

Application No. 20/00876/MFUL

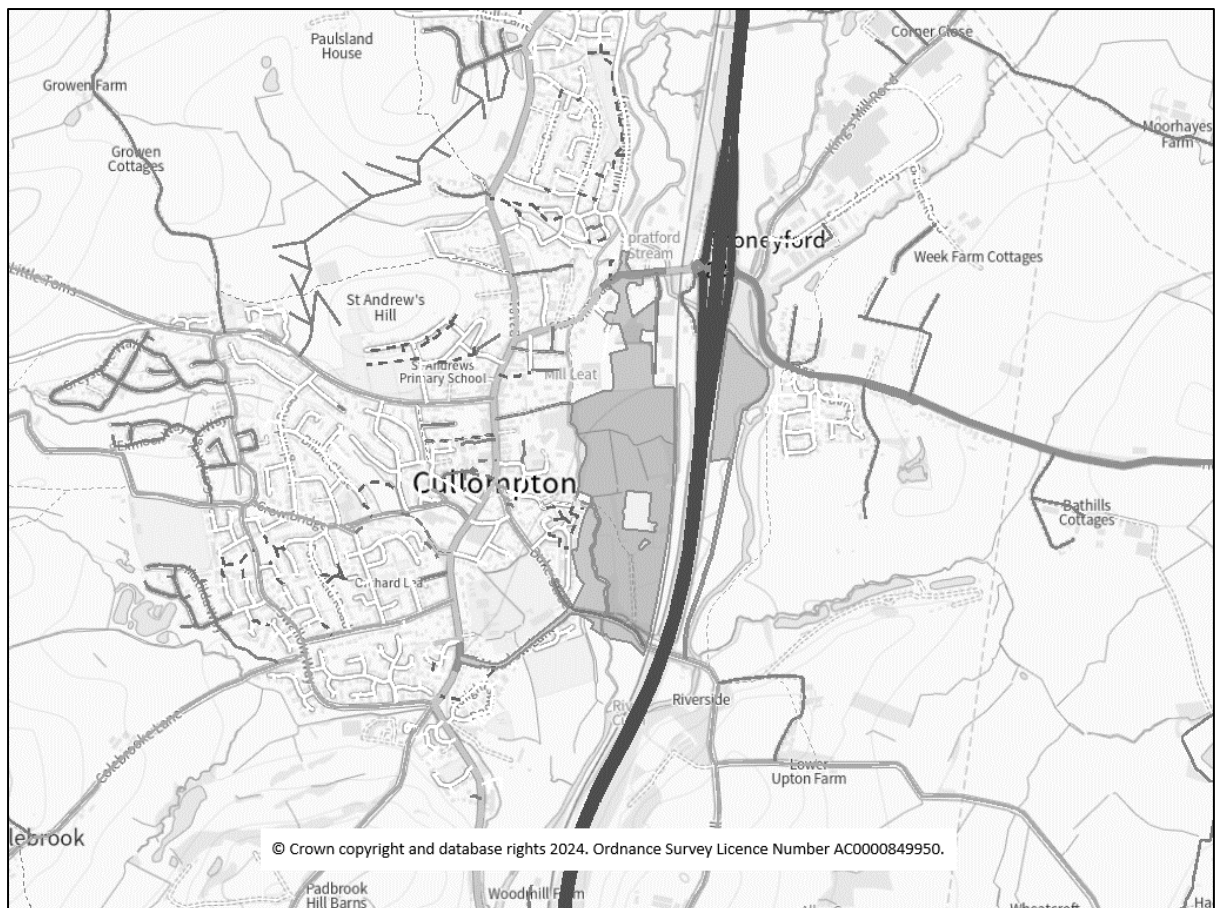
Grid Ref: 302456 : 107324

Applicant: Stuart Jarvis, Devon County Council

Location: Land at NGR 302456 107324
Cullompton
Devon

Proposal: Application for approval of details reserved by condition (discharge of condition 22), in relation to planning permission 20/00876/MFUL - The Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works

Date Received: 11th August 2025



APPLICATION NO: 20/00876/MFUL - Discharge of Condition 22

REASON FOR REFERRAL TO COMMITTEE

The original planning application to which this application for approval of details reserved by condition relates to (20/00876/MFUL) was considered by the Planning Committee on the meeting of 13th January 2021. In resolving to grant planning permission, condition 22 was added at the request of the Members of the Planning Committee. Members further resolved that the application to discharge this condition should be brought before the Planning Committee for determination.

RECOMMENDATION

Approve the discharge of condition 22

PROPOSED DEVELOPMENT

This application is made to approve details submitted to discharge condition 22 of planning permission 20/0076/MFUL, which is worded as follows:

Prior to the commencement of the development, a scheme for

a) The configuration, prioritisation, signing and marking of the junction between Meadow Lane and Exeter Road

b) Pedestrian crossing arrangements on Meadow Lane shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme shall be implemented and maintained.

Reason: In the interests of highway safety, traffic management and pedestrian safety.

APPLICANT'S SUPPORTING INFORMATION

Application Form, Covering Letter, Traffic Signs Layout Plan and Transport Technical Note

RELEVANT PLANNING HISTORY

19/00839/SCR - CLOSED date 13th August 2019

Request for Scoping Opinion relating to the Cullompton Eastern Relief Road scheme

20/00876/MFUL - PERCON date 22nd January 2021

Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-33

S1 - Sustainable development priorities

S7 - Town centres

S8 - Infrastructure

S9 - Environment

S11 - Cullompton

S14 - Countryside

CU19 - Town Centre Relief Road

CU20 - Cullompton infrastructure
DM1 - High quality design
DM3 - Transport and air quality
DM4 - Pollution
DM24 - Protection of local green space and recreational land/buildings
DM25 - Development affecting heritage assets
DM26 - Green infrastructure in major development

Cullompton Neighbourhood Plan

National Planning Policy Framework

CONSULTATIONS

CULLOMPTON TOWN COUNCIL - Comments not received at time of writing this report

DCC HIGHWAY AUTHORITY - The proposal to discharge condition 22 for this application is supported by a technical note explaining the choice of junction and crossing type, and I have no objection to the discharge of this condition.

There are no planning reasons to refuse this discharge of condition for two reasons:

1. There are no technical reasons that the proposals should be refused, there is no evidence that the proposals would be unsafe or the impacts 'severe'.
2. The applicant, being the Highway Authority, has permitted development rights under Class A of Part 9 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015) to carry out these works without planning permission as they are on/adjacent to the highway.

Traffic modelling of the junction at Meadow Lane with Exeter Road shows that the junction will operate at just over 50% of its capacity in the evening peak hour (in the projected year of 2032), at other times of the day the junction will still operate well within capacity, at below 50% of capacity.

The use of other junction types have been considered in the technical note supporting the application, however other junction types would not provide any improvement over a simple priority one.

- A normal/large roundabout can not be considered as this would require private land outside of the existing planning approval – therefore not relevant to consider as part of this discharge of condition.
- A mini roundabout would not be possible due to private land being required for visibility splays. A large tree would also need to be removed. This type of junction would also be less easy to use for cyclists.
- A signalised junction would operate with less capacity than a priority junction. At off peak times there would be unnecessary delay and queuing by drivers waiting for signals to change, which would not happen with a simple priority junction.

The pedestrian crossing on Meadow Lane is proposed to be a zebra crossing, not signalled. This is considered acceptable as it will be safe (and subject to road safety audit processes) as well as not causing unnecessary delay to drivers which can occur sometime with traffic signals.

The proposed crossing is a straight section of road with good visibility for all users. There will be at least 50m of high friction surfacing provided on the vehicle approaches to the crossing.

Based on the technical report submitted and considerations given above, I have no objection to the proposed discharge of condition 22.

REPRESENTATIONS

No further responses received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1. BACKGROUND OF THE APPROVED DEVELOPMENT

- 1.1 Application 20/00876/MFUL was approved on 21st January 2021 for the construction of the Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works. As referenced earlier in this report, the application was considered at Planning Committee on the 13th January 2021 where it was resolved to approve subject to conditions.
- 1.2 The application was made for the provision of a relief road to divert traffic currently passing through Cullompton town centre. It is primarily proposed to address existing traffic and transport problems within the town, and the associated impacts on air quality, environment and amenity.
- 1.3 As approved, the relief road would be 1350 metres long and would link into the existing Station Road/Millennium Road roundabout to the north and Meadow Lane/Duke Street to the south, with a priority junction, and associated improvements made to the Exeter Road and Meadow Lane junction. Its route runs to the east of Cullompton for the most part running alongside the railway and M5 corridor. It incorporates land currently within the ownership of Tesco, land that is part of the Cullompton Community Association (CCA) fields and sports facilities, includes those used by Cullompton football, cricket and bowls clubs, and agricultural land to the south.
- 1.4 The approved scheme is to be implemented in phases, allowing for as little interruption as possible to existing sports facilities, recreation and amenity land and to reduce the wider impacts on other local amenity, in particular as a result of the construction period.
- 1.5 The works approved along Meadow Lane include the widening of the footway on the northern side of Meadow Lane to 3 metres to enable use by pedestrians and cycling use, and provision of a pedestrian crossing linking Cullompton Community College to the recreation ground on the south side of Meadow Lane.
- 1.6 The works approved at the Exeter Road and Meadow Lane junction for the formation of a priority junction, include the widening of the road, widening of footways and provision of tactile crossing points within the junction along Meadow Lane, and on Exeter Road.
- 1.7 In commenting on the original application Cullompton Town Council raised some concerns with the junction arrangement, proposed crossing point along Meadow Lane. Firstly, it was the view of the Town Council that the priority of the junction should be changed so that traffic heading north along Exeter Road had the priority into Meadow

Lane, with traffic heading south giving way to traffic using Meadow Lane, and traffic coming south on the relief road, having the priority to turn south onto Exeter Road. The submitted plans have priority remaining to vehicles travelling north and south along Exeter Road.

- 1.8 In addition to the above points relating to the priority of the junction, the Town Council advised that they wished to see the provision of a pedestrian refuges with bollards at the junction crossings and the provision of a puffin crossing along Meadow Lane, rather than a zebra crossing. These concerns were also shared by one of the Ward Members for Cullompton.
- 1.9 In debating planning application 20/00876/MFUL, Members of the Planning Committee gave consideration to the views of the Ward Member and Town Council, as noted in the Planning Committee minutes (attached as Appendix A to this report). Due to Members concerns about the safety and priority of the Exeter Road/Meadow Lane junction, and provision of safe pedestrian crossing, they resolved to mitigate these concerns by the imposition of condition 22.

2 PROPOSED DETAILS OF THE DISCHARGE OF CONDITION 22

- 2.1 The application to discharge condition 22 is supported by a Transport Technical Note, which details the additional improvements suggested to address the concerns originally made at the time of the application being considered. This gives detailed consideration and justification to the proposed priority at the junction and selected pedestrian crossing types. A traffic sign layout plan is also submitted indicating the proposed signage at the junction.
- 2.2 The proposed changes to the originally submitted details includes the additional widening of the access to incorporate an improved pedestrian crossing place with central refuge. The pedestrian crossing point on Exeter Road is similarly redesigned to include pedestrian refuge.
- 2.3 Changes to the priority have been considered, however it is proposed to retain the priority originally applied for. Prior to applying to discharge condition 22 however, other layout options have been considered, including the provision of a mini roundabout and signalised junction. As detailed in the Transport Technical Note, a priority junction of the type originally proposed is considered to be the most appropriate type of junction, following modelling of projected traffic flows. This type would have the capacity required for the type of traffic movements expected, whilst ensuring improved, and safe, flow of traffic. As mentioned above, it is also noted that the arrangement has been improved with further widening of the highway and improved pedestrian crossing points.
- 2.4 In considering changing the priority for vehicles using Exeter Road it is also understood that further land would be required outside of the application site to achieve a layout that could work due to vehicles, especially lorries travelling at greater speeds than would occur where a right turn at 90 degrees is required. Such a layout would also likely prevent right turn access onto Exeter Road for vehicles still needing to access the Town Centre, and other local business just outside of the Town Centre,

it would likely require the felling of more trees, and would also worsen footway and pedestrian connections.

- 2.5 The use of a mini roundabout, and more traditional roundabout, have been considered but both option require the use of additional land, as well as the felling of an oak tree on private land. Such junction types would also be more difficult for pedestrians and cyclist to use.
- 2.6 A signalised junction has been discounted on the basis of cost and ongoing maintenance requirements, and that when operating within capacity will offer no betterment to traffic when compared to the existing priority option.
- 2.7 On the basis of the justification provided, and the support of the Highway Authority Officers, it is considered that the retention of the originally proposed priority option, with improved pedestrian crossing facilities and the proposed signage would be safe and reliable, ensuring a cost effective solution that will appropriately accommodate proposed flows, with significant spare capacity. The other options that have been considered would not provide benefit to traffic flows but would increase costs and the likelihood of vehicle delays.
- 2.8 In considering the proposed pedestrian crossing further along Meadow Lane, which is primarily intended to provide a safe crossing point between Cullompton Community College, and the recreation ground on the south side of Meadow Lane, further details are provided about the proposed option.
- 2.9 It is noted that Cullompton Town Council, and one of the Ward Members, previously raised concerns about the use of a zebra crossing at this point, with concerns about safety of users, especially children. At the time, it was advised that a zebra crossing was the most appropriate option in both maintaining traffic flows and pedestrian safety. On this point, the following section of the original committee report (page 107) is included:

“In respect to the concern about crossing points, it is confirmed that the final design has been designed with the school in mind and as required for a 30mph road, and is in line with the recommendations of the safety audit. To further clarify, the proposed zebra crossing would give priority to pedestrians wishing to cross, and obliges motorists to stop once pedestrians have indicated their intent to cross, while a puffin crossing is light controlled requiring motorist to stop once the lights turn red. With specific consideration to the comments about the playing field crossing point, a further pedestrian count and speed surveys were commissioned. The results of these, along with the predicted future growth of the Cullompton Community College were considered as part of further information submitted. In carrying out this further assessment, it was concluded that a zebra crossing was still the best solution in this location. The main identified reasons were that the priority for pedestrians is well observed, particularly in locations such as this where speeds are appropriate and visibility is good. When using a zebra crossing, pedestrians should only have to wait for a very short period of time to cross the road. Consequently, with signalled crossings, waiting pedestrians may ignore the signals and cross when the lights are green. In the site specific circumstances, there will also be occasions when large groups of pedestrians, such as a full class of children accessing the playing fields, will

need to cross the road. A zebra crossing will give ongoing priority to these pedestrians, while a signalised crossing could change back to green before all the pedestrians have been able to cross.”

- 2.10 Further information contained within the Transport Technical Note, submitted in support of this application for the discharge of condition 22, indicates that the relief road would increase traffic flows, thereby making crossing Meadow Lane harder for pedestrians, which is of particular concern near Cullompton Community College, where pupils need to cross the road to access the aforementioned recreation ground and sport fields. Count data indicates that over 150 daily crossings are made but a large proportion of these comprise classes crossing in one go.
- 2.11 Noting the above, a zebra crossing is still considered to be the best option as it would suit the semi-urban environment visual and also reduce pedestrian delay. This type of crossing is effectively used elsewhere in Cullompton, with the benefits including its better value for money, ability to allow everyone to cross at the same time when there is high pupil demand, and the delay to traffic being for only short periods of time, limiting the impact on the overall capacity of the relief road. It is also noted that the road is straight at the point the crossing is proposed, ensuring high levels of visibility for pedestrians and drivers.
- 2.12 A signalised crossing was considered, however this would be more expensive to construct and maintain, and would lead to greater levels of stoppages along the relief road. Crucially, such a crossing point is considered likely to lead to greater safety concerns as pupils will still be crossing when the traffic lights turn back to green for the traffic, a safety issue that has been observed outside Blundell’s School in Tiverton.
- 2.13 It has therefore been concluded that a signalised crossing would be less safe taking into account the nature of the crossings that are most prevalent along Meadow Lane, would lead to more disruption to traffic flow, and would be more costly.
- 2.14 For the above reasons, it is recommended that the submitted details for a zebra crossing are supported at this point. The submitted details further include the provision of at least 50 metres of high friction surfacing on road where vehicles will approach the crossing points.
- 2.15 The Highway Authority have commented on this aspect of the proposal too, advising that on the basis of the technical report submitted, and their considerations, there are no objections to the proposed details to discharge all elements of condition 22. The Highway Officer also highlights that these particular works all fall within highway land, where permitted development rights exist under Part 9 Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), in which case the highway improvements along Meadow Lane and at the junction of Meadow Lane and Exeter Road, could be carried out without the benefit of planning permission. Notwithstanding this however, the proposed improvements are considered to be the most appropriate options when taking into account pedestrian and cyclist safety, safety of road users and the ongoing and future capacities of the relief road and wider Cullompton highway network.

2.16 The Officer recommendation is therefore to accept the proposed details submitted in respect to the discharge of condition 22 of planning permission 20/00876/MFUL.

Appendix A: Minutes of Planning Committee of 13th January 2021, in relation to Planning Application 20/00876/MFUL

20/00876/MFUL - Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works at Land at NGR 302456 107324, Cullompton, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation highlighting the site location plans, proposed key junctions, environmental master plans, construction compound and haulage route, land compensation scheme and photographs of the site.

In response to questions from Members with regard to the priority of the road network at Meadow Lane and Exeter Road the officer explained that the Highways Authority saw no need to change the priority and that traffic could be redirected to the relief road via signage.

Members discussed the representations received from current landowners and the Development Management Manager explained that Members would need to decide if the representations received were related to planning issues. She advised Members that they would need to decide what weight to give them when deciding the application but that representations about land ownership were not material considerations.

The Principal Planning officer explained to Members that the Bowling Club would relocate to part of the current Cricket Club site after the Cricket Club had moved to its new location and that land had been allocated within the development for a replacement site for the Bowling Club.

The Development Management Manager explained that any compulsory purchase orders would be dealt with by Devon County Council and that the relief road would be an asset of the County Council Highways Authority.

Consideration was given to:

- The views of the objector who stated that Tesco had wanted an adequate roundabout at the junction with the existing store but felt the junction proposed was inadequate
- The views of the agent who explained that it was a very complex scheme which had been designed with input from many stakeholders. That they would continue to consult with neighbours, including Tesco to resolve issues going forward
- The views of Cullompton Town Council who were fully in support of the scheme but had concerns with some of the junctions and felt that the CCA fields should be fenced off from the road
- The views of the Ward Member who had concerns with the Meadow Lane junction and requested a suitable surface for the footpaths within the CCA fields
- The views of the Ward Member who stated that the CCA fields were a massive asset for Cullompton and that the District Council were not providing any additional parks within Cullompton
- The views of the adjoining Ward Member who felt that the proposed junction at Meadow Lane was dangerous for children and that there would be a bad accident if this was not addressed

- Members concerns with regard to the safety and priority at the Exeter Road/Meadow Lane Junction and no provision provided for pedestrian crossings which they felt should be mitigated by a condition
- Members concerns with regard to the responsibility of the ongoing maintenance of the proposed footpaths
- Members concerns with regard to the access to and availability of compulsory open spaces and that a schedule of replacement land was required
- Members views that the applicant was willing to listen to concerns of local residents and make adjustments where required

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration and subject to:

1. Amendment to condition 1 to read:

The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.

2. Amendment to condition 14 to read:

Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:

- a. details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;
- b. details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;
- c. details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

3. Amendment to condition 21 to read:

No construction activities impacting on the existing Cullompton Cricket Club site and facilities shall take place until as a minimum a single replacement cricket pitch (consisting of 9 fine turf wickets and 1 non turf artificial wicket) and associated facilities as approved under planning permission 20/01452/MOUT dated 19/01/2021, have been implemented and made available for use.

Reason: To ensure delivery of a replacement cricket pitch and facilities of an adequate standard.

4. Introduction of condition 22 to read:

Prior to the commencement of the development, a scheme for

- a) The configuration, prioritisation, signing and marking of the junction between Meadow Lane and Exeter Road
- b) Pedestrian crossing arrangements on Meadow Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained.

Reason: In the interests of highway safety, traffic management and pedestrian safety

It was resolved that the application to discharge this condition should be brought before the Planning Committee for determination

5. Introduction of condition 23 to read:

No construction activities impacting on existing open space, including CCA Land, sports pitches and facilities shall take place until a schedule of replacement land provision including open space provision, sports pitches and facilities, with access to that provision, phasing and a timetable for delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed schedule and timetable.

Reason: To ensure delivery of replacement open space and sports provision.

It was resolved to seek the agreement of the Chairman and the Vice Chairman of the Planning Committee as to the acceptability of this condition.

(Proposed by Cllr B A Moore and seconded by Cllr G Barnell)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, J Downes, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, B A Moore, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters and submissions from objectors
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she was also a Devon County Councillor
- iii.) Cllr R F Radford declared a personal as he was also a Devon County Councillor and owned industrial units adjacent to the site
- iv.) Cllrs S J Clist and J M Downes declared personal interests as they had family living in proximity of the site
- v.) Cllr Mrs N Woollatt declared a personal interest as she lived inside the relief road route
- vi.) Cllr A Wilce declared a personal interest as he used the CCA fields
- vii.) Cllr Mrs E M Andrews declared a personal interest as the Chairman of the CCA
- viii.) Mr J Berry (objector) spoke on behalf of Tesco
- ix.) Ms D Fitzsimmons (agent) spoke on behalf of the applicant
- x.) Cllr G Guest spoke on behalf of Cullompton Town Council
- xi.) Cllr Mrs N Woollatt and Cllr A Wilce spoke as Ward Members
- xii.) Cllr Mrs E M Andrews spoke as adjoining Ward Member
- xiii.) The following late information was reported:

Following review of the proposed conditions, revised wording is suggested to condition 1 and 14, should planning permission be granted. The amended conditions are as follows, with the revised wording underlined:

- a. Condition 1: The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.
- b. Condition 14: Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:
 - (a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;
 - (b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;
 - (c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

- c. Further correspondence has also been received and forwarded to Members from an objector, Mr Veysey, who owns land that is proposed to be used as part of the CCA Fields compensation package. Mr Veysey has highlighted the impact that the loss of this land would have on his sheep rearing enterprise.