

Application No. 15/00650/MARM

Agenda Item

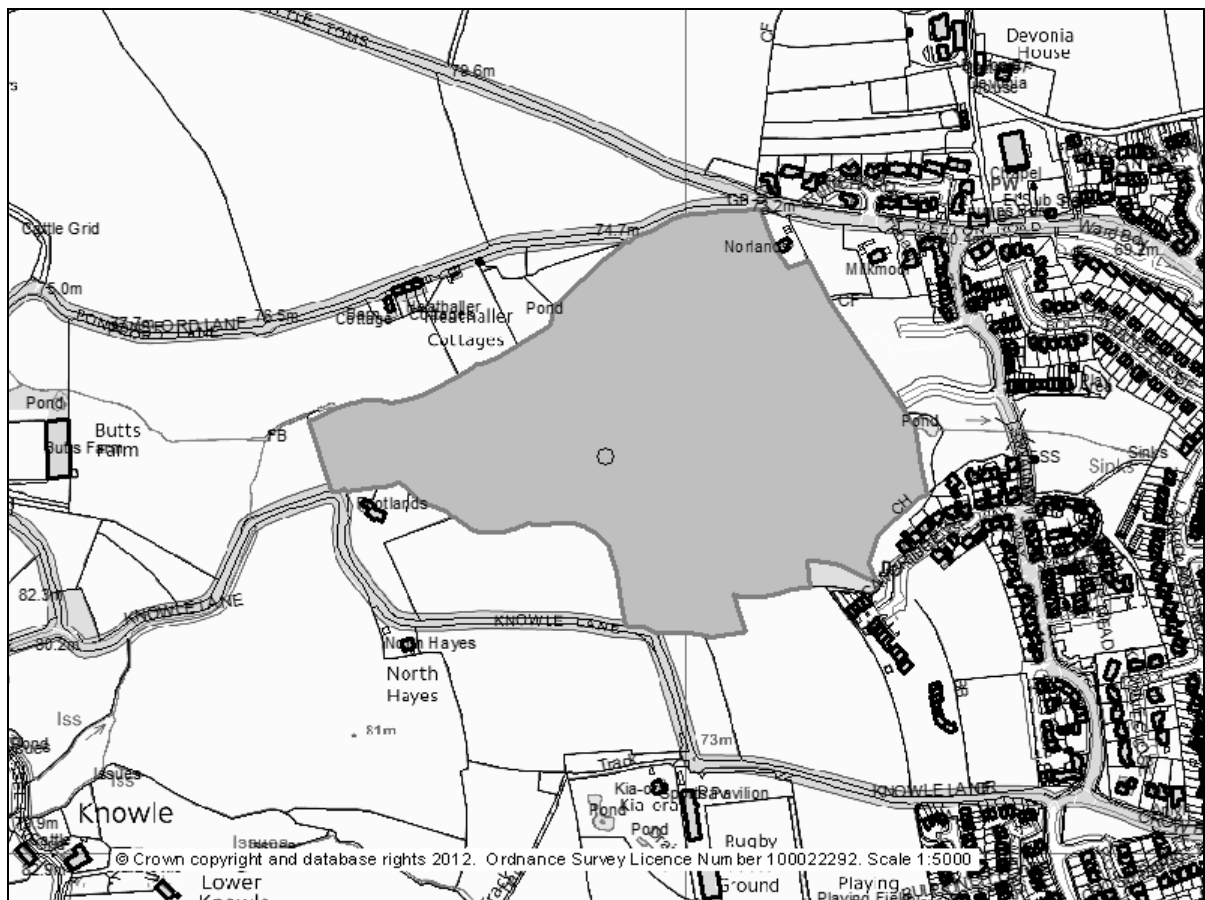
Grid Ref: 107388 : 301001

Applicant: Barratt David Wilson Homes

Location: Land at NGR 301001 107388
(North Of Knowle Lane) Knowle
Cullompton

Proposal: Reserved Matters for the erection
of 266 dwellings including
community centre, green
infrastructure, public open space,
vehicle access points, internal
roads, pedestrian/cycle links and
associated works

Date Valid: 1st June 2015



AGENDA ITEM

**PLANNING COMMITTEE
21st October 2015**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/00650/MARM - RESERVED MATTERS FOR THE ERECTION OF 266 DWELLINGS INCLUDING COMMUNITY CENTRE, GREEN INFRASTRUCTURE, PUBLIC OPEN SPACE, VEHICLE ACCESS POINTS, INTERNAL ROADS, PEDESTRIAN/CYCLE LINKS AND ASSOCIATED WORKS - LAND AT NGR 301001 107388 (NORTH OF KNOWLE LANE) KNOWLE CULLOMPTON

Reason for Report:

To consider the above planning application

RECOMMENDATION(S)

Grant planning permission subject to conditions

Relationship to Corporate Plan:

The Corporate Plan sets out the following long term visions:

- i) Ensure that the housing needs of our residents are met through the provision of affordable homes and good quality housing in the public and private sector.
- ii) Caring for our environment to promote and protect our outstanding environment and beautiful countryside.

Financial Implications:

Should the application be refused and an appeal lodged with the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have acted unreasonably.

Legal Implications:

Should the application be approved there will be a need for the applicant to request a deed of variation of the Section 106 agreement relating to the outline planning permission for this site in order to amend the requirements for affordable housing.

Risk Assessment:

None

Consultation carried out with:

See relevant section of the report

1. Highway Authority
2. Highways England

3. Environment Agency
4. DCC Lead Local Flood Authority
5. Cullompton Town Council
6. Environmental Services
7. Historic England
8. DCC Historic Environment Services
9. Natural England
10. Devon and Cornwall Police Architectural Liaison Officer

1.0 PROPOSED DEVELOPMENT

This is a reserved matters application for 266 dwellings, a community centre building, public open space and associated roads and infrastructure. Outline planning permission with all matters reserved was granted in April 2014 for up to 285 dwellings, community centre and associated infrastructure following a resolution by the planning committee to grant planning permission in July 2013.

The site lies to the west of the centre of Cullompton, south of Tiverton Road and together with 1.42 further hectares of land outside of the earlier outline application site boundary, make up a greenfield allocation of 12.5 hectares known as Policy AL/CU8 in the Allocations and Infrastructure DPD (AIDPD) for residential development. The area of land which has been excluded from this outline application is the most southern area of land. The allocation is proposed to be retained as an allocation in the Local Plan Review Proposed Submission document as policy CU13 with an additional allocation for residential development proposed as Footlands CU14 being located further to the west of the southern portion of the site.

A watercourse (Crown Green Stream) runs west to east through the roughly central part of the site, which is also the lowest part of the site. The land rises northwards and southwards from the watercourse. The site would be bordered on just the eastern side by the existing residential development of Kingfisher Reach. There is one other residential property which adjoins the site at its western most point, known as 'Footlands'. There are existing boundary trees and hedges.

The dwelling split is as follows:

- 12 One bedroom flats (all affordable)
- 12 Two bedroom flats (all affordable)
- 55 Two bedroom houses (22 affordable)
- 121 Three bedroom houses (20 affordable)
- 66 Four bedroom houses (4 affordable)

The majority of the dwellings proposed are two or two and a half storey in nature with 24 units of accommodation proposed in two three storey blocks of one and two bedroom flats. All of these flats are proposed to be occupied as affordable housing. Materials for the dwellings comprise a mix of red and buff bricks, sandstone, light yellow and white render and random coursed stone for the walls and with brick detailing (window heads, plinths, string courses etc.) to all properties, concrete tile roofs in either slate grey or mixed russet (red/brown) and white uPVC windows.

Vehicular access to the site is proposed via two points of access from the neighbouring Kingfisher Reach development. The main access serving 234 dwellings would be to the north of the Crow Green Stream which bisects the site running east to west with a second access point to the south of the Stream serving 32 dwellings. These two areas would not be linked by any road intended to take vehicular traffic. An emergency link is also proposed to exit onto Ponsford Lane to the north-west.

A total of 4 pedestrian/cycle paths are proposed to cross the public open space and flood zone area through which the Crow Green Stream runs with one of these paths to be built to a standard suitable for adoption by the Highway Authority and the remaining paths to be managed by a management company set up to maintain communal areas of the development. In addition to these paths, a number of ramped accesses are proposed to give access to the amenity public open space and a mowed path will run through a portion of this. Two of the pedestrian/cycle paths are proposed to give access directly onto Knowle Lane which runs to the south of the application site, which in turn allows pedestrians to access the surrounding public footpath network.

Surface water is proposed to be dealt with through a series of underground storage crates which will discharge into attenuation basins located on the northern side of the green space running through the site. The paths on raised embankments over the Crow Green stream are proposed to act to hold back water to create additional storage capacity within the flood zone during flood events.

A locally equipped area of play is to be provided in a central location in the site, adjacent to the proposed community centre building, which is single storey and with a floorspace of approximately 150 square metres as required by the outline planning permission which this application is submitted pursuant to.

2.0 APPLICANTS SUPPORTING INFORMATION

Design and Access Statement
Flood Risk Assessment
Residential Travel Plan
Wildlife Survey
Carbon Reduction Plan
Tree Assessment
Air Quality Assessment
Archaeological project design and mitigation report

3.0 PLANNING HISTORY

13/00035/MOUT Outline for the erection of 285 dwellings including green infrastructure, public open space, vehicle access points, internal roads, pedestrian/cycle links and associated works, approved 17th April 2014

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR3 – Meeting Housing Needs
COR4 – Meeting Employment Needs
COR8 – Infrastructure Provision
COR9 – Access
COR11 – Flooding
COR12 – Development Focus
COR14 – Cullompton

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/DE/1 - Housing Plan, Monitor and Manage

AL/DE/3 - Affordable Housing Ste Target

AL/IN/3 - Public Open Space

AL/IN/6 - Carbon Footprint Reduction

AL/CU/8 – Knowle Lane

AL/CU/15 - Cullompton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of Sustainable Development

DM2 – High Quality Design

DM3 – Sustainable Design

DM4 – Waste Management

DM7 – Pollution

DM8 – Parking

DM14 – Design of Housing

DM15 – Dwelling Sizes

DM25 – Community Facilities

DM27 – Development affecting Heritage Assets

DM28 – Green infrastructure in Major Development

5.0 CONSULTATIONS

HIGHWAY AUTHORITY - 29th September 2015

Observations:

The Highway Authority in conjunction with the Local Planning Authority has been in discussions with the Developer and the application layout and design has been amended on several occasions to address concerns raised by Town Council and others. The resulting designs have been submitted and the Highway Authority is satisfied with the design which adheres to central government guidance on estate roads design, Manual for Streets in both lay out, widths visibilities etc.

The Highway Authority has no objection to the proposals and given that the volumes and traffic generation s have been approved through the outline consent , has no objection to the proposals.

There are a number of minor concerns with swept paths of vehicles and these are listed below which the applicant will need to address for the section 38 highway agreement.

These are as follows

" Emergency Tracking amendments"- Ensure swept path has minimum 450mm clearance from hedges,walls and fences.

"Tracking plan Road 6"- Turning head swept path shows overhang and wheel track overrun the parking bays , need 450mm clearance of applicant should revisit the swept path to see if any realignment will be necessary.

"Plot 122 road 5" realign kerb to ensure swept path overhang avoids the foot path adjacent to the Community centre.

" Site Entrance"- the gate way feature is accepted but full details of the structure in the carriageway will need to be approved.

The Highway Authority therefore recommend the following conditions:

Recommendation:

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: To ensure the proper development of the site.

4. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and

apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

HIGHWAYS ENGLAND - 10th June 2015

The traffic impacts from the development were considered under the outline application reference 13/00035/MOUT and Highways England directed a condition to limit the development that can take place prior to improvement works at M5 Junction 28 being in place. The current application relates to reserved matters only in respect of appearance, layout, scale, access and landscaping.

Highways England therefore has no objections to these reserved matters.

ENVIRONMENT AGENCY - 2nd October 2015 - We maintain our previous position to this proposal. In essence, we have no in principle objection to development and strongly advise your Authority to take the comments below into consideration when determining the application.

With regard to the letter to Michelle Bugbee (Barrat David Wilson Homes) from Sam Hurdwell (Jubb Consulting) we respond as follows.

Proposed embankments across floodplain

We continue to question the effectiveness, and long term sustainability, of providing four embankments across the floodplain of the Crow Green Stream as currently proposed. We suggested that embankments should be incorporated into the development at outline planning stage as a means of helping reduce flood risk downstream. However, in light of very recent evaluation work by the Environment Agency and findings of the applicants Flood Risk Assessment (FRA), it can be firmly concluded that the proposed embankments would not significantly reduce downstream flood risk as was originally envisaged. In essence, the proposed embankments won't hold back the necessary flow of flood water from the Crow Green Stream catchment emanating from upstream of the site to make a measurable difference in reducing flooding to property downstream.

Given the above we strongly advise that any embankments should only be provided for the purpose of providing a dry pedestrian causeway link.

On a positive note we can report that the developer has proposed other measures that would reduce downstream flood risk.

Given that the Crow Green Stream is a 'Mained' watercourse, all parties should be aware that the formal consent of the Environment Agency will be required for the bridge crossings. We would be minded to withhold consent for any structure we deemed inappropriate.

Off-site works/contributions towards reducing flood risk

The Environment Agency and Devon County Council are currently looking at the feasibility of providing both temporary and more permanent measures in place to reduce the risk of flooding, in particular around Pound Square and Brook Road. The measures we are investigating have the potential to provide a reduction in flood risk, but they are currently at preliminary design stage.

We are pleased that a S106 contribution of £50k from the proposer has already been agreed and this will help fund future flood risk reduction initiatives.

Management of surface water runoff

Whilst we no longer provide detailed bespoke comments regarding the management of surface water, we can confirm that the Suds proposals will result in a reduction in runoff if compared against current levels, because the scheme's design has taken into account the Critical Drainage Area status of the area. As such, the Suds features will result in a reduction in downstream flood risk.

We have made some comments to Richard Rainbow at Devon County Council (DCC) given our role as statutory consultee when outline planning was submitted when we did provide comment. DCC may want to incorporate our comments into their formal response.

Please contact us again if you require any further advice.

LEAD LOCAL FLOOD AUTHORITY - 5th August 2015

We have no objection to the principle of the proposed surface water strategy presented within the FRA dated April 2015.

It has been noted that the site is located within a critical drainage area; however the discharge from the relevant ponds and storage will be discharged at the rate of Q_{bar} which exceeds the standards presented in the CDA information presented for Cullompton. The proposed discharge rate is shown to be betterment to previously agreed flows.

It is noted that landscaping aspects of the proposed ponds and relevant overflow mechanisms will be provided shortly. Ground water levels should be taken into the consideration within the design of the storage of the ponds once landscaping details have been finalised.

6th October 2015 - We maintain our previous position to this proposal (letter dated 4th August - FRM/2015/088). We have no in principle objection to the proposed surface water strategy presented within the FRA dated April 2015 and the amended drainage plan (Drawing No. 1514-222-A).

However it appears that the landscaping aspects of the proposed attenuation areas and relevant overflow mechanisms are still to be confirmed. The design of the attenuation areas should be designed in accordance to the SuDS manual (CIRIA C697) and DCC's SuDS design guidance (attached).

Clarification is also needed on the long-term maintenance of the proposed SuDS features.

CULLOMPTON TOWN COUNCIL - 26th June 2015

Cullompton Town Council recommends refusal of the above planning application for the following reasons:

- (a) Access visibility
- (b) Inadequate information about provision of sundries such as dog bins, public seating, bus shelters, refuse bins etc.
- (c) Road layout not suitable for the number of vehicles that the development will generate.
- (d) Surface water drainage not adequately provided for.
- (e) Proposed pedestrian access not acceptable.
- (f) Footpaths and cycleways not linked to the nearest adopted path provision.
- (g) No provision for allotments or community composting site.
- (h) The town has a 'Deed of Grant' which provides that the inhabitants of Cullompton have a right to the water course (part of which runs through this development) and that it shall not be diverted and must be handed down unimpaired to our successors. This deed will need to be adhered to and the route of the water course will need to be protected. (Please see attached leaflet which provides details of the route of the water course).

We have provided more information below about these concerns and would like to suggest that a meeting is organised with the Town Council, MDDC Planning Officers and the applicant to discuss these concerns.

1. WATER AND DRAINAGE

- 1.1 The water attenuation basins in Knowle 1 were not built to the correct level and had to be rebuilt after much argument and pressure from the Environment Agency.
- 1.2 The water attenuation scheme in Knowle 1 was meant to be working before the majority of the houses were inhabited, it was not.
- 1.3 There are on-going problems with drainage and surface water on Tiverton Road because the builders concrete capped existing drains. This issue has not been resolved.
- 1.4 Some of the attenuation basins have very steep sides and when empty children are playing on them, this is a health & safety concern which requires addressing.

Knowle Lane Phase 2.

1.5 From Ponsford Lane there are many drainage ditches feeding into the fields of the new development. There are in winter many streams breaking the surface. There are soakaways from the gardens of houses along Tiverton Road into the fields that are going to be built on. Given the experience of water problems with Knowle Lane 1 (as explained above) the Council requires an assurance that all the drainage issues associated with the Knowle Lane 2 development will be addressed correctly and effectively.

1.6 Knowle 2 should not be allowed to proceed until the drainage works of Knowle Lane 1 have been fully complied with and South West Water are able to connect the development into their sewerage system.

1.7 The attenuation basin in Knowle 2 is very close to the community building which will be used by the Scouts and associated youth groups such as cubs, scouts, guides and brownies. If the attenuation basin for Knowle 2 is built in a similar fashion to Knowle 1 then it will become a health and safety risk for outdoor activities as well as taking away valuable green space.

2. HIGHWAY MATTERS

- 2.1 Knowle 1 (Kingfisher Reach) has a street not a road. It is narrow with on-street parking and residents are parking on the pavements. This does not make it safe or accessible for wheelchair users, people with pushchairs etc. Knowle 2 has narrow single track roads with passing places. This is unrealistic in terms of volume of traffic.
- 2.2 There is no evidence to confirm that a large refuse or recycling lorry can go around the Knowle 2 development without completely blocking the road and there is no space to get past.
- 2.3 There is no evidence that a bus could use the road, there is no lay by for a bus to a park in and no evidence that a bus could complete a circular route around the estate without blocking the estate road.
- 2.4 Please can you confirm that bus shelters will be provided and who will be responsible for the maintenance of the bus shelters.
- 2.5 There is no turning bay for a bus, or large lorry, ambulance, fire engine or large vehicle etc.
- 2.6 As the road is one lane with passing places, any vehicle parking on the road will obstruct it. So what happens to ambulances? Community ring and ride buses that need to park outside someone's house? Please can you explain how these will be accommodated.

- 2.7 The evidence from Knowle 1 streets is that large vehicles are unable to pass through the development , this includes buses.
- 2.8 Serious concern about emergency access into a large estate through one route which is already massively congested. The Town Council would like a second vehicle entrance off Ponsford Lane leading onto Tiverton Lane.
- 2.9 Knowle 1 should have included widening part of Knowle Lane from Swallow Way to the entrance to the Knowle Lane estate. This should be 5.5m wide with a new 2m wide footpath. Although this is in the plans from December 2009, there is no evidence that this road improvement work has been carried out.
- 2.10 There is no evidence that DCC highways and MDDC planners are actively enforcing this failure to improve the lower part of Knowle Lane, before the houses are built. (Note the junction improvement should have been done before access through the hedge was created but it has not.)
- 2.11 There are serious concerns that this route from old Swallow Way into the new Knowle 1 housing will provide the access route into part of Knowle 2, and the road width and junction capability are unable to cope, particularly on days when there are rugby matches with hundreds of cars going to and from Cullompton Rugby Club.
- 2.12 Failure to upgrade Knowle Lane from the junction with Swallow Way to Kia Ora to make it a suitable for 2-lanes of traffic with a 2m pavement will provide continuous and ongoing traffic problems in that area.
- 2.13 Pleased to see the development consists of larger family houses, rather than the smaller houses in Knowle 1 but the Council is extremely concerned that 600 plus resident vehicles will exit into Kingfisher Reach. We do not accept this STREET has capacity to cope. So we urge you to consider putting a second vehicle exit onto Ponsford Lane.

3. PAVEMENTS AND DISABILITY ACCESS.

- 3.1 The RNIB provide detailed guidance on the width of pavements needed for blind persons and guide dogs.
- 3.2 The Wheelchair access guide provides further advice.
- 3.3 The pavements within the estate will not meet these criteria and there is a concern that some streets have no pavements.
- 3.4 The Devon County Council Highways Development Management advice for the determination of planning applications states as follows (Page 7 Item 3.6.2.): 'Always attempt to link all private (domestic and employment) footpaths and cycleways with the nearest adopted path provision'. This advice has not been adhered to, what is required is a comprehensive public off road footpath/ cycle path route leading from Knowle Lane phase 2 to Knowle Lane phase 1 and then from Knowle Lane Phase 1 to Langland's Road and a signposted footpath route from Langland's Road to the town centre.
- 3.5 There is concern that much of Knowle 1 is not wheelchair / Zimmer frame/pushchair accessible and this failure will be replicated in Knowle 2.

4. OTHER CONCERNS

- 4.1 Site to be allocated for allotments and community composting area.
- 4.2 The Town Council policy on play parks is to reduce the number of play parks but make existing play parks bigger and better. Also to provide facilities for the 11 plus age group. As there are already ample play areas in the town for younger children the proposed play area should be replaced with a Multi Use Games Area (MUGA).
- 4.3 Construct a tarmac footpath running east to west through the centre of the green space close to the stream, joining the N S footpaths. At the western edge ending with an access point into the fields beyond to connect with the existing footpath.
- 4.4 Add a new footpath link to the Knowle Lane at the western end of the development.

- 4.5 Vary the styles of the fronts of houses, some rendered, some brick, some tile; some perhaps mock Tudor, some Cotswold cream type stone. Please do not use the grey stone that was used in Knowle Lane 1 as we have had lots of complaints about the look of that.
- 4.6 Confirmation required that the development makes use of RNIB guidelines in their "building sight" book. Especially outside colours and pavement widths.
- 4.7 Confirmation required that the development makes use of the wheelchair access inside buildings and outside and makes reference to the wheelchair access guide.
- 4.8 Plant fruit trees such as flowering cherry and plant a community orchard instead of the copse
- 4.9 Actively explore how a public footpath / cycle path / mobility scooter / walking frame footpath can be created from the far East of this development through the site into 1 and then be signposted into the centre of the town. This will require working with DCC as much of this land lies outside this development. The Town Council considers that it is critical that there is an effective pedestrian route away from vehicles as much as possible.
- 4.10 Create a bus lay by, so the bus could pull in off the main estate street and not obstruct traffic whilst it was stopped, with a bus shelter somewhere near the community building. This is because the estate streets are narrow single track with car passing places.
- 4.11 Make the circular route a bus route, if this is not possible then create a clear designated turning space for buses.
- 4.12 The Council requires an assurance that dog bins, public seating, refuse bins, bus shelters etc. will be provided by the developer and confirmation of who will maintain these.

The Council looks forward to discussing this planning application in more detail with the Planning Officers and the applicant.

ENVIRONMENTAL HEALTH - 24th June 2015

Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - Recommend approval with conditions:

No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing Standards - No comments

Health and Safety - No objections

29th September 2015

Contaminated Land - Revised matters NA

Air Quality - Revised matters NA

Drainage - No objections

Noise and other substances - No objections

Housing standards - N/A

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objections

HISTORIC ENGLAND - 23rd September 2015

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

HISTORIC ENVIRONMENT SERVICE - 10th June 2015

I refer to the above application and your recent consultation. The consent granted for the outline planning application for this site is conditional upon a programme of archaeological work being undertaken in mitigation for the impact upon any heritage assets - planning application 13/00035/MOUT Condition 10.

To date I am not aware that this work has been undertaken and, as such, I would advise that the applicant was made aware of the outstanding requirement to undertake the archaeological investigations as well as any further mitigation that may be required in consideration of the initial stages of investigation.

NATURAL ENGLAND - 10th June 2015

Natural England has no comments to make regarding this application.

SSSI Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website.

Please see the information below for further advice on when Natural England should be consulted and links to guidance on the gov.uk website.

Unless there are additional local consultation arrangements in place, Natural England should be consulted for all developments where:

- o The proposal affects a protected species not covered by the Standing Advice
- o The proposal requires an environmental impact assessment
- o The proposal is likely to damage features of a Site of Special Scientific Interest (SSSI)
- o The proposal is likely to have a significant effect upon Special Area of Conservation (SAC), Special Protection Area (SPA) or Wetland of International Importance under the Ramsar Convention (Ramsar Sites)
- o The proposal could lead to the loss of more than 20 ha of the best and most versatile agricultural land
- o Any minerals and waste development where the land will be restored for agriculture

Protected Species

If the proposed works could, at any stage, have an impact on protected species, then you should refer to our Standing Advice which contains details of survey and mitigation requirements

Thank you for taking the time today to review this reserved matters application with me.

The following issues were discussed:

- Plot 33 the external railings need to protect the whole property and land (defensible space) to deter a desire line, or dogs fouling on their private property.
- Defensible planting is required immediately in front of the curtilage of property's 147 and 76 in order to deter ball games or other irritations such as tapping on the ground floor window.
- The LEAP is very close to a number of dwellings, although not designed for older people and a place to congregate at night with alcohol regrettably it frequently happens causing years of community conflict if not addressed. As in most crime and disorder issues it is best practice to design out the opportunity for such conflict to occur, in this instance the potential noise levels need to be reduced and the best way is 1.8meter thick bushy planting adjacent dwellings. This leaves plenty of opportunity for natural surveillance by casual observers and takes away the culpable duty of neighbours overlooking the LEAP which causes further tensions within the community.
- Plots 265, 244, 236, and 137 require planting in order to prevent desire lines across their property on the corners.

If those issues could be addressed the Police have no further concerns.

6.0 REPRESENTATIONS

At the time of writing, three letters of objection have been received and one letter of representation neither objecting nor supporting the scheme. The letters raise the following issues:

- Would it not be prudent for the level of the stream to be lowered if more flow is to be put into it?
- Please ensure that the Tiverton Road junction is reopened before permission is granted;
- Cullompton does not need any more housing of this type;
- The infrastructure and services cannot cope;
- Thought greenfield sites were not meant to be used. Where will our food be grown?
- The site is full of wildlife;
- No need for a community hall that will drain Council resources;
- There are numerous brownfield, infill sites around Cullompton which are more sensible to build on;
- The building of more estates around Cullompton is detrimental to the town and District;
- The schools are full;
- Access to the M5 is inadequate and traffic queues back to the Tesco roundabout;
- Design of the estate does not allow for future household growth;
- The lack of formal objection from residents does not mean people support the proposal.

7.0 MATERIAL CONSIDERATIONS

The main issues in the determination of this application are:

1. Highways and parking
2. Design and layout of site, including open space provision
3. Amount and location of affordable housing
4. Flooding and drainage
5. Other matters

1. Highways and parking

When the outline application for this site was considered issues relating to the impact of development on this site upon Tiverton Road, the High Street/Fore Street/Tiverton Road junction, and the High Street/Station Road junction were raised and addressed. The Highway Authority identified the cumulative impact of development as severe in relation to existing highway issues in the vicinity but subject to a financial contribution to implement further highway improvements and the Eastern Relief Road they did not object to the scheme. A financial contribution of £6,335 per open market dwelling was secured through the agreed Section 106 agreement. It is therefore not appropriate for further consideration of the off-site highway impacts of this development to form part of the determination of this application.

When the developers presented the emerging revised scheme to Planning Committee members at a public meeting on 26th August 2015 some questions were raised regarding the lack of a road crossing over the Crow Green Stream. There is already a bridge crossing over the Crow Green Stream through the adjacent site to the east and a second crossing is not deemed necessary to serve this development and may present further flood risk concerns. To provide a crossing north/south through the site would also have the potential to direct traffic from the larger northern portion of the site in a southerly direction out onto the narrow section of Knowle Lane which has not been widened; this would not be a desirable outcome. The Highway Authority is content that the two points of access to serve the site are adequate and have sufficient capacity to accommodate the additional traffic movements.

The two main internal roads serving the houses have a width of 5.5m. The Town Council have raised concerns with this, particularly as it is not a sufficient width to serve buses, although it would be sufficient to cater for a ring and ride or town type bus service. The points of access to the site are via the existing residential estate to the east and off roads which have a width of 5.5m so even if the internal roads of the estate now proposed were wider they would still not be capable of being served by most buses due to the width of the approach roads and it is therefore not appropriate to increase the width of the internal roads. Nevertheless the scheme has been amended since submission so that a lay-by is now proposed in a central location in the site which could be used as visitor parking in the first instance but could be turned into a bus stop in the future should any form of bus service subsequently serve the estate. The Highway Authority has raised no objections to the width or alignment of the roads proposed, finding that they meet with the widths and alignments of roads (including pavements) as set out in Manual for Streets and Manual for Streets 2, which both take into account accessibility issues.

In addition to the two access points from the existing estate to the east, an emergency access is proposed to give access onto Ponsford Lane to the north-west. This route is not suitable to be used as a general access point to serve the estate as Ponsford Lane itself is not of an adequate standard to accommodate the additional traffic arising on a long term basis.

The vehicular routes into the site will also allow for pedestrian access out of it, through the neighbouring estate and down toward the town centre. In addition, two pedestrian routes from the southern part of the site are proposed to give access directly onto Knowle Lane and from there to the surrounding footpath network as required by the allocation for this site, policy AL/CU/8. Some concern has been raised regarding the safety of having additional pedestrians using this road, however the Highway Authority has not raised this as an issue and the provision of signage on Knowle Lane to warn of pedestrians is anticipated to be provided through a Travel Plan which is required to be agreed through a condition on the outline consent.

The Highway Authority has recommended a number of conditions be imposed on any grant of planning permission. Only those conditions which are not already on the outline planning permission for this site are proposed for imposition.

A total of 506 parking spaces are proposed across the site which equates to an average provision of 1.9 spaces per dwelling, thereby exceeding the requirement for a minimum provision of 1.7 spaces per dwelling set out in policy DM8 of Local Plan Part 3. The vast majority of the car parking spaces across the site are located either on-plot adjacent to the house they serve or in parking areas which are situated forward of the houses so as to encourage their use and discourage on-street parking. The overall amount and distribution of parking provision is considered to support the layout of the site.

In addition to the parking spaces, a total of 108 garage spaces are proposed; of these, 85 meet with the internal size requirement of 3m x 6m for a single garage (6m x 6m for a double) with those which are of a substandard size being integral single garages on plots which continue to have two parking spaces in addition or double garages on plots which also have 2 separate parking spaces. Although there are garage spaces which do not meet the Council's minimum size requirements set out in the Parking SPD, having regard to the fact that the development overall has an acceptable level and distribution of parking it is not considered that refusal of the scheme could be justified on these grounds.

2. Design and layout of site, including open space provision

The application has been put before Planning Committee members at a presentation on 26th August 2015 and was also taken to the independent body of the Devon and Somerset Design Review Panel in July 2015. Comments received from both of these meetings have been taken into account and reflected in revised drawings received.

The northern part of the site is laid out around a circular road with spur roads and cul-de-sacs coming off it. The southern half of the site also provides a circular route with houses in both parts of the site mostly fronting the road off which they are accessed. Overall Officers consider that the layout of the site is legible and but not overtly regimented and with houses set at varying distances back from the highway.

The site has been designed with the intention of creating five different area styles – country view properties to the south of the Crow Green Stream, parkland edge housing overlooking the Crow Green Stream and open space area from the north, boulevard housing running along a central straight avenue, mews style housing in three courtyards/cul-de-sacs coming off the primary road through the estate and with the remainder of the housing described as Cullompton edge.

Although the intentions of these different area styles is commended, the house styles do not vary from one to another, save for the design of windows, doors and porches and some minor fenestration amendments or differences in materials proposed. This results in the impact of the different area styles being somewhat weakened. The boulevard layout is

perhaps the strongest of the five by virtue of the provision of a straight tree-lined road with parking provided in bays perpendicular to the road and with the footway located behind these bays. In addition the main stretch of the boulevard is proposed to be surfaced in block paving as opposed to the tarmac which the majority of the rest of the roads are proposed to be surfaced in.

The materials palette flows on from the neighbouring estate to the east which has been constructed by the same developers although they are not entirely the same with less use of reconstituted stone being a particular change which is welcomed. Overall the materials are not dissimilar to other modern housing developments in and around the town and will not seem out of place.

The design of the dwellings themselves is coherent with the neighbouring estate to the east, providing dwellings which have a fairly simple design ethos reflecting vernacular design more than exhibiting a modern design style.

The two blocks of flats are proposed in a central location in the site, at the southern end of the straight boulevard. The flats mirror one another and are three storeys in nature with the second floor windows crossing the eaves of the building. They are markedly different in appearance from the blocks of flats provided at either end of the neighbouring estate to the east and are considered to fit more comfortably with a new estate in terms of height, scale, mass and appearance.

Overall the design and visual quality of the properties proposed across the site is acceptable and provides an adequate standard of design and accommodation for the future occupiers and in this respect the application meets with policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Policy DM15 of Local Plan Part 3 (DMP) sets out minimum dwelling sizes for new build properties based on the number of bed spaces but following a ministerial statement by the Secretary of State for Communities and Local Government in March 2015, as from the 1st October these have been replaced by new national space standards. The new national standards are larger than those previously contained in policy DM15 and make reference to minimum storage requirements as well as introducing a new methodology for calculating the internal space.

This planning application was validated on 1st June 2015 and should have been determined by the end of August if it was to have been dealt with within the prescribed 13 week period set out for major applications. It is therefore clear that had this been the case then the scheme would have been assessed against the adopted requirements of policy DM15 and not those which have been introduced by default through the ministerial statement. If assessed against the earlier requirements of policy DM15, one of the 20 house types proposed would fall under the requirements of policy DM15 amounting to a total of 29 dwellings across the site. This house type would fall short of the standard by 0.3 square metres which is a very small amount that would be not make a material impact upon the living conditions of occupants and would not therefore constitute a reason for refusal.

Officers have not assessed the application against the requirements of the new national space standard as in this instance, despite the application being determined after 1st October 2015, given the length of time that the Council has had the application and that to meet the new standards the scheme would likely have to be significantly redesigned, it is not thought to be appropriate to insist upon compliance with the new space standard in this instance especially given the need to provide additional housing on a national basis.

The Secretary of State's ministerial statement in March 2015 has meant that policy AL/IN/6 which previously required a percentage of the energy requirements of a development to be derived from renewable or low carbon technologies is no longer capable of being enforced. The applicants have submitted a carbon reduction strategy to demonstrate that they would utilise a fabric first approach to firstly reducing energy requirements of the dwelling and then install solar panels on a number of the dwellings in order to achieve compliance with this policy.

There are few properties which border the application site and no objections have been received from immediately adjoining properties with regard to a loss of privacy or amenity. Officers have however, discussed the application with the occupier of the property Norlands located on Tiverton Road adjacent to the northern boundary. The application has been revised following these discussions to bring the development 1m off their boundary to allow for maintenance and the strip of land will be transferred to the owner of Norlands. It is considered that there will be sufficient distance retained and properties sited with appropriate orientations to maintain sufficient levels of privacy and amenity to neighbouring properties thereby meeting with the requirements of policies DM2 and DM15 of Local Plan Part 3 (DMP).

As well as four paths linking the northern and southern halves of the site, the application now proposes a number of ramps to give access to the swathe of open space running through the site as the paths which run through the open space and over the Crow Bridge Stream are proposed on raised embankments as part of the flood prevention measures. The provision of these ramps is considered to render the amenity open space accessible to a wide variety of people and the paths themselves will provide pedestrian and cycle access to different parts of the site and also allow access to off-site routes.

In addition to the informal open space the application includes the provision of an equipped area of play in a central location adjacent to the proposed community building. The Town Council has expressed its desire for this space to be proposed as a multi-use games area (MUGA) instead. In this instance the site is outside the current set access distances to play areas and teenage facilities (which includes MUGAs) and therefore there is insufficient evidence to demonstrate that the provision of a play area in this area is not appropriate and should be replaced by a MUGA; the proposal is therefore acceptable in this regard.

Overall the amount and type of open space proposed is appropriate and considered acceptable and subject to additional details regarding maintenance required by the outline consent, complies with the requirements of the allocation in policy AL/CU/8 and the green infrastructure requirements of policy DM28 of Local Plan Part 3 (DMP).

The Policy Architectural Liaison Officer has raised some minor points regarding specific plots on the site and the need for defensible planting to be provided. At the time of writing Officers are awaiting fully worked up revised landscaping/planting proposals but it is indicated by the applicant that these amendments will be incorporated into revised proposals that are expected to be submitted before the Planning Committee meeting. Concerns have been raised by the Town Council regarding a lack of lighting on the three paths across the floodplain not proposed for adoption by the Highway Authority, however previous correspondence with the Police Architectural Liaison Officer has indicated that he does not share this concern and in many ways the lack of lighting will discourage their use and anti-social behaviour and ensure that a singular lit route is used.

3. Amount and location of affordable housing

The Section 106 agreement which relates to the outline permission for this site requires 35% affordable housing provision on site in accordance with policy AL/DE/3 of the Allocations and Infrastructure DPD. Since that agreement was signed, and indeed since the original submission of this reserved matters application, the Government has announced or brought in a number of changes to social housing which has significantly impacted upon the way in which Registered Providers of social housing run their businesses. These changes include the 1% rent reduction and then rent caps and also the extension of the right to buy to all social housing tenants. The result of these changes has meant that the provision of 35% affordable housing provision on-site is at present now an unrealistic prospect on sites of this size as Registered Providers are not prepared to take on such a large number of units of accommodation on a single site.

The planning application has therefore been revised from the original submission to remove two of the blocks of affordable flats and replace them with additional open market dwellings. This has resulted in the reduction of the number of dwellings proposed being reduced from 285 to 266 and an overall provision on site of 70 affordable units (26.7%) comprised of 24 one and two bedroom flats and 46 two, three and four bedroom houses. In addition to this an off-site financial contribution is proposed to be made to make up for the under-provision of dwellings on-site. The level of this financial contribution will be subject of further negotiation when the applicants formally make a request to vary the terms of the Section 106 agreement to account for these changes. Officers are of the opinion that the provision of 70 affordable dwellings on-site represents an acceptable proportion in the current circumstances subject to the re-negotiation of the Section 106 to secure an appropriate financial contribution and amend the dwelling size split to accord with that now proposed. The necessity for the Section 106 to be amended does not preclude the determination of this application in its current form.

The affordable units are pepper potted across the northern part of the site in a number of terraced and semi-detached blocks as well as being housed in the two blocks of flats, both of which include accommodation over three floors. The overall distribution of the affordable units is acceptable and accords with the Meeting Housing Needs SPD.

4. Flooding and drainage

Other than for the provision of the 4 paths on raised embankments which are proposed to run across the floodplain, no built development is proposed in areas identified as being in flood zones 2 or 3. The Environment Agency has indicated that it has no in principle objections to the scheme but does have concerns about the embankments. Whilst at outline stage the provision of such embankments was identified as reducing flood risk further downstream, they no longer believe that the benefits would be as significant as previously thought. They also raise concerns regarding the on-going maintenance requirements of such features and the need for separate consent to be obtained from them in order to provide the bridges over the Crow Green Stream. Discussions have been held between the Environment Agency, the applicants and Officers regarding this matter however the applicant's maintain this element of the proposal and are satisfied that they can adequately maintain the embankment structures and bridges. Both the Section 106 agreement for the site and a condition on the outline consent require the agreement of a maintenance scheme for the open space and given that these embankments, paths and bridges all cross the open space, these could be considered to be encompassed by these requirements although there is also a specific condition on the outline consent which requires details of maintenance and management schedules for the embankments and bridges to be agreed. In addition, a condition could be imposed to secure technical construction details of the embankments,

paths and bridges to be constructed to ensure that their initial construction is sufficiently robust.

Although the Environment Agency has concerns regarding the embankments and bridges it is about their formal functioning as structures to hold back water rather than the provision of raised footways to ensure dry passage of pedestrians across the floodplain. The Section 106 agreement for the site already secures an off-site contribution of £50,000 toward the implementation of flood prevention measures further downstream and the Environment Agency and Devon County Council are currently investigating potential schemes toward which these monies may be spent. Having regard to the lack of formal objection on flood risk grounds and the ability to ensure that the structures are adequately constructed and maintained it is your Officers view that the proposal makes suitable provision to reduce the risk of flooding both on and off-site and that in this respect the application meets with the requirements of policies COR11 of Mid Devon Core Strategy and DM2 of Local Plan Part 3 (DMP).

The site is within the Critical Drainage Area for Cullompton; development in this area should be designed to reduce the rate at which surface water run-off drains from the site to achieve betterment over existing run-off rates in order to reduce flood risk further downstream. In this instance two attenuation ponds are proposed to be located on the northern side of the open space areas with surface water run-off from the site being directed into these ponds via a series of underground storage crates. Control valves/hydrobrakes would ensure that discharge rates are limited to appropriate levels. The County Council in their capacity as Lead Local Flood Authority (LLFA) has no objections to the principle of the designed scheme and both they and the Environment Agency confirm that the scheme would comply with the requirements of the Critical Drainage Area in reducing flood risk downstream. However the LLFA does identify that the landscaping aspects of the proposed attenuation areas and relevant overflow mechanisms are still to be confirmed. This matter has been brought to the developers attention and it is hoped that an update will be available at the Planning Committee meeting. In addition the outline planning permission has a condition attached to it which requires the agreement of a maintenance and management schedule for the drainage scheme and the Crow Green Stream. Provided that the issue regarding landscaping and overflow mechanisms is satisfactorily resolved the proposal incorporates suitable sustainable urban drainage features and in this respect the application accords with the requirements of policy DM2 of Local Plan Part 3 and the allocation of the site in policy AL/CU/8 of the AIDPD.

5. Other matters

Existing trees and hedges on the site boundaries are proposed to be retained with some new sections of hedgerow proposed in the north west of the site to provide boundary treatments to a number of plots where fences were earlier proposed. Conditions attached to the outline planning permission should adequately protect these trees and hedges during and after the construction phase.

A badger exclusion zone is included in part of the site where there is a known badger sett. A new badger survey was carried out in September 2014 to update the earlier surveys carried out in support of the outline application. The survey makes new recommendations for construction and post-construction and the proposed layout reflects this. A condition is recommended to be imposed to ensure that development is carried out in accordance with the recommendations of the updated survey.

Some issues have been raised regarding the need for a new community centre building on this site. This was a feature that was secured through the outline planning permission and is required in the Section 106 agreement. The Council has been through an expression of

interest process and the local Scout association has been selected to take on the building in the future and they have been without dedicated premises for some time. The Council will need to make a corporate decision on the future ownership and management of this building but this falls outside of the planning process.

The proposed allocation of this land in the Local Plan Review document includes a requirement for access to be provided to the neighbouring Footlands site which is proposed for allocation for further residential development. The Footlands site is not currently an allocation and whilst the Local Plan Review document has not yet been submitted to the Planning Inspectorate for examination and holds limited weight, it is appropriate to seek to ensure that access to the site is accommodated as part of this proposal. The submitted plans indicate the provision of the road in the southern portion of the site up to the boundary with the Footlands site and a condition is recommended for imposition to secure the provision of this.

Many of the issues raised in the letters of representation received and also some of those raised by the Town Council relate to the principle of developing this site, which has already been positively determined through the allocation of the site in the AIDPD and the subsequent granting of outline planning permission. They are therefore given no consideration in this report.

Summary

This is a reserved matters application for 266 dwellings, a community centre building and associated infrastructure following the grant of outline consent in 2014. The principle of development has therefore been established and wider impacts such as air quality, traffic management in the town centre and at J28 of the M5 were all resolved at outline stage. This application is to consider the access, appearance, layout, landscaping and scale of the development proposals. Areas at risk of flooding have been set aside as public open space to the satisfaction of the Environment Agency and the proposal incorporates sustainable urban drainage features so as to reduce the risk of flooding off-site. Consideration has been given to the overall effect of the layout, design and scale of the proposed dwellings. The scheme provides for affordable housing, albeit with a different delivery strategy to that in the outline submission and public open space and the road through the site has been designed to a standard capable of taking the traffic associated with the development. Consequently the proposal is considered to comply with Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2 , COR3 , COR4 , COR8, COR9, COR11, COR12 and COR14, Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) Policies AL/DE/1, AL/DE/3 , AL/IN/3, AL/IN/6, AL/CU/8 and AL/CU/15, Mid Devon Local Plan Part 3 (Development Management Policies) DM1 , DM2, DM3, DM4, DM7, DM8, DM14, DM25, DM27 and DM28.

8.0 RECOMMENDED CONDITIONS AND REASONS

Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. No works for the construction of the four raised embankments/paths and culverts/bridges which cross the Crow Bridge Stream shall begin until detailed construction drawings of the structures have been submitted to and approved in writing by the Local Planning Authority. Once approved construction of the structures shall proceed in accordance with the approved details.

3. No development to the south of Crow Green Stream shall begin until a timetable for the construction of the estate road up to and including the boundary with the adjoining land to the west (forming the proposed Ware Parks and Footlands allocation, CU14 contained in the Local Plan Review Proposed Submission document February 2015) has been submitted to and approved in writing by the Local Planning Authority. The road shall be constructed in accordance with the approved timetable and to a standard suitable for adoption by the Local Highway Authority and have been included in an Agreement under Section 38 Highways Act 1980 as highway to be dedicated and adopted by the Highway Authority.
4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority:
 - a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.
5. All development on site shall be carried out in accordance with the measures set out under the 'Implications for development and recommendations', 'Construction' and 'Post construction' sections of the EAD Ecological Consultants letter dated 25 February 2015, received by the Local Planning Authority on 30th April 2015, at all times.

Reasons

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure that the embankments and bridges are constructed adequately so as to prevent erosion and minimise future maintenance requirements.
3. To ensure adequate highway provisions are provided to comply with Policy CU13 of the Local Plan Review Proposed Submission document to enable the comprehensive development of the neighbouring proposed allocated site.
4. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
5. To ensure the adequate protection of protected species.

Informative note

1. Your attention is drawn to the conditions contained in planning permission reference 13/00035/MOUT, many of which still require information to be submitted and discharged.

Contact for any more information

Mrs Jenny Clifford, 01884 234346

Background Papers

13/00035/MOUT

File Reference

15/00650/MARM

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee