However, in respect to the concerns raised by Exeter Cycling Campaign it should be noted that the applicant was not obliged at outline stage to make connections from the development to

existing cycle networks. It is considered that the development would still be acceptable in its proposed form to provide adequate opportunity for cycling.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- **Principle of the development (including the original outline planning permission)**
 - **Layout;**
 - **Appearance**
 - **Landscaping**
 - **Scale**

- **The impact of the development in regards to amenity of existing residents**
- **Drainage of the development**
- **New National Planning Policy Framework (NPPF)**

- **Outline conditions –**
- **S106.**

Principle of the development

The application constitutes a reserved matters application for 105 residential units following the grant of outline planning permission on 18th September 2020.

The outline planning permission granted the in principle acceptability of residential development on this site and as such, the principle of residential development at this location is already secured. Vehicular and pedestrian access points were secured at outline, and therefore access is not a matter to consider as part of the reserved matters. With this in mind, it is not possible to change the access points in terms of vehicular or pedestrian as part of this application, and pedestrian and vehicular access will be via Sisken Chase, with pedestrian only access at Colebrook Lane.

The purpose behind the reserved matters therefore is to ensure that the appearance, scale, landscaping and layout of the development, is appropriate. This has been considered in line with the relevant planning policies and with full consideration to matters raised in representations received.

Notwithstanding the above, it should be noted in any circumstance that the site is allocated within the Local Plan under Policy CU21 – Land at Colebrook.

Whilst the allocation specifies 100 units, it should be noted again, that outline planning permission has been granted for 105 units, and as such the number proposed at reserved matters is considered to be wholly appropriate and in line with the outline permission.

The policy advises that measures to protect and enhance trees and biodiversity will be taken together with provision of green infrastructure and affordable housing. These points have been addressed will be discussed in the assessment of the application below.

Layout

The layout of the development is one that has been discussed in great detail since submission of the application.

In line with aims and objectives of good design and dementia friendly visual cues, the applicants were asked at an early stage of the application to re-consider the proposed layout to one which provided both good surveillance of the street, differentiation in terms of appearance (discussed later) and one which provided natural navigation to any users of the scheme going forward.

The applicant had already been to a design review panel as part of their pre-application discussions with the Council, which led to a much more desirable layout than that previously proposed. The Design Review Panel is something the Council encourages developers to reach out to in order that the best outcome can be achieved.

Following on from pre-app discussions, and through early discussions with the applicant, it is now felt that the layout of the scheme is one of success for this particular site. Urban design guidance will advise developers to build schemes in 'blocks' with back to back gardens with strong street frontage. It is considered that the application achieves this. Whilst appearance is discussed later in the report, it is worth noting here that the case officer requested that key buildings be placed at key turning points within the layout to assist with orientation. This has also been achieved. At the point of entering the development by vehicle, (shown below by the red arrow), it was requested that the vista include a pleasing outlook and a feature that was memorable, as such, the applicant has worked with the case officer to provide a good quality landscaping plan that provides a large tree as a visual guide into the development. Following on from that, the design of the dwellings and frontage acts as a natural guide around the development with the key buildings aiding orientation. Whilst there is a natural resistance to parking courts in terms of good design, they have been kept to a minimum in this proposal and are well overlooked. Importantly, parking is provided with 198 allocated parking spaces, 31 garages and 21 visitor spaces. This will assist in keeping cars from parking on the street.



Site Layout Plan

Looking at the layout to the south, it should be noted that this has been laid to landscaping given that this is the area more at risk of flooding. As such, the space has been used well to provide a good sized area of open space with children's play also featured towards the north of this area as

well as further north within the development. The case officer has discussed the play areas in detail with the applicant to ensure they are user friendly for all and that they are overlooked. The most recent layout achieves this as shown above.

The layout has also incorporated the requirement to protect existing hedgerows and trees providing a good ecological buffer. More detail is provided on this below.

Concerns have been raised by existing residents of Siskin Chase and the proximity of the development to their existing residences. This was raised with the developer at the outset and the units were moved further to the west as a result. Following this, the existing residents remained concerned regarding the impact on their amenity and loss of light. The case officer therefore undertook a second site visit to assess the impact and the current position of the proposed units from the existing properties is considered to be acceptable. The proposed layout incorporates a distance of approximately 11m from the existing dwelling at the closest point and the existing established hedgerow assists with further screening. Furthermore, given the concerns regarding lighting, the applicant has provided a lighting assessment which explores this concern in detail. The results indicate that the total loss of light is not considered to be excessive and as such the layout is considered to be acceptable, more information on this is provided below under the relevant headings.

It should also be noted that the scheme provides several accessible and adaptable dwellings as required under Part M4(2) of the Building Regulations. This means that the units are built for wheelchair access together with disabled car parking. This is a fantastic edition to the scheme and certainly something we should be encouraging in developments to ensure that everyone can access their environments and have access to homes that are suitable for them.



Plan to show the locations of accessible units throughout the development.

The applicant has also submitted a solar gain plan which identifies how the proposed units have been orientated to ensure solar gain is achieved. This will improve the sustainability for the development.

In conclusion, the design of the layout and how it has evolved from its embryonic state has improved significantly, and is considered to represent a good form of development with good accessibility for all individuals and provides a good mix of units to suit a range of needs.

Appearance

When the application was initially submitted, it is fair to say that the standard of design was fairly high given the interaction with the Design Review Panel. Nevertheless, the case officer was keen to get a higher standard to ensure that key buildings could be identified easily by people for purposes of navigation, as well as maintaining a high quality street scene. Those plots that were identified by the officer as being decision making points were discussed with the applicant and it was requested that they have something different about them to help them stand out.

The applicant has looked at these plots in detail and re-designed them so that they have different materials/colours to allow them to be distinguished. This also picks up on the comments received from the Parish Council. Such plots are identified below by means of a star and the key illustrates the materials that will be used to provide differentiation. This is the use of the Ibstock blue brick that will be used for projecting brick detailing on the relevant properties as shown below. The projecting nature of the bricks also provides variation and interest within the architectural form, making it visually pleasing.



Plan showing key plots identified by star.



Plan illustrating the various features to make properties differentiate from each other.

It should be noted that some of the properties also feature chimneys, which adds appeal to the character of the development.

Colours used in the materials work well with that of the existing character of the area and will work well with the backdrop of open farmland. A condition has been recommended to ensure the samples of the proposed materials are first submitted to the Authority for approval.

In terms of the appearance for the open space and landscaping, this has also been looked at closely to ensure that the landscaping provision enhances the character of the development. As can be seen, all plots have been provided with nice sized gardens, and fencing has been used to the rear to ensure privacy is maintained for future residents. Boundary treatments include hedgerows within areas that are very visually apparent, together with boundary walls where appropriate. Timber knee rails have been provided to the front of properties where they face onto open space. This provides ease of access to the open space, and visibility, whilst maintaining a suitable boundary. Where properties back onto existing hedgerow where its retention is important, steel mesh fencing has been provided to enable the resident to maintain the hedgerow by trimming it back, but does not allow for its removal. This was a requirement under the original Ecological Survey that was submitted in regards to the outline planning application.

Whilst the levels of the site will see some plots higher than others, it is considered that this has been managed well and provides interest to the streetscene and rhythm. This is supplemented by the materials and landscape treatment outlined above. With parking located off road, and plenty of soft landscaping, it is considered that the appearance of the development is acceptable.

Landscaping

In accordance with the outline permission, the scheme provides for a landscaping scheme located to the south of the units. The scheme includes a pedestrian access from Colebrook Lane as per the outline permission, and provides a walk up through the open space to allotments, play space and then the housing.

The ecology reports in the outline permission outlined the importance of retaining hedgerow and a buffer along the hedgerow. Where this was being impinged, housing has been moved to ensure that the buffer is retained.

The landscaping masterplan identifies the location of new tree plantings, including native species, hedgerow, wildflower mix and grass plantings. The pedestrian access track will work as a trail through the open space up to the housing development. It will also work well as a green buffer and backdrop from the housing. The drainage features will also be located within this area and is proposed as a SuDS pond to capture surface water runoff. This will also provide some ecological enhancement which is discussed below in more detail.

Landscaping and Allotments

As per the outline planning permission description and requirement, the development has catered for 10 allotments of substantial size to the south east of the development which are facilitated by their own car parking spaces also to allow ease of access. The allotments will be bound by a native hedgerow and timber post and rail fence where appropriate, and will be served by a water supply. Trees will also be planted around the boundaries to further enhance the appearance.

Landscaping & Play equipment

Discussions were made at early stages of the application to ensure that visibility to the play areas was achieved as much as possible therefore enabling the space to be overlooked and to feel safe. This has been achieved through moving vegetation around so that the play areas are in direct site of housing.

There will be two play areas on site, one Local Area of Play (LAP) to the north east of the site and the other to the south west which is a larger area of play. Following an initial review of the play area the case officer raised some concerns in respect to the accessibility of play for children who may have disabilities. As such, the applicant reviewed the play equipment and has included provision of a swing that any child will be able to use.

The play equipment will provide a variety of play for all ages and is considered to be provided to a good standard, adding to the enhancement of the development.

Landscaping & Ecology

There have been some concerns raised by locals regarding the ecological mitigation being provided on site.

When the outline permission was granted, it was subject to a condition requiring a Landscape and Ecological Management Plan and Construction Ecological/Environmental Management Plan to be submitted with the reserved matters application. These documents would indicate how all of the mitigation measures identified within the initial ecological survey would be delivered through the development.

Such mitigation measures included the following:

- Retained trees and hedgerows to be protected
- No lighting to be left on at night by hedgerows
- Habitat manipulation – mitigation for reptiles
- Birds – vegetation removal between oct and February
- 50 bird boxes on new buildings or retained trees
- Badger – resurvey prior to construction
- 50 bat boxes or tubes on new buildings or on new/retained trees
- Hedgerows that back on to rear gardens to be protected with 1.8m wire mesh fence
- 3 x Hibernacula provided in open space for benefit to reptiles
- Lighting positioned to avoid direct lighting on hedgerows particularly western boundary
- Hedgehog holes in fencing

The Construction Ecological/Environmental Management Plan that has been submitted in support of the application and as required via condition outlines that the above requirements will be delivered.

The landscaping plans identify the locations of the bat/bird boxes as well as the hibernacula required. The document goes through the pre-commencement work that is required including the habitat manipulation, whilst the post commencement works detail how the other necessary mitigation measures will be carried out. This document will evidently form part of the approved documents list should members be minded to grant the reserved matters and as such, the development will need to proceed in accordance with the details contained within. This includes the use of Harris fencing around trees as illustrated on the Tree Protection Plan within the document.

Hedgerows are being retained around the site and will be protected where necessary by the mesh fencing discussed earlier where a hedgerow falls into the rear garden of a future resident. Wildflower planting will help enrich the biodiversity value of the site.

The submitted Landscape Ecological Management Plan further picks up on the mitigation measures required.

The applicant is aware that there is still a need to submit a public realm lighting plan prior to commencement as stipulated by the relevant condition. This will need to come forward prior to commencement on the site.

A condition has been recommended to ensure works are carried out in accordance with these approved documents.

In conclusion – the landscaping associated with the scheme is considered to be of a high standard and if carried out in accordance with the documents to be approved will ensure protection of existing vegetation and enhance biodiversity.

Scale

The development proposes 105 residential units comprising 2 and 2.5 storey. The scale is considered to be within the parameters of the outline planning application and is fairly typical scale of the type of development being proposed. The majority of the units are 2 storey with only two of the units 2.5 storey in height. Some plots will be served by a single storey garage.

The impact of the development in regards to amenity of residents

As noted above, there have been some representations submitted in respect to the application regarding the impact on the existing properties. Concerns relate to the proximity of the development to a couple of properties along the eastern boundary of the site and the potential loss of light, impact on privacy, devaluation of property and noise.

Firstly, it should be noted that de-valuation of property as a result of development is not a material planning consideration, and as such, we cannot consider that as part of any planning application.

Moving to the concern of proximity, the initial plans illustrated a scheme where there would be a minimum separation of approx. 10m between the property concerned and the new development. Whilst this would be an acceptable distance in planning terms, the applicants were asked if they could move the subject proposed properties further to the west to enable more distance to be created. Accordingly, the revised plans illustrate that there is now a minimum separation distance of approx 11m which is considered acceptable and is more than the normal gap left between

residential developments that side on to each other. Furthermore, the nearest dwelling house to the existing properties does not feature a window at first floor which will further reduce the opportunity for overlooking to occur.

In terms of the concern of loss of light, again this related to the same property, the applicant has submitted a lighting assessment following discussions with the case officer which have assessed the impact of the development on the light levels throughout the year upon the property that raised the concerns. The assessment demonstrates that overall there is not a significant impact upon the property and that sufficient light will still be provided when the development is built out throughout the year.

Looking to the impact of privacy, again, and as noted above, it is considered that the development is a sufficient distance away from existing residential properties to not cause concerns of this nature. As with most new housing development, there is going to be change to what existing residents currently experience in terms of outlook, but this is typical of this scenario. There is also a well-established hedgerow between the existing properties and that of the new development which will enhance the separation between that of the new development and that of existing as well as provide screening. In assessing the impact of privacy on future residents, the development provides suitable distances from each new property, and the back-to-back design works well with fencing being the predominant boundary treatment to ensure privacy in rear gardens.



With respect to noise, there will evidently be some disturbance with construction noise and traffic to begin with, but as the units are completed and people move in, this noise should decrease. There is ultimately going to be a change from what existing residents experience now, but as outlined above, the principle of development at this site has already been established, and the reserved matters are submitted for approval and are considered to be acceptable following the amendments that the applicant has made.

Drainage of the development

Whilst this is not a matter reserved and was addressed in the outline by condition, the Lead Local Flood Authority had raised some concerns over the design of the surface water drainage of the development and as such, the applicant has worked closely with the flood team to ensure that their objection could be overcome and a suitable and appropriate scheme put forward.

Following a number of meetings on the matter, the applicant and the Lead Local Flood Authority have agreed that the SuDS basin proposed and use of permeable paving with im-permeable liners are appropriate mechanisms for dealing with the rate of discharge. A condition has been applied on this RM application as an addition to the condition on the outline planning permission to ensure that the rate of discharge can be monitored for a period of two winters to ensure it is functioning as it should. The Lead Local Flood Authority have subsequently removed their objection and the development is considered acceptable subject to the recommended condition being applied.

New National Planning Policy Framework (NPPF)

Since the application has been under consideration the Government have introduced the updates to the National Planning Policy Framework. Whilst there are changes within this document, there is nothing of major change that would impact on the determination of this application as set out. The importance of design has been addressed with the applicant throughout the consideration process and it is considered that a good development has been achieved.

Conclusion of Reserved matters application

This reserved matters application seeks approval of details concerning layout, appearance, landscaping and scale. Access was a matter considered at outline and approved.

The aforementioned reserved matters applications have been considered in great detail over the time the application has been under consideration. Various amendments to the scheme have been made as a result of consultation with existing residents and consultees and improvements made to the scheme accordingly.

The overall scheme is considered to be acceptable and is a good scheme to be delivered. Following case officer advice the applicant has considered access for all and worked with the officer to deliver better legible development and create accessible play areas.

The landscaping provide ensures for drainage of the scheme as well as the creating biodiversity enhancement in accordance with the requirements of the Ecological Survey undertaken for purposes of the outline.

Conditions from the outline

This part of the report will look at the conditions associated with the outline planning permission and whilst is not a formal discharge of the conditions, it was thought appropriate to advise members of the context of the outline conditions and how they are associated with this reserved matters application.

Conditions 1, 2, 3, and 4 – all standard compliance conditions.

Condition 5 - *required submission of: existing and proposed site levels; finished floor levels; boundary treatments; the materials to be used on the external walls and roofs of the buildings; details of all areas of public open space, allotments and green infrastructure; details of all boundary trees and hedgerows to be retained and measures to protect these features during the construction phase, including engineering details and any electric vehicle charging points within root protection areas and; the works of ecological mitigation, compensation and enhancement set out within the EAD Ecology Ecological Impact Assessment dated December 2018.*

The reserved matters application has been accompanied by all the required details above and the plans form part of those for approval should members be minded to go with officer recommendation. In regards to vehicle charging, this is a requirement under the s106 document, which requires electric cabling within the curtilage of each dwelling of up to 7kv for the purpose of trickle electric vehicle charging.

Condition 6: This advised that *development shall not begin until details of the proposed drainage works, including the design of the proposed surface water drainage systems and the arrangements for adopting, managing, maintaining and inspecting permanent surface water drainage systems, as well as the means of disposing of foul sewage from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details/works/arrangements. No dwelling shall be occupied until means of disposal of foul sewage have been provided.*

The surface water discharge element of this condition has largely been dealt with under the reserved matters application; however, the foul drainage details are yet to be received and will need to be submitted in order for this condition to be fully discharged. We will continue to work with the applicant before discharging this condition.

Condition 7: This required *the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme, or such details as may be subsequently agreed in writing by the Local Planning Authority.*

Such details have been submitted by the applicant and Devon County Historic Environment Team have been consulted. The team advise that the Written Scheme of Investigation is acceptable and advise the condition can be fully discharged.

Condition 8: Required that *development shall not begin until a site investigation and risk assessment has been carried out to determine the nature and extent of any land contamination that may be present within the site and the likely impact on receptors. A full report of the investigation and risk assessment shall be submitted to the Local Planning Authority for approval in writing. No work shall proceed on site until either the Local Planning Authority gives written consent for the development to commence or the requirements of condition 10 below are met.*

Such information has been submitted and considered to be acceptable by the Environmental Health team.

Condition 9&10 for info only.

Condition 11: Advised *no development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA).*

A Construction Environmental Management Plan has been submitted and is considered to be acceptable following the principles agreed at outline stage.

Condition 12: This required that *No dwelling shall be occupied until details of the proposed estate roads, cycleways, footways, footpaths, verges, junction, 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 have been provided and laid out in accordance with details previously submitted to and approved in writing by the Local Planning Authority.*

Such details are still required and can be submitted as part of the discharge of condition.

Condition 13: advised that: *No development shall take place until details of the layout and means of constructing the temporary construction access from Colebrooke Lane have been submitted to and approved in writing by the Local Planning Authority. Construction works shall proceed utilising the approved temporary access. Upon completion of the development this access onto Colebrooke Lane shall be retained as a secondary pedestrian/cycle connection to and from the development, as well as for use as an emergency vehicular access.*

Some details regarding these matters have been received; however further details are still required and can be submitted to discharge the condition.

S106 Compliance

This part of the report looks at the s106 requirements that were associated with the outline planning permission. It is important to review the s106 as part of any reserved matters application to ensure that any matters that need to be addressed through the reserved matters can be.

In this circumstance, the relevant matter includes that of the affordable housing provision.

Affordable housing – requires:

- 28% of the total number of dwellings approved to be affordable;
- Out of the 28%, 75% shall be affordable rented & 25% shall be shared ownership.
- The affordable housing is to be managed by an RP in accordance with the affordable housing scheme.

The proposals - The application provides 30 affordable homes in line with the principles of the outline permission as detailed above. The scheme will provide a mix of 22 rented and 8 shared ownership. The units are representative of the housing mix on site and include 1, 2, 3 and 4 bed homes. The clustering of the units is supported by Teign Housing who will be taking on the affordable homes.

There are other obligations with the s106 but it is only the affordable housing obligation that effects the layout of the scheme and therefore has been considered in detail within the processing of the application.

CONCLUSION – REASON FOR APPROVAL

The reserved matters application constitutes details of a development that will be of a high quality, accessible and provide a variety of homes to a number of new residents. There is ample open space provided with the development and this is important for the health and wellbeing of the future and existing residents. Play spaces have been provided for children and cater for a range of ages and needs. The material choices are considered to be acceptable and work well with the development in the surrounding area. The application is considered to comply with the principles of the outline planning permission and that of current planning policy including that of the Cullompton Neighbourhood Plan.

The application should therefore be approved subject to conditions.

CONDITIONS

1. The works hereby permitted shall be carried out in accordance with the application form and approved documents.
2. Notwithstanding the approved plans and prior to any dwelling reaching d.p.c. level, samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include:

- Brick samples to be used on external surfaces of the dwellings.
- Eaves and rainwater goods (details or samples of materials) and meter boxes;
- Windows and doors (including associated reveals, cills and lintels) (details)
- Any external ducting, flues or vents (details)
- Full details (including materials and colours) of all doors, and garage doors and their associated reveals, sills and lintels;

The development shall thereafter be carried out entirely in accordance with the approved details.

3. Boundary treatments shall be implemented in accordance with the approved plan (Dwelling and Boundary Materials Layout – Drawing Number: DBML.01 revision C). Once installed they shall thereafter be permanently retained.
4. Notwithstanding the submitted details, all trees to be planted on site shall be container grown. Trees to be planted within or adjacent to hard surfaces shall be planted within a crating system or utilising structural and not top soils to provide sufficient rooting volume to ensure the newly planted trees establish and develop. Prior to commencement of development (excluding access) plans showing tree pits unfettered by street lighting and utility runs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details and no tree shall be planted on site until written approval has been received from the Council's Arboricultural Officer that they are satisfied with the condition and form of the proposed trees.

Any trees planted will comply with the British Standard Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014. Any trees planted that do not comply with this British Standard shall be replaced in the same or next planting season with specimens that do comply. If any trees planted as part of an approved landscape plan within a period of five years from planting is removed, dies or become seriously damaged/diseased it/they shall be replaced in the next planting season with one of similar size, species and nursery

5. The development shall be carried out in accordance with the approved site refuse collection and storage details. The associated bin storage areas and collection points for each dwelling shall be provided prior to initial occupation of each dwelling and shall thereafter be retained and maintained.
6. The garages hereby approved shall be used ancillary to the associated dwelling(s) and will not be sold, let or otherwise disposed of for separate residential accommodation.
7. The development will be carried out in accordance with the methods identified within approved documents 'Construction Ecological Management Plan' as prepared by ead Ecology dated: January 2021 and Constructions Environmental Management Plan.
8. Construction of the groundwater management system should be constructed in accordance with SuDS Maintenance Technical Note (Rev. D; dated 20th July 2021) and the Groundwater Flow and Volume Compensation Calculations (dated 14th June 2021). The monitoring results for this groundwater management system shall be submitted to the Local Planning Authority every 6 months for review. The monitoring period should cover 2 winters. If any damage occurs to the groundwater management system during the monitoring phase, or if groundwater discharges above the designed rate, then this must be remediated.

9. Parking for the development will be laid out in accordance with that as illustrated on approved Parking Strategy Plan (Drawing number: P17-0169_106). The parking spaces will thereafter remain for vehicle parking purpose only and will retained and maintained for the life of the development.

REASONS FOR CONDITIONS

1. In order to ensure compliance with the approved drawings.
2. To ensure that the character and appearance of the surrounding area is preserved.
3. To ensure that the character and appearance of the surrounding area is preserved.
4. To ensure the successful establishment of high quality tree cover within the area.
5. To ensure appropriate bin storage and collection provision in the interests of local amenity.
6. To protect the amenity of neighbouring properties and to preserve the character of the street scene
7. In the interest of protecting legally protected species, and ensuring the protection of existing trees and hedgerow.
8. To ensure the development is served by an appropriate surface water scheme and demonstrate that the groundwater management scheme has been constructed correctly.
9. To ensure there is adequate parking retained and maintained for the lifetime of the development.

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.

Application No. 20/00748/FULL

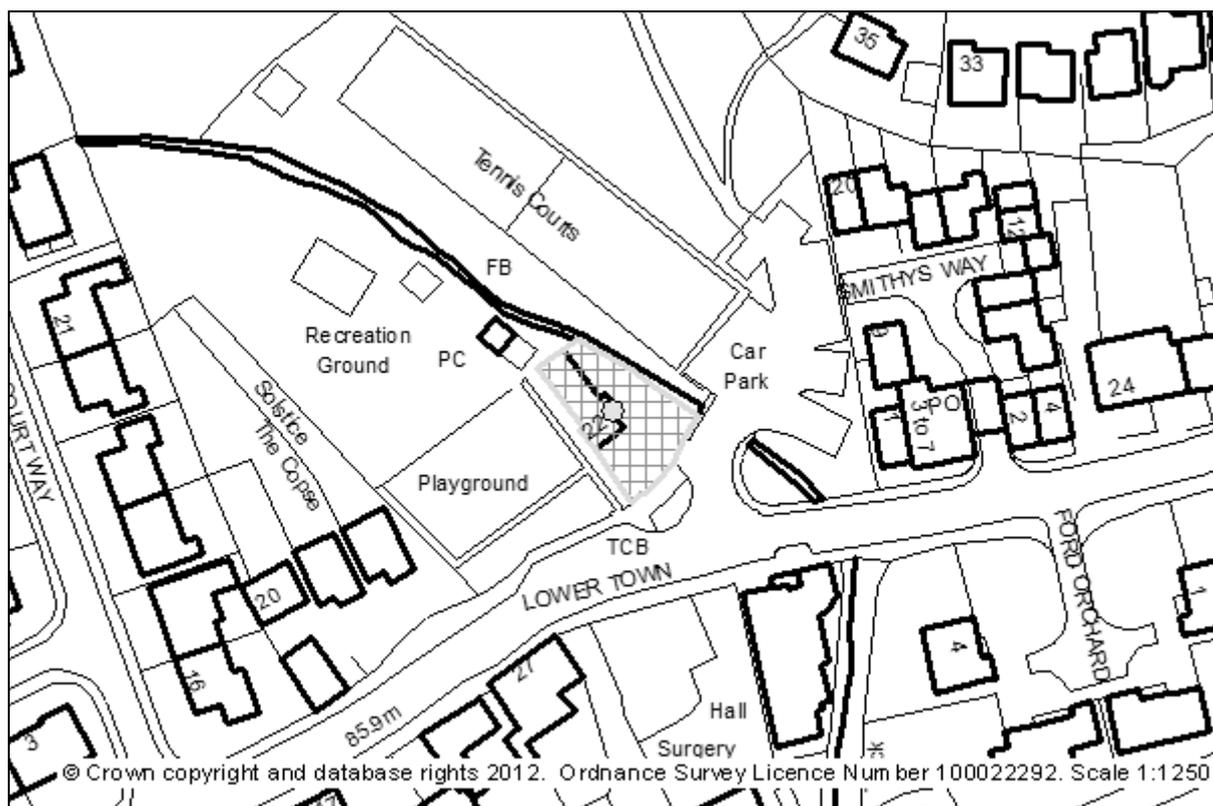
Grid Ref: 303251 : 114343

Applicant: Mr Simon Lord

Location: 22 Lower Town
Sampford Peverell
Tiverton
Devon

Proposal: Change of use of land from commercial to residential use, including the demolition of a building and erection of a single storey dwelling

Date Valid: 5th June 2020



APPLICATION NO: 20/00748/FULL

MEMBER CALL-IN

This report was called in for determination by the Planning Committee by Cllr J due to the location of the site close to flood lit tennis courts, a children's play area and park, public toilets and car park on land surrounding the application site.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for a change of use of land from commercial to residential use, including the demolition of a building and erection of a single storey dwelling at 22 Lower Town, Sampford Peverell.

The proposed site is located in the centre of Sampford Peverell. The village lies on the upper slopes of the Culm Valley. The site is bounded by a recreational play park which has recently been upgraded to the West including a public toilet block to the North. To the East there is an old mill stream, which is just outside the applicants boundary. The mill stream is tree lined and is culverted beneath the access road into the car park and emerges close to the main road. To the East there is also a public car park, tennis courts and open space giving access to the Grand Western Canal.

The site (390m²) currently houses a B1(a) commercial property (now Class E) - consisting of a single storey building (84.5m²). The building is in a poor and relatively dilapidated state and requires significant work to bring it up to modern standards. The building is timber clad, painted green and has a corrugated metal roof. The Sampford Peverell conservation area boundary was redrawn in 2008 to include this site. The Grand Western Canal, which is a separate conservation area and a country park, runs through the village and bisects the Sampford Peverell conservation area. This application is for planning permission for a change of use from commercial to residential use including the demolition of one building and the erection of one dwelling.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement, site location plan, block plan and proposed plans and elevations, flood risk assessment, land contamination report, ecological impact assessment, topographical plan, culvert and catchment summary

RELEVANT PLANNING HISTORY

84/00589/FULL - PERMIT date 8th May 1984
Retention of boundary wall and cladding replacement

87/02184/OUT - REFUSE date 17th December 1987
Outline for the erection of a dwelling

91/02224/FULL - PERMIT date 21st February 1992
Temporary siting of portable office

92/01413/FULL - WD date 15th February 1993
Erection of new offices to replace existing building

92/02101/FULL - PERMIT date 5th February 1993
Change of use from office/store to retail shop

97/00782/FULL - PERMIT date 16th July 1997
Change of use to a premises for the preparation and display of motor cars; widening of existing doorway to allow vehicular access to building

07/02009/FULL - PERMIT date 6th December 2007
Erection of two storey offices and stores to replace single storey building

15/01714/CAT - NOBJ date 2nd December 2015
Notification of intention to fell 1 no. Sycamore tree and 1 no. Conifer tree within a Conservation Area

16/01943/FULL - REFUSE date 31st March 2017
Change of use of land from commercial, to include the demolition of building and erection of 2 dwellings

19/01104/FULL - WDN date 5th December 2019
Change of use of land from commercial to residential use, including the demolition of a building and the erection of a single storey dwelling

20/01397/CAT - NOBJ date 6th October 2020
Notification of intention to fell 1 Willow tree and reduce the crown of 1 Silver Birch tree within the Conservation Area

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 – Sustainable Development
S9 – Environment
S14 – Countryside
DM1 – High quality design
DM2 – Renewable and low carbon energy
DM3 – Transport and air quality
DM4 – Pollution
DM5 – Parking
DM19 - Protection of Employment Land
DM25 – Development affecting heritage assets.

National Planning Policy Framework
Section 2 - Achieving Sustainable Development
Section 5 - Delivering a sufficient supply of homes
Section 11 - Maintaining effective use of Land
Section 12 - Achieving well-designed places
Section 16 -Conserving and Enhancing the Historical Environment

CONSULTATIONS

Sampford Peverell Parish Council - 20th June 2020

Members of Sampford Peverell Parish Council have examined this proposal. They unanimously conclude that this site is totally unsuitable for residential development, being surrounded by the Play Park, the public toilets, the tennis courts (which are flood-lit for winter use) and the public car park. Furthermore, they strongly object to the proposed removal of the telegraph post on the western boundary. While undergrounding of the power supply to the public toilets may present no problems, Members point out that the pole carries a lighting unit (in the ownership of the Parish Council) which gives illumination of the footpath to the public toilets as well as providing an element of night-time security to this part of the Play Park and its play equipment.

This development would be completely out of character with the surroundings. Sampford Peverell Parish Council thus is strongly opposed to this proposal.

Sampford Peverell Parish Council - 12th April 2021

Members of Sampford Peverell Parish Council have examined the revised drawings submitted but remain unanimously totally opposed to the application to change the use of the land from commercial to residential use.

They believe that the site is totally unsuitable for residential development by virtue of its position. This was expressed in the Parish Council's response to the original application in June 2020. The site is between the Play Park, with the public toilets immediately adjacent to the boundary of the site. The public car park and the tennis courts are also immediately next to the site. The tennis courts are floodlight in the evenings. These reasons for opposing the change of use remain applicable.

Highway Authority – 19th June 2020

Standing advice applies

<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

Public Health – 24th June 2020

Contaminated Land: No objection to this proposal. (16.06.20).

Air Quality: No objection to this proposal. (16.06.20).

Environmental Permitting: No objection to this proposal. (11.06.20).

Drainage: No objection to this proposal. (16.06.20).

Noise & other nuisances: No objection to this proposal. (16.06.20).

Housing Standards: The bedrooms and the mezzanine level are considered to be inner rooms as the main exits from the building are through the high risk living areas and kitchen. (18.06.20).

Licensing: No comments. (11.06.20).

Food Hygiene: No comments. (11.06.20).

Private Water Supplies: Not applicable. (11.06.20).

Health and Safety: Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive. (11.06.20).

Natural England – 30th June 2020

No comments

Environment Agency – 6th July 2020

Environment Agency position

In the absence of an adequate flood risk assessment (FRA), object to the proposed development. The reason for this position and advice is provided below. Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application. Reason – The FRA has not demonstrated that the new residential dwelling will be safe during flooding. It suggests a flood level of 87.0mAOD stated in section 10.0 (we presume there has been a mistype in section 6.3 as it refers to a flood level of 8.70mAOD) and proposed finished flood levels (FFL) as below this height. The FRA also suggests that the channel capacity is in excess of 19.8m³/s, without any calculations to justify the 'qualitative observation'. We note that the FRA for the previous application (19/01104/FUL), suggested the channel capacity is 1.4m³/s, which is a significant difference from the new capacity. The current proposed building also extends towards to the watercourse, which will reduce the current floodplain area, which is unacceptable.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the concerns raised within this letter. We advise that a flood level is confirmed and agreed with us prior to the applicant designing the new dwelling. This will need to be done by using the revised hydrology data (pro rata to the catchment size) provided in our letter response to the previous application (reference 19/01104/FULL, dated 16th August 2019) and a detailed assessment of the channel capacity throughout the park. Any new dwelling will need to set FFL above the design flood level with freeboard. The new dwelling (and any solid walls) must not be any closer to the watercourse than the current building.

Advice to the LPA – Your authority will need to be satisfied that the proposed mezzanine level is a safe and suitable safe refuge location for the proposed occupants.

Environment Agency - 10th August 2020

Environment Agency position

We still object to this application and the revised FRA (version 3).

Reasons

Following our previous response (ref DC/2020/121507/01-L01, dated 6 July), the points raised in our previously correspondence have not been fully addressed. To overcome our objection all raised issues must be fully answered and the following comments covered:-

- We did not accept the RMA FRA (19/01104/FUL), therefore the results/conclusions cannot be automatically used.
- We require full hydraulic calculations of the channel capacity, at numerous point downstream of the canal, through the park and development site.
- We do not accept the use of voids as floodplain compensation.

Environment Agency – 27th April 2021

Environment Agency position

We have no objection to this application.

Reason

From the development and flood risk perspective, and with regard to the revised proposal 'Revised 22.03.2021', we confirm that we hold no in principle objection to the revised proposal as submitted given:

- the revised proposed structure would occupy the same footprint as the existing structure and thus not occupy any more of the valley bottom associated with the watercourse than the current structure already does.
- the existing boundary wall is to be retained in its current form

Our stance is subject to:

- the removal of permitted development rights over the lifetime of the development. This is to help retain the ability of the current unobstructed parts of the site to convey flood waters in extreme events.
- your authority confirming that they deem the Sequential Test as being passed, should your authority deem the activity to be operational development and not change of use, given the site lies within Flood Zone 2
- finished floor levels and flood resilience measures being implemented as proposed.

MDDC Conservation Officer

Verbally commented no objection to revised proposals (JC email)

REPRESENTATIONS

There was 1 letter of objection (1st December 2020) from third parties for the following reasons:

- Inappropriate change of use
- Safeguarding children,
- Not in keeping with current amenities and surrounding land use.
- Greater impact of residential as opposed to commercial use.

It is considered that the relevant planning concerns will be dealt with in the main body of this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Principle of Development

The development sites lies within the boundary of Sampford Peverell. The building was an employment use and Policy DM19 permits a change of use to non-employment use where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Paragraph 17 of the NPPF advises that a set of core land-use planning principles should underpin both plan-making and decision-taking. To seek high quality design, make effective use of land by reusing previously developed land and conserve heritage assets in a manner appropriate to their significance. In addition proposals should encourage walking and cycling.

The existing building is of relatively insignificant appearance although an objection has been raised with regard to the proposed change of use. Members of Sampford Peverell Parish Council have examined the revised drawings submitted but remain unanimously totally opposed to the application to change the use of the land from commercial to residential use.

However in policy terms there is no objection and the proposal by providing a family sized dwelling it would also provide a modest addition to the District's housing supply.

It is located in a sustainable location in easy walking distance of shops and services and as such is considered acceptable in principle. Furthermore with recent changes to the Use Classes Order

(UCO) B1 use (now Use Class E) can be changed without planning permission to residential (C3) use subject to prior approval.

Design and Appearance

The proposed dwelling is relatively low rise with a mezzanine floor and a footprint which allows it to sit visibly from the highway but unobtrusively minimising the risk of any adverse impact visually on the immediate surrounding area. It is considered that the design scale and appearance is of a good standard and as such accords with Policy DM1 of the Local Plan.

The proposed materials will be where possible, of natural selection. The roof will be pitched and of natural slate construction, in keeping with the traditional houses of Sampford Peverell.

A standard condition requiring the development carried out in accordance with the approved plans will be attached should planning permission be granted.

Amenity

The property is not in close proximity to any other residential properties and it is considered that its impact on their occupiers in terms of amenity will be minimal. With regard to living conditions for future occupiers the dwelling proposed has a general amount of internal floor area good circulation and open space as well as good provision of natural light and ventilation.

Concerns raised by Housing Standards are noted however, the layout and juxtaposition of the bedrooms with regard to the communal areas and access to the property is not atypical of such developments and furthermore, planning permission is not required for internal changes if the building is not listed.

The site is in close proximity to tennis courts with installed floodlights. It is noted from a site visit that these floodlights are fixed pointing downwards and inwards to illuminate the Court and are not considered to materially impact the site in question nor would they materially impact the proposed dwelling.

Managing Flood Risk

A Flood Risk Assessment has been prepared by Southwest Environmental Limited, and is submitted as part of this application. Amended plans were submitted to address the Environment Agency's initial concerns including a structure occupying the footprint of the existing structure. In addition, the existing perimeter wall of the plot being kept as it contains with gaps within it, whereas a solid wall would result in a loss of functionality of the valley bottom, and it is noted proposals to carry out works to the wall in question and the provision of a safe refuge within a residence at a level above flood waters.

In addition, the design of the house should incorporate the following features in line with this report:

- Resilient construction materials should be used up to a level of 87.30mAOD
- All centralised systems such as boilers or consumer units should also be sited above this level
- Flood boards will be fitted externally with a crest level of 87.20mAOD
- A safe refuge is set at a level which is 1.6m above the 1:1000 year risk level
- Permeable paving to the parking area

The Environment Agency has no objection to the proposal subject to the removal of permitted development rights over the lifetime of the development in order to help retain the ability of the current unobstructed parts of the site to convey flood waters in extreme events and the finished floor levels as proposed being implemented.

The site lies within flood Zone 2 and is for a single dwellinghouse. It is considered that development is appropriate in this location for such a use, as it was for the existing use and that the sustainable location is appropriate. For minor development such as this the exception test is not required.

Environmental Impact

With regard to sustainable design the new house is proposed to have very low energy use, and will be designed to have very good airtightness levels through good detailing and testing, use materials of low embodied energy if possible, use local natural materials where possible (natural slate & British or European timber), minimise water use (through low flush toilets and low water use taps and shower) and construction waste (timber waste will be recycled where possible). The scheme seeks to encourage natural ventilation and incorporate resilient construction in line with the Flood Risk Assessment.

With regard to Ecology and Trees, two trees on site are proposed to be retained and a Wildlife and Geology Trigger List included a detailed site inspection confirming that there were no signs of any wildlife (nests, droppings, disturbances etc.) inhabiting any part of the property.

In addition a preliminary appraisal and investigation in roof spaces for protected species (notably bats) was conducted at the site, however despite investigations within the building no evidence of bats or other protected species (or suspected protected) were found.

An informative will add that nesting birds are not disturbed during construction.

Heritage Matters

This is a revised scheme which takes into account its impact on the character and appearance of the Conservation Area. The existing building is not a building of any heritage significance and therefore officers would argue that its replacement with a building of a scale and design proportionate to the established scale and pattern of development pattern is acceptable.

Officers are therefore in agreement with the applicant that with respect to the location of the site within the conservation area, the proposal would enhance the character of this area and provide a new much needed house to giving wider (as well as private) public benefit. As such the development accords with Policy DM25 of the Local Plan.

Access and Highways

The proposed dwelling will retain its existing access and have two car parking spaces off street in line with car parking standards. The site plan indicates that there is a high degree of manoeuvrability and the County Highway Authority have not objected to the proposal. In addition, a garage provides details of satisfactory storage for bicycles.

As such it is considered that the proposal is in accordance with Policy DM3 of the Local Plan.

Other Matters

With regard to existing services the site is currently served by mains foul drainage, mains water, electricity, gas and phone. Foul drainage from the proposed house will be connected to the mains drainage that serves the site. The existing hardstanding can be replaced with permeable paving and the surface water from the new house roofs will be discharged to the mains drain that serves the site, as the existing building does.

Planning Balance

The development sites lies within the settlement boundary of Sampford Peverell. The building was an employment use and Policy DM19 permits a change of use to non-employment use where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Paragraph 17 of the NPPF advises that a set of core land-use planning principles should underpin both plan-making and decision-taking.

The existing building is of relatively insignificant appearance and no objection has been raised with regard to the proposed change of use. By providing a family sized dwelling it would also provide a modest additional to the district's housing supply.

It is located in a sustainable location in easy walking distance of shops and services and as such is considered acceptable in principle. Furthermore with recent changes to the Use Classes Order (UCO) B1 use (now Use Class E) can be changed without planning permission to residential (C3) use subject to prior approval.

In line with paragraph 7 of the NPPF, the proposal represents sustainable development and can be summarised as follows:

Social benefits - slight positive increased population, and use as dwelling adjoining leisure facilities
Environmental benefits- house in sustainable area and enhancement of Conservation Area, a slight positive

Economic benefits - construction employment, future living accommodation and increased spend overcoming loss of an employment use

Neutral impact- Access and highway issues - no material change

The planning balance therefore is significantly positive and accordingly, it is recommended that planning permission should be granted subject to conditions.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 08.00 and 1800 hours on Monday to Fridays and 08.00 and 1300 on Saturdays;

4. Prior to development, a Construction Environment Management Plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. This should include details of the following during the construction period:
 - Details of vehicular access and egress of construction vehicles
 - Details of demolition works and their management
 - Details of wheel washing facilities and/or jet washing for construction vehicles accessing and leaving the site
 - Details Tree Protection measures to be submitted to and approved in writing by the local planning authority
 - Details of measures to minimise the likelihood of nuisance arising from noise, odour or dust
5. Any proposed scheme of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted scheme shall include a lighting assessment with measures to prevent light-spill into the surrounding area and harm to protected species.
6. Before the development hereby permitted is first brought into use, the vehicular access, parking and turning areas indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway) in accordance with details to be submitted to, and be approved in writing by, the Local Planning Authority. Such details shall include permeable paving to the parking area. Following their provision, these facilities shall be so retained.
7. Prior to occupation a landscape plan will be submitted to and approved by the Local Planning Authority. This will include the planting plans, including retention of the two trees and will be implemented and maintained the first planting season after the development hereby permitted and shall be retained thereafter.
8. No development shall begin until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment including the retention of the existing boundary walls to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
9. No development shall begin until a sound insulation scheme has been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the building and shall be so retained.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes [A, B, C, D, E, F, G H] of Part 1, or Classes [A, B, C] of Part 2 of Schedule 2, relating to [fill in], shall be undertaken within the application site/dwelling curtilage* without the Local Planning Authority first granting planning permission.
11. The development shall be carried out in complete accordance with the approved flood risk assessment including the following details
 - Resilient construction materials should be used up to a level of 87.30m AOD

- Flood boards will be fitted externally with a crest level of 87.20mAOD
- A safe refuge is set at a level which is 1.6m above the 1:1000 year risk level

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004;
2. For the avoidance of doubt, in the interests of proper planning and in accordance with Policies S1, S2, S3, S9, S10, DM1, DM2, DM3, DM5 and DM25 of the Mid Devon Local Plan 2013-2033.
3. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Policy DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
4. For the avoidance of doubt, in the interests of proper planning and in accordance with Policies S1, S2, S3, S9, S10, DM1, DM2, DM3, DM5 and DM25 of the Mid Devon Local Plan 2013-2033.
5. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Policy DM1 and DM4 of the Mid Devon Local Plan 2013-2033 and in the interests of nature conservation and in accordance with Policies S1 and S9 of the Mid Devon Local Plan 2013-2033.
6. In order that adequate parking facilities are provided in accordance with Policies DM1 and DM3 of the Mid Devon Local Plan 2013-2033.
7. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
9. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Policy DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
10. To prevent an inappropriate intensification of the use of the site.
11. In the interests of preventing flood risk in accordance with policies within the National Planning Policy Framework.

INFORMATIVES

1. Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive.
2. Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different

people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

3. Please note all nesting birds are legally protected. Works involving modifications to buildings which may form nesting sites for birds should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). If works must take place within the bird breeding season, appropriate measures must be taken, such as a suitable survey, to ensure that there is no threat of disturbance or harm to nesting birds. If any nesting birds are discovered, immediately prior to or during the course of the development, works should cease until breeding has finished and fledglings have departed nests.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The development sites lies within the boundary of Sampford Peverall. The building was an employment use and Policy DM19 permits a change of use to non-employment use where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Paragraph 17 of the NPPF advises that a set of core land-use planning principles should underpin both plan-making and decision-taking. To seek high quality design, make effective use of land by reusing previously developments land and conserve heritage assets in a manner appropriate to their significance. In addition proposals should encourage walking and cycling.

The existing building is of relatively insignificant appearance and no objection has been raised with regard to the proposed change of use. By providing a family sized dwelling it would also provide a modest additional to the district's housing supply. It is located in a sustainable location in easy walking distance of shops and services and as such is considered acceptable in principle.

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.

In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant. This has included the submission of additional information from the applicant. In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.