

**Agenda for Planning Committee
Tuesday, 28th February, 2023, 10.00 am**



Members of Planning Committee

Councillors E Wragg (Chair), S Chamberlain (Vice-Chair), K Bloxham, C Brown, A Colman, O Davey, B De Saram, S Gazzard, M Howe, D Key, R Lawrence, G Pook, G Pratt, E Rylance, P Skinner and T Woodward

East Devon District Council
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Border Road
Heathpark Industrial Estate
Honiton
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Venue: Council Chamber, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ

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(or group number 01395 517546)

Issued: Thursday, 16 February 2023

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list) on the Friday before the meeting. Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 20 February 2023 up until 12 noon on Thursday, 23 February 2023 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

1 **Speakers' list and revised running order for applications** (Pages 4 - 5)

2 **Minutes of the previous meeting** (Pages 6 - 11)

Minutes of the Planning Committee meeting held on 31 January 2023.

3 **Apologies**

4 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 **Matters of urgency**

Information on [matters of urgency](#) is available online

6 **Confidential/exempt item(s)**

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

7 **Planning appeal statistics** (Pages 12 - 18)

Update from the Assistant Director Planning Strategy and Development Management.

Applications for Determination

8 **22/1532/MOUT (Major) BROADCLYST** (Pages 19 - 208)

Treasbeare Expansion Area, Land to the north of Treasbeare Farm, Clyst Honiton, EX5 2DY.

9 **22/2265/MFUL (Major) SIDMOUTH SIDFORD** (Pages 209 - 220)

Malden House, 69 Sidford Road, Sdmouth, EX10 9LR.

10 **22/2216/MFUL (Major) YARTY** (Pages 221 - 252)

Pound Road BESS, land north east of Axminster National Grid Substation,
Pound Road, Hawkchurch

11 **22/2157/FUL (Minor) EXMOUTH TOWN** (Pages 253 - 262)

30 Camperdown Terrace, Exmouth, EX8 1EH.

12 **22/2281/FUL (Minor) YARTY** (Pages 263 - 271)

Land to north east of Woodhouse Farm Stables, Woodhouse Lane,
Hawkchurch, EX13 5UF.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

Planning Committee, Tuesday, 28 February 2023, 10.00am

Speakers' list and revised running order for the planning applications

If required the meeting will be adjourned at approximately 1pm for a 30 minutes break

<p>Agenda item 10 Application number:22/2216/MFUL (Major) Pages 221 - 252 Ward: Yarty Address: Pound Road BESS, land north east of Axminster National Grid Substation, Pound Road, Hawkchurch Ward Member: Cllr Paul Hayward</p>	
Objectors	Elliot Jones on behalf Hawkchurch Action Group which includes 4 residents who have commented on the planning application
	Philip Wallis Tel: 01297 678503
	Graham Owers Tel: 01297 678199
	Roger Ader
Parish Council Rep	Cllr Ann Nolan, Chair, Hawkchurch Parish Council
Agent	Simon Chamberlayne
Ward Member	Cllr Paul Hayward

<p>Agenda item 8 Application number: 22/1532/MOUT (Major) Pages 19 - 208 Ward: Broadclyst Address: Treasbeare expansion area of land to the north of Treasbeare Farm, Clyst Honiton, EX5 2DY Ward Member: Cllr Chris Pepper Committee Ward Member: Cllr Sarah Chamberlain / Cllr Eleanor Rylance</p>	
Objector	Keith Lewis on behalf of Andrew McKeon (Exeter Civic Society) Tel: 07964 219 153
Agent	Neil Mantell

<p>Agenda item 9 Application number: 22/2265/MFUL (Major) Pages 209 - 220 Ward: Sidmouth Sidford Address: Malden House, 69 Sidford Road, Sidmouth, EX10 9LR Ward Members: Cllr Stuart Hughes / Cllr Dawn Manley / Cllr Marianne Rixson</p>	
Objector	Robert Maynard
Agent	Kevin Shaw Tel: 07916 627 868

Agenda item 11**Application number: 22/2157/FUL (Minor) Pages 253 - 262****Ward: Exmouth Town****Address: 30 Camperdown Terrace, Exmouth, EX8 1EH****Ward Member: Cllr Joe Whibley****Committee Ward Members: Cllr Olly Davey / Cllr Eileen Wragg**

Objectors	Kristin Reed
	Michael Shoulder
Applicant	Malcolm Lee

Agenda item 12**Application number: 22/2281/FUL (Minor) Pages 263 - 271****Ward: Yarty****Address: Land to north east of Woodhouse Farm Stables, Woodhouse Lane, Hawkchurch, EX13 5UF****Ward Member: Cllr Paul Hayward**

Agent	Mathew Dalton Aram Tel: 01297 23261
Ward Member	Cllr Paul Hayward

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 31 January 2023****Attendance list at end of document**

The meeting started at 10.04 am and ended at 3.11 pm. The meeting adjourned at 11.05am and reconvened at 12.05 pm and again at 1.00 pm and reconvened at 1.34 pm.

84 Minutes of the previous meeting

The minutes of the Planning Committee held on 20 December 2022 were confirmed as a true record.

85 Declarations of interest

Minute 87. 21/1546/FUL (Minor) EXMOUTH LITTLEHAM.
Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 87. 21/1546/FUL (Minor) EXMOUTH LITTLEHAM.
In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillor Bruce De Saram advised of lobbying in respect of this planning application.

Minute 88. 21/3235/MFUL (Major) BROADCLYST
In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillor Eileen Wragg advised of lobbying in respect of this planning application.

Minute 92. 22/2030/FUL (Minor) EXMOUTH LITTLEHAM.
Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 92. 22/2030/FUL (Minor) EXMOUTH LITTLEHAM.
In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg and Geoff Pratt advised of lobbying in respect of this planning application.

Minute 93. 22/1322/MOUT (Major) FENITON
In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution it was advised all Committee Members had been lobbied in respect of this planning application.

Minute 94. 22/1622/FUL (Minor) FENITON.
Councillor Philip Skinner, Directly relates Non-registerable Interest, Partner's business looks after adult social care.

Minute 95. 22/1386/OUT (Minor) SEATON.
Councillor Geoff Pook, Disclosable Pecuniary Interest, Pecuniary interest in the property.

86 Planning appeal statistics

The Committee noted the planning appeals statistics report setting out nine appeal decision notices, seven dismissed and two allowed which continued to demonstrate the council's good appeals record.

Members' attention was drawn to the two appeals allowed. The first related to application 21/2781/FUL – Sceat Cottage, Colyton for a change of use from holiday cottage to unrestricted residential dwelling. The Inspector determined that as there was no substantial difference in sustainability terms between a residential dwelling to a holiday cottage there was no reason to not allow the appeal. The Assistant Director Planning Strategy and Development Management highlighted to Members that this was the second appeal on this issue that the Inspectorate had allowed in recent months and suggested that the council's approach to holiday lets should be more open when considering them close to settlements with a good range of services.

The second appeal allowed related to application 21/0293/TRE – 22 Highbury Park, Exmouth for the felling of a lime tree. The Inspector determined that although there was some amenity value to the tree, the reasons for felling together with the benefits of planting a replacement tree in a more prominent location outweighed the harm caused by the felling.

Following a question raised by Councillor Bruce De Saram in which he referred to an upcoming application and whether there was a precedence for development in the Built up Area Boundary for Exmouth for future development sites, the Assistant Director Planning Strategy and Development Management advised he had no concerns as each site was different.

87 **21/1546/FUL (Minor) EXMOUTH LITTLEHAM**

Applicant:

Mr Loveridge

Location:

British Red Cross Society, South Street, Exmouth, EX8 2SA.

Proposal:

Erection of a three storey building to include 4 X 2 bed flats, office suite and 2 x front dormers with associated parking and amenity space including demolition of existing hall.

RESOLVED:

Refused as per officers recommendation with an amendment to Reason 2 as follows:

"The proposed development by reason of scale, bulk, form and proximity to the boundaries of the site would be visually intrusive and overbearing, resulting in a loss of outlook and privacy to the occupiers of properties to the south west of the site .."

88 **21/3235/MFUL (Major) BROADCLYST**

Applicant:

Theo Gloyens

Location:

Land adjacent to Sandycote, Blackhorse, Honiton Road, Exeter, EX5 2FT.

Proposal:

Demolition of existing dwelling and outbuildings and construction of 44 dwellings (22 affordable), means of access and associated works.

RESOLVED:

1. The Appropriate Assessment be adopted.
2. Approved subject to a Section 106 agreement to secure the heads of terms in the agenda save for the Habitat Mitigation contribution to be amended to £367.62 per dwelling and the NHS contribution to be amended to £26,555.

89 **21/3148/MOUT (Major) BROADCLYST**

Applicant:

Mr P Withers

Location:

Land to the east of Anning Road/Tithebarn Way, Redhayes, Exeter.

Proposal:

Outline application for up to 6,000sqm GIA (6,350sqm GEA) of office development with associated infrastructure (all matters reserved except access).

RESOLVED:

Approved as per officers recommendation but with the final conditions to be delegated to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair of Planning Committee and Ward Members acknowledging that these need to be amended to reflect the phasing of the development and for Condition 6 to be redrafted in light of the applicant not controlling all of the land needed to secure the pedestrian and cycle link to Blackhouse Lane.

90 **22/1168/FUL (Minor) BROADCLYST**

Applicant:

Roberta Gillam

Location:

Barn at Ratclyffe Farm, Clyst Hydon, EX15 2NQ.

Proposal:

Proposed demolition of existing barns and silo and construction of 5 dwellings, farm shop and associated operational development.

RESOLVED:

1. The Appropriate Assessment be adopted.
2. Approved as per officers recommendation.

91 **22/2115/OUT (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Mr & Mrs A Williams

Location:

The Store, Mill Lane, Awliscombe.

Proposal:

Outline application with all matters reserved for the erection of a 2 bed bungalow and demolition of existing shed.

RESOLVED:

Approved as per officer recommendation but with an additional condition requiring that the approved dwelling and associated curtilage shall only be used for residential purposes.

92 **22/2030/FUL (Minor) EXMOUTH LITTLEHAM**

Applicant:

Alice Johnson (Queens Drive CIC)

Location:

Exmouth Beach, Queens Drive, Exmouth, EX8 2GD.

Proposal:

Construction of a single storey flexible office/community hub building, single storey side extension to existing bin store to provide 5 WCs and installation of 23 photovoltaic panels.

RESOLVED:

Refused contrary to officer recommendation.

Members considered that the proposal by virtue of its inappropriate design and siting on an open space would detract from the character of the area and would be detrimental to the openness and landscape qualities of the seafront contrary to Policies D1 and D2 of the Local Plan and EB2 of the Exmouth Neighbourhood Plan.

93 **22/1322/MOUT (Major) FENITON**

Applicant:

Bakers Estates Ltd.

Location:

Land at Hayne Farm, Hayne Lane, Gittisham, EX14 3PD.

Proposal:

Demolition of existing farm buildings and redevelopment for up to 37 dwellings, formation of access, associated infrastructure and open space (outline application seeking approval of details of access only).

RESOLVED:

Approved as per officer recommendation but with the Heads of the terms of the Section 106 Agreement and conditions delegated to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair and Ward Member to enable details of how viability will be reassessed to be agreed, together with the deletion of Condition 5 and the addition of an extra plan to the plan numbers listed.

94 **22/1622/FUL (Minor) FENITON**

Applicant:

Mr Mark & Mrs Lisa Clouter.

Location:

Kings Arms Farm, Nags Head Road, Gittisham, EX14 3AP.

Proposal:

Construction of a two storey 18 unit residential home for vulnerable people.

RESOLVED:

Refused as per officers recommendation.

95 **22/1386/OUT (Minor) SEATON**

Applicant:

Townsend Park Ltd.

Location:

15 Townsend Road, Seaton, EX12 2AY

Proposal:

Erection of five dwellings houses with garaging (demolition of existing dwelling house).
Provision of new vehicular access (closure of existing access).

RESOLVED:

Approved as per officers recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
S Chamberlain (Vice-Chair)
C Brown
O Davey
B De Saram
S Gazzard
M Howe
D Key
R Lawrence
G Pook
G Pratt
P Skinner

Councillors also present (for some or all the meeting)

N Hookway

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer

Councillor apologies:

K Bloxham

E Rylance
T Woodward

Chairman

Date:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS LODGED**

Ref: 22/2389/PIP **Date Received** 26.01.2023
Appellant: Mr Luke Drakes
Appeal Site: 1 Colliton Cross Broadhembury Honiton EX14 3LQ
Proposal: Permission in principle for a two storey 4-bed dwelling and garage on amenity land
Planning Inspectorate Ref: APP/U1105/W/23/3315470

Ref: 22/0173/FUL **Date Received** 30.01.2023
Appellant: Ms Susan Wakley-Stoyle
Appeal Site: Brake View Rockbeare Hill Rockbeare EX5 2EZ
Proposal: Erection of a replacement two storey 4-bed detached dwelling.
Planning Inspectorate Ref: APP/U1105/W/23/3315663

Ref: 22/2031/RES **Date Received** 09.02.2023
Appellant: Mr and Mrs Thomas
Appeal Site: 29 Winters Lane Ottery St Mary EX11 1AR
Proposal: Application for approval of reserved matters (layout, scale and appearance) for the erection of a new dwelling following approval of outline application ref. 21/1692/OUT.
Planning Inspectorate Ref: APP/U1105/W/23/3316374

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED**

Ref: 21/3265/FUL **Appeal Ref:** 22/00029/REF
Appellant: Singleton & Manning
Appeal Site: Land Adjacent To Leighton Cottage Longmeadow Road
Lypstone
Proposal: Erection of a two-bedroom semi-detached cottage.
Decision: **Appeal Dismissed** **Date:** 25.01.2023
Procedure: Written representations
Remarks: Delegated refusal, highway safety reasons upheld (EDLP
Policies TC7 & TC9 and NP Policy 11).
BVPI 204: **Yes**
Planning APP/U1105/W/22/3301525
Inspectorate Ref:

Ref: 22/0352/OUT **Appeal Ref:** 22/00042/REF
Appellant: Mr and Mrs Mears
Appeal Site: 77 Seaton Down Road Seaton EX12 2HA
Proposal: Construction of a single storey dwelling accessed from Marlpit
Lane following demolition of an existing car port; and
construction of a parking bay accessed from Seaton Down
Road. (Outline application with all matters reserved.)
Decision: **Appeal Dismissed** **Date:** 26.01.2023
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Strategy 6
& Policy D1).
BVPI 204: **Yes**
Planning APP/U1105/W/22/3304675
Inspectorate Ref:

Ref: 22/0817/FUL **Appeal Ref:** 22/00037/REF
Appellant: Mr & Mrs R & H Bennett
Appeal Site: Land At SY 22647 92588 Colyton Hill Colyton (Landfill Site
At Whitwell Farm, Seaton)
Proposal: Siting of shepherd's hut for holiday accommodation.
Decision: **Appeal Dismissed** **Date:** 02.02.2023
Procedure: Written representations
Remarks: Delegated refusal, accessibility and drainage reasons upheld
(EDLP Policy TC2 & Strategies 5B & 7 and NP Policy Coly
11).
BVPI 204: **Yes**
Planning APP/U1105/W/22/3303809
Inspectorate Ref:

Ref: 21/0103/FUL **Appeal Ref:** 22/00039/REF
Appellant: Mr D Crocker
Appeal Site: Chestnuts 65 Salterton Road Exmouth EX8 2EJ
Proposal: Demolition of existing buildings and construction of 9 no. apartments with associated parking, cycle and bin stores and creation of new vehicular access onto Salterton Road.
Decision: **Appeal Allowed** **Date:** 10.02.2023
(with conditions)
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal. Street scene and amenity reasons overruled (EDLP Policy D1 & Strategy 6 and ENP Policy EB2).
The Inspector considered that the predominant architectural features of the proposed development clearly references those architectural features found elsewhere in the local area. The scale of the building, road facing gable, location within the site, combined with the use of red brick, render and some composite cladding under a tiled roof would not appear out of place in the local area and would sit comfortably within the street-scene.
Having regard to the impact on the amenity of the neighbours, the Inspector found that the proposal would not appear over-bearing or over-dominant from the neighbouring apartments. Furthermore, due to the spatial relationship, distance, eaves heights and roof design there would be no significant impact on light.
The Inspector concluded that the proposal would not adversely affect the character and appearance of the area and would not have a significant detrimental impact on neighbouring occupiers living conditions. The proposed development therefore accords with Strategy 6 and Policy D1 of the East Devon Local Plan 2013-2031 (LP), as well as Policy EB2 of the ENP.
BVPI 204: **Yes**
Planning APP/U1105/W/22/3303990
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

App.No: 21/F0364
Appeal Ref: APP/U1105/C/22/3295011
Appellant: Stuart Partners Ltd
Address: Land at Hill Barton, Sidmouth Road, Clyst St Mary, EX5 1DR
Proposal; Appeal against enforcement notice served in respect of the change of use of the land from agriculture to a mixed use of agriculture and commercial parking area used by lorries, commercial vehicles, cars, plant and machinery and the siting of skips and shipping containers.
Start Date: 29 March 2022
Procedure: Written Reps.
Questionnaire Due Date: 12 April 2022
Statement Due Date: 10 May 2022

App.No: 21/0876/FUL
Appeal Ref: APP/U1105/W/22/3295861
Appellant: Mr Barnes
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; Retention of a cement silo, water silo, site office and additional concrete area.
Start Date: 27 May 2022
Procedure: Hearing
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022
Hearing Date: 7 February 2023

App.No: 20/F0319
Appeal Ref: APP/U1105/C/22/3298710
Appellant: Mr & Mrs Barnes And Operators
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; Appeal against enforcement notice served in respect of the construction of a cement silo, water silo, site office and additional concrete area.
Start Date: 27 May 2022
Procedure: Hearing
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022
Hearing Date: 7 February 2023

App.No: 21/2332/FUL
Appeal Ref: APP/U1105/W/22/3308364
Appellant: A & S Barnes Sons
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; New farm access
Start Date: 2 November 2022
Procedure:
Hearing
Questionnaire Due Date: 9 November 2022
Statement Due Date: 7 December 2022
Hearing Date: 7 February 2023

App.No: 22/0721/FUL
Appeal Ref: APP/U1105/D/22/3309277
Appellant: Mr Michael Anaman
Address: 16 Windsor Square Exmouth Devon EX8 1JX
Proposal; Removal of garden wall to rear garden, creation of off street parking with electric charging points, replacement of outbuilding, restoration of steps to rear door and associated landscaping.
Start Date: 11 November 2022
Procedure:
Householder
Questionnaire Due Date: 18 November 2022

App.No: 22/0961/FUL
Appeal Ref: APP/U1105/W/22/3307458
Appellant: Russell and Helen Hayman
Address: Land West Of 8 Mill Lane Alfington
Proposal; Erection of 2no. two storey 3-bed detached dwellings, erection of 2no. detached single garages, means of access and associated works
Start Date: 21 December 2022
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2022
Statement Due Date: 25 January 2023

App.No: 22/1138/OUT
Appeal Ref: APP/U1105/W/22/3305402
Appellant: Mr A Rynn
Address: Land North East Of Clyst William Cross Plymtree
Proposal; Outline application with all matters reserved for the erection of 2no. dwellings.
Start Date: 17 January 2023
Procedure:
Written reps.
Questionnaire Due Date: 24 January 2023
Statement Due Date: 21 February 2023

App.No: 22/1411/FUL
Appeal Ref: APP/U1105/W/22/3310072
Appellant: Lesley and Clive Webb
Address: Hamble Barline Beer Devon EX12 3LR
Proposal; Construction of 1 no. dwelling and associated works
Start Date: 17 January 2023
Procedure:
Written reps.
Questionnaire Due Date: 24 January 2023
Statement Due Date: 21 February 2023

App.No: 22/0738/FUL
Appeal Ref: APP/U1105/W/22/3304034
Appellant: Barry Wright
Address: Meadowbrook Talewater Talaton Exeter EX5 2RS
Proposal; Conversion of roofspace to habitable use to include a side dormer and alterations to fenestration.
Start Date: 30 January 2023
Procedure:
Written reps.
Questionnaire Due Date: 6 February 2023
Statement Due Date: 6 March 2023

App.No: 22/0739/LBC
Appeal Ref: APP/U1105/Y/22/3304033
Appellant: Barry Wright
Address: Meadowbrook Talewater Talaton Exeter EX5 2RS
Proposal; Conversion of roofspace to habitable use to include a side dormer and alterations to fenestration.
Start Date: 30 January 2023
Procedure:
Written reps.
Questionnaire Due Date: 6 February 2023
Statement Due Date: 6 March 2023

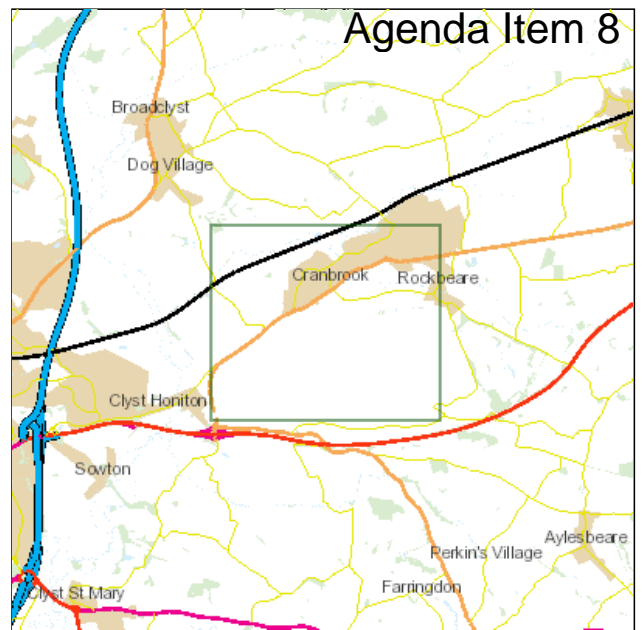
Ward Broadclyst

Reference 22/1532/MOUT

Applicant Redrow Homes (SW) Limited

Location Treasbeare Expansion Area Land To The North Of Treasbeare Farm Clyst Honiton EX5 2DY

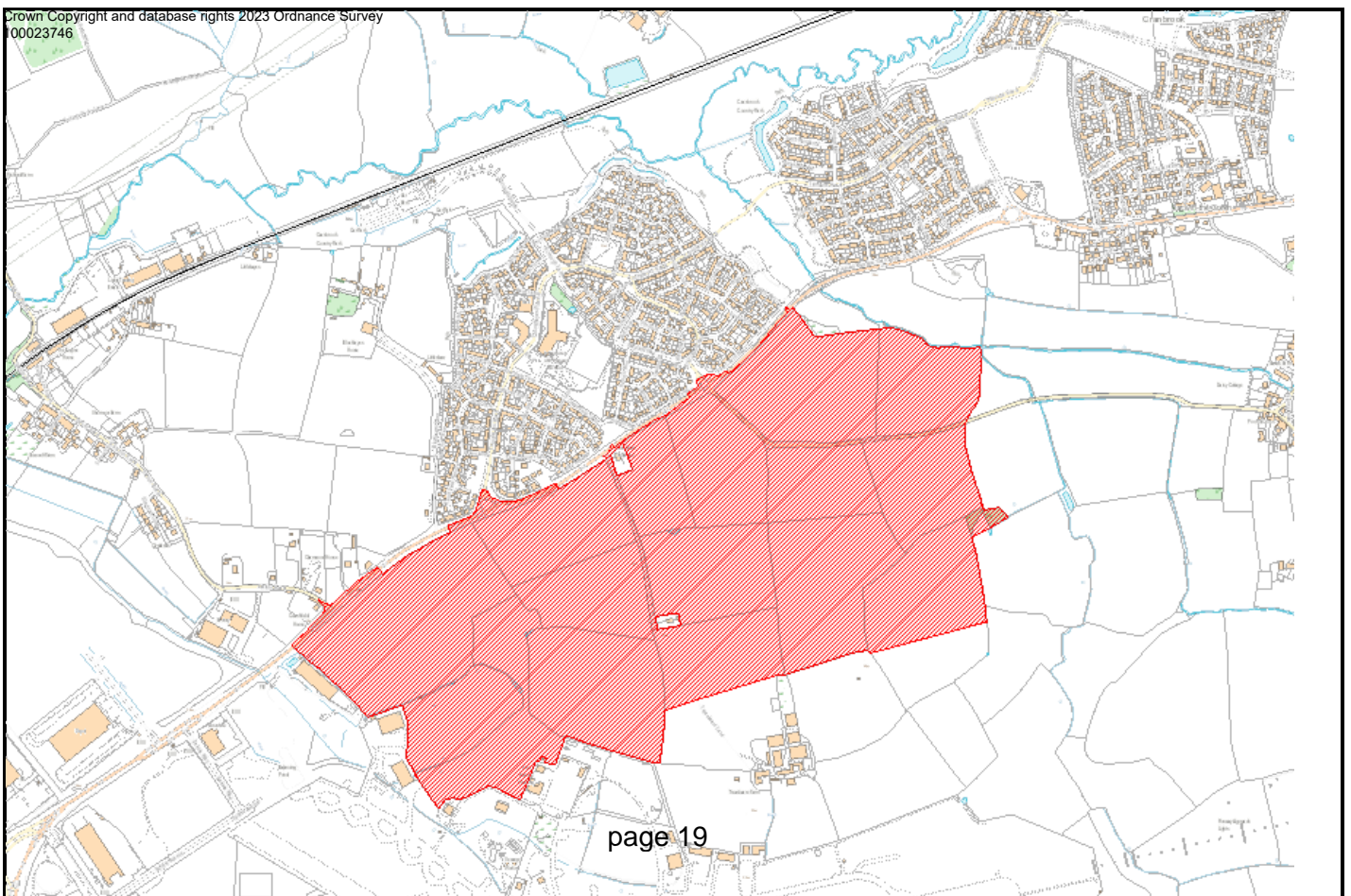
Proposal Outline planning application for up to 1,035 residential dwellings; a neighbourhood centre with a maximum of 3,000sq.m gross of ground floor space (Use Class E and sui generis (hot food takeaways, betting shops, pubs/bars)); a two form entry primary school, with early years provision (Use Class F1); public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land; a sports hub comprising playing pitches, tennis courts, a multi-use path and a pavilion (Use Class F2); up to 10.26ha of employment land (Use Classes E(g), B2, B8 and an extension to the existing Cranbrook Energy Center); 5 serviced pitches for gypsies and travellers; sustainable drainage systems; and associated infrastructure. All matters are reserved for future consideration aside from access. Principal access is to be provided from four points off London Road (B3174), with additional access points proposed for pedestrians and cyclists



RECOMMENDATION:

- 1. To adopt the Appropriate assessment set out in appendix 2 of this report**
- 2. To approve the application with conditions, subject to a section 106 agreement which captures the heads of terms set out later in this report.**

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		Committee Date: 28 February 2023
Cranbrook (Cranbrook)	22/1532/MOUT	Target Date: 17.11.2022
Applicant:	Redrow Homes (SW) Ltd and The Carden Group PLC	
Location:	Treasbeare Expansion Area Land to the North of Treasbeare Farm, Clyst Honiton	
Proposal:	Outline planning application for up to 1,035 residential dwellings; a neighbourhood centre with a maximum of 3,000sq.m gross of ground floor space (Use Class E and sui generis (hot food takeaways, , pubs/bars)); a two form entry primary school, with early years provision (Use Class F1); public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land; a sports hub comprising playing pitches, tennis courts, a multi-use path and a pavilion (Use Class F2); up to 10.26ha of employment land (Use Classes E(g), B2 and B8); 5 serviced pitches for gypsies and travellers; an extension to the existing Cranbrook Energy Centre; sustainable drainage systems; and associated infrastructure. All matters are reserved for future consideration aside from access. Principal access is to be provided from four points off London Road (B3174), with additional access points proposed for pedestrians and cyclists	

RECOMMENDATION:

1. To adopt the Appropriate assessment set out in appendix 2 of this report
2. To approve the application with conditions, subject to a section 106 agreement which captures the heads of terms set out later in this report

EXECUTIVE SUMMARY

This application is before members as it has received an objection from Rockbeare Parish Council and demonstrates a departure from adopted policy as a result of minor incursions beyond the built up area boundary.

The application proposes the construction of up to 1035 houses (120 in excess of the allocation) together with up to 10.26ha of employment land, a sports hub, 2 form entry primary school and the delivery of required SANGS land. As such it

is a comprehensive scheme that seeks to reflect and deliver the allocation Policy CB3 (Treasbeare expansion area) of the adopted Cranbrook Plan.

In essence the scheme which sits between Cranbrook and the old A30 to the north, and the airport to the south, proposes to locate

- employment land to the west, where it sits in close association within the Skypark and airport development,
- housing in the central and northern areas including those set to the north east of Parsons Lane,
- a gypsy and traveller site for 5 pitches (again to the north east),
- sports hub and school towards the eastern ridge, and
- SANGS along the Ford Stream corridor and the eastern slopes of the site.

The minor incursions where the proposed development steps outside of the built up area boundary are not considered to harm the character of the area or lead to any risk of settlement coalescence with the neighbouring village of Rockbeare. The areas in question are related to the proposed area of employment and separately housing, but all are located towards the south of the scheme and in the case of the residential area to the west of the playing fields. Together with the proposed SANGS, the sports pitch land provides an important buffer for the development within the landscape.

The application has been accompanied by a detailed Environmental Statement (ES) considering all relevant related matters including landscape and visual impacts, water resources and flood risk, transport and access, biodiversity and climate change as well as noise, air quality and lighting.

Although in outline, matters of access are detailed and approval sought for them. The scheme proposes 4 junctions – one serving the employment land to the west, a reconfigured Younghayes roundabout which would be reformed as a double mini roundabout, a slightly amended Parsons Lane roundabout, and a new access in the east serving the proposed gypsy and traveller site.

These accesses have been the subject of much discussion over the course of the application and they have all been subject to a Road Safety Audit (RSA) stage 1 assessment. Final tweaks and adjustments have been made late in the process to largely bring them in line with the RSA findings. The outstanding issue relates to the exact position of the toucan crossing by Parsons Lane but this can be made safe through a modest revision to its proposed positioning – a matter that can be secured by condition. In addition a final materials and landscaping palette would also need to be agreed but this too can be secured by condition in the event of approval.

In terms of landscape and visual appraisal the application demonstrates that although the area is topographically interesting and undulates across the site, it has a high point towards the east of the site with the development set to the north and west of this. While the playing fields and sports hub sit close to/on this ridge and SANGS land is located to the east, the natural topography largely

screens the rest of the development from any views from the centre of Rockbeare village and in general land to east/southeast

There is a risk of lighting intruding into such views given the elevated nature of the sports hub, but with careful design/siting of the sports lighting, it is considered that the level of risk can be mitigated. In any event the ES recommends that a curfew be imposed on the use of such lighting at 10pm – something that can be controlled by condition in the event of approval.

Noise is a significant constraint on this site which has had input from the Council's Environmental Health team over a number of years. Most significant, has been the concern about noise impacts from ground running engine testing at Exeter airport which while creating short lived episodes of noise, has the potential to seriously disrupt amenity and harm health. The adopted Policy makes it a requirement that no development takes place until adequate mitigation is in place – the expectation being that this is primarily in the form of an acoustic pen or enclosure constructed at the Airport. Such development can be undertaken by the airport themselves and it is understood that there is agreement between the developer and airport operator to ensure that this work is undertaken.

Water resources and flood risk has been the subject of detailed assessment with input from both the Environment Agency and DCC Flood Authority. Much of the site is classed as flood zone 1 where there is a low risk of flooding and the principle of development is acceptable. In this area, the surface water drainage requirements have been the main issue and after additional information was submitted this has now been confirmed as being acceptable from DCC subject to conditions.

The Environment Agency initially objected to the proposal after considering the flood modelling information that they held gave insufficient certainty as to the extent of the flood zones to the far east and west of the site. However additional information has been submitted which has given the EA comfort to agree to the proposal with conditions. Essentially it is recognised that because of the topography much of the site is safe from flooding, and it is only boundaries of the site where there is some uncertainty. The condition would allow for further modelling to be undertaken before development starts to determine the precise boundary where development is acceptable.

The delivery of the neighbourhood centre and key components of the sports hub including an artificial grass pitch are beneficial. While seeking some flexibility from the terms of the policy (but backed up with good evidence) the provision of these important community assets help with the sustainability credentials of the scheme. They also help to maximise the number of internal trips made within the site – thereby minimising the number of external vehicle based trips that would use the local and wider highway network.

Impacts on the wider network have been modelled by the developer and independently by Devon County Council. The headlines from both modelling exercises show that using a Vision and Validate approach and with the

expectation of good internalisation, the number of trips generated by the excess housing proposed can be accommodated without putting additional strain on the network.

The most balanced issue within the scheme has been the location of the proposed school – not so much as a result of the visual impacts although it is more prominent than would ideally be the case, but because it is proposed to be located towards the east of the site. This location means that walking distances from the proposed housing in the east and particularly development in Bluehayes would be in excess of the recommended walking distances advocated by Policy. Although this impact is partly offset by the provision of direct links, it is still a negative which must be weighed against specifically the delivery of a school, and more generally the other aspects of the proposal when considered as a whole.

Assessment of the likely impact on Heritage assets has been undertaken by the applicants and reviewed by the Council. While giving great weight to the asset's conservation and despite in a small number of cases less than substantial harm to the setting of these being identified (Treasbeare Farmhouse being the most notable), the scheme comes with significant public benefits. It is these benefits that must be weighed against not only the “less than substantial harm” identified but more generally the planning balance in respect of the scheme as a whole.

Bringing this together, it is recognised that the layout of the scheme has resulted in minor incursions across the built up area boundary afforded to the Treasbeare expansion area, although these are not considered to cause harm. The location of the school is suboptimal and would result in greater walking distances than would be the case if it was located elsewhere within Treasbeare. However the delivery of the school within this expansion area nonetheless has merit, as it is a compatible use with the sports hub and spreads infrastructure either side of the London Road. As part of the proposed sports hub, the application provides a mechanism for the delivery of a full sized, flood lit AGP which was otherwise only partially funded and while flood lighting from this facility may cause limited harm to the local area, this can be mitigated by restricting the hours of use and controlling the colour of light and design and positioning of the luminaires. Further the scheme proposes up to 1035 dwellings (of which 155 would be affordable) which is of benefit to the Council's 5 year housing land supply, employment land in excess of the policy requirement and a neighbourhood centre.

Taken together it is considered that the public benefit that is derived from the scheme as a whole, outweighs the less than substantial harm to the heritage assets (while giving their conservation great weight), and also notably outweighs the more general concerns raised. Overall the proposal is considered to broadly accord with the Development Plan but where the proposal steps outside of this, other material considerations are in support, such that the proposal is acceptable.

SUMMARY CONSULTATION REPOSES

Town and Parish Council responses

Cranbrook Town Council

The Committee considered the application for Outline Planning application for up to 1,035 residential dwellings; a neighbourhood centre with a maximum of 3,000 sqm gross of ground floor space (use Class E and sui generis (hot food takeaways, betting shops, pub/bars)); a two form entry primary school, with early years provision (Use class F1); public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land (suitable alternative natural greenspace); a sports hub comprising playing pitches; tennis courts, a multi-use path and a pavilion (Use Class F2); up to 10.25ha of employment land (use classes E9g), B2 and B8); 5 serviced pitches for gypsies and travellers; an extension to the existing Cranbrook Energy Centre; sustainable drainage systems; and associated infrastructure. All matters are reserved for future consideration aside from access. Principal access is to be provided from four points off London Road (B3174), with additional access points proposed for pedestrians and cyclists

The Chairman referred to the Supporting Statement and advised on points that need to be resolved in general planning terms prior to any approval of the principle of development of the site. In summary:

1. The expansion of Cranbrook is subject to the Cranbrook Development Plan (DPD) which as advised earlier since the Agenda and Supporting Papers had been published, had been found sound subject to some modifications.
2. Clarity on adoption. The proposals are, in general terms that adoption will be either by one of the principal authorities, the town council or a management company. Whilst Cranbrook Town Council has demonstrated its willingness to adopt public open space, there remain a number of questions around the standards of delivery of drainage and to what extent the water authority will adopt, the adoption of in-parcel infrastructure including tarmac cycle ways and certain in-parcel roads, the adoption and future management of SANG and the fact that the application sits outside the Parish of Cranbrook and would require the District Council to proceed with a Community Governance Review - having stopped the previous attempt by the Town Council to move this forward. The District Council cited the fact that the DPD remained unresolved in ceasing the recent review process and, should the DPD be resolved, a new review, if required, would probably take a year.
3. Uncontrolled junctions on to the B3174, especially that nearest the east, are dependent upon a redesign and reduction of speed limit to 20mph on London Road. This is outside the control of the applicant and therefore would need to be taken forward by DCC and LPA independently of this development. The timescale for this is unclear and there is a need to clarify how this might be moved forward should the redesign of London Road be delayed. Without the re-design of London Road and the

consequent reduction of the speed limit to 20mph, the junction proposals are problematic.

4. Mention is made of the indicative location of the proposed neighbourhood centre. The fact that the original LPA proposal to straddle London Road has been amended to now have an in-parcel centre is a welcome improvement. The expansion of Cranbrook to the south-west and the inclusion of the land illustrated within the proposed master plan has been the subject of wide consultation over a long period. The Town Council has been broadly supportive of the proposed expansion of the town and would not seek to object to the principle of development in this case.

It was proposed by Cllr Les Bayliss, seconded by Cllr Kevin Blakey and resolved to support the principle of development as proposed but would urge both the applicant and Local Planning Authority to resolve the issues around adoption and the re-design of London Road.

Additional/amended consultation comments

The Planning Committee resolved to:

1. Support the general principle of outline development as proposed;
2. Welcome the additional measures regarding the access points as well as the proposed changes to calm London Road;
3. Concern at safety of crossing point at the junction of the Gypsy and Traveller site; suggestion to remove the toucan crossing and replace with a cycle way that heads east over the Eon bridge and crosses the B3174 at the Tillhouse Track and further suggest to relocate the Gypsy and Traveller access to be routed via Parsons Lane.
4. Recognise that for now this application lies within an adjoining parish;
5. Seek further clarification on the questions around adoption once the Chief Executive of EDDC has taken forward the initial consultation with surrounding parishes on the principle of a further community governance review.

Rockbeare Parish Council

The Clerk asked the permission of the Chairman to read out a letter received from a parishioner, in relation to the said application.

The Parish Council and Parishioners wish to highlight a number of important considerations, which we requested are taken into account by the East Devon District Council, when considering the Planning Application.

These included:

- o EDDC made a commitment many years ago not to expand Cranbrook south of the Old A30 until all the phases of Cranbrook north of the road, between Station Road and Whimple, had been completed. Rockbeare Parish Council wishes to hold EDDC to account for their consistent pattern of wavering on this decision and commitment to the existing communities in the parishes surrounding Cranbrook.

o The pattern of development in Phases 1-2 of Cranbrook show that regardless of the planning permission granted, the developers are quick to build a lot of houses, but slow to provide the necessary amenities to make Cranbrook function as a town - as the BBC recently broadcast to the nation: Cranbrook is a failing development on the grounds of the lack of adequate public transport and amenities. We currently have a very large housing estate with little more than a corner shop and a few schools; this problem will only be exacerbated were EDDC to grant permission for the Treasbeare application. Although the application promises the provision of shops, sports pitches and business opportunities, current performance indicates that once ground is broken on the site the developers' priority will be to build as many houses as possible and provide only the basic outdoor play facilities required by law; they are likely to put the provision of shops and business spaces out to tender. Since the town centre in Cranbrook is still waiting to be built nearly nine years after ground was first broken on Phase 1, we can expect the Treasbeare development to be waiting at least as long for its amenities.

o A further ground that Rockbeare Parish Council objects upon is the intention to have traffic from the development exiting onto Parsons Lane. This is already an over-used and under-kept country lane and adding traffic movements of this scale is setting the local communities - both the new one in Treasbeare and the old one in Rockbeare - up for increased traffic and pedestrian accidents, potentially resulting in life-changing injuries or even death. There is also the safety concern generated by the situation of the development on the south side of the Old A30. Without the provision of adequate facilities, provided from the very beginning of development, within the Treasbeare extension, residents will be forced to cross the Old A30 to use the sports and education facilities and the Co-op and chip shop in Phase 1 of Cranbrook. This need creates a significant risk to those pedestrians, crossing that busy road, especially those with children and buggies.

It was proposed by Cllr S. Wollen, seconded by Cllr Forrest, and RESOLVED that the Parish Council would object to the application. UNANIMOUS. Carried.

Adjoining/neighbouring Parish Council responses

Bishops Clyst/Sowton (Clyst St Mary) Parish Council

Bishops Clyst Parish Council wish to register a strong objection to application 22/1532/MOUT in a neighbouring Parish.

Clyst St Mary Village is immediately adjacent to the river Clyst and the large flood plain which forms part of the Clyst Valley, and downstream of the application site.

For many years the residents of the lower part of Clyst St Mary have suffered recurring sewage flooding during periods of heavy rain with drain covers lifting and discharging sewage into the streets and residential gardens. Some residents have also experienced toilets that become 'backed up' and unusable for up to 3/4 days. The parish has complained bitterly to SWW who have, and are still, investigating and determining the correct remedial action. However, what is plainly evident is that the sewage system is not fit for purpose and in need of major investment.

We are informed that the problem is caused by the infiltration of surface water into the sewer system causing a hydraulic overload. SWW accepts the problem stating "there is too much infiltration flow entering into the principal sewers draining into the Blue Ball Sewer Pumping Station". Further analysis has resulted in SWW "installing 17 additional flow monitors and widening their extent of investigation to the north of Clyst Honiton to Cranbrook and Pinhoe/Monkerton".

Clearly there is a serious problem with the sewage system between Cranbrook, Clyst St Mary and the Blue Ball Pumping Station which seriously affects our community, and any further development, as proposed by this application, can only make the matter worse.

Bishops Clyst Parish Council considers that this development should be refused until action is taken by SWW to ensure that the sewage system is able to cope with the additional demands without detriment to Clyst St Mary or other properties. We need action not promises!

Amended consultation response:

I would like to reiterate the objection of Bishops Clyst Parish Council to the above application as follows:

Bishops Clyst Parish Council wish to register a strong objection to application 22/1532/MOUT in a neighbouring Parish.

Clyst St Mary Village is immediately adjacent to the river Clyst and the large flood plain which forms part of the Clyst Valley, and downstream of the application site.

For many years the residents of the lower part of Clyst St Mary have suffered recurring sewage flooding during periods of heavy rain with drain covers lifting and discharging sewage into the streets and residential gardens. Some residents have also experienced toilets that become 'backed up' and unusable for up to 3/4 days. The parish has complained bitterly to SWW who have, and are still, investigating and determining the correct remedial action. However, what is plainly evident is that the sewage system is not fit for purpose and in need of major investment.

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Clearly there is a serious problem with the sewage system between Cranbrook, Clyst St Mary and the Blue Ball Pumping Station which seriously affects our community, and any further development, as proposed by this application, can only make the matter worse.

Bishops Clyst Parish Council considers that this development should be refused until action is taken by SWW to ensure that the sewage system is able to cope with the additional demands without detriment to Clyst St Mary or other properties. We need action not promises!

Neighbour responses:

73 letters from 67 objectors, 2 letters of representation and 1 letter of support have been received. A summary of the various comments are set out below:
Objections

Traffic

- Area is already struggling with traffic and congestion and more housing and employment will make these problems more acute
- Introduction of a double mini roundabout will cause confusion and result in additional queuing traffic and potential incidents (a 4th spur on the existing roundabout may be better)
- Rockbeare will not cope with additional traffic that the scheme would generate
- Over the past 9 years there has been a noticeable increase in noise and number of vehicles using the London Road which will increase further with the proposed development
- Excess speed is already witnessed on the London Road and traffic calming is required
- There has previously been a fatal accident along London Road which is a reminder of the dangers of the road.
- The scheme makes no provision for enhancing Junction 29 of the M5 which is already reaching capacity at peak times.
- A noise barrier or thickened hedge with trees is required to protect the amenity of existing residents from increasing noise associated with the London Road
- Younghayes Road leading to the train station will become busier and more dangerous as people access the station car park
- Current routing of the pedestrian and cycle path to the front of 1 and 2 Treasbeare Cottages risks a collision due to limited visibility. The path should be rerouted in this location
- All new road need to be made wider and development provided with additional parking spaces
- Existing roads in and around Cranbrook are unable to cope with existing traffic
- Sustainable travel patterns should be accommodated from the beginning with fewer car parking spaces provided
- The Transport Assessment submitted with the application makes insufficient assessment of the impacts of Traffic on Exeter
- Scheme requires better provision of services facilities and public transport to avoid increasing congestion in Exeter
- The proposed travel plan needs to be more robust and comprehensive to encourage a more diverse use of sustainable means of travel Increase in local

construction traffic which would impact on health and wellbeing of local residents

- London Road is better suited to being a main arterial route and therefore the proposed changes are not supported
- Double yellow line should be installed around road junctions, corners and the education campus
- The proposed plans would remove the quick and free access by car between Cranbrook and Exeter resulting in additional congestion and traffic problems.
- On-road bus and cycle lane should not be omitted in the final layout
- Parsons Lane should be closed to vehicular traffic to provide better walking and cycling facilities.
- Improvement to the internal layout and function of the site are needed to accommodate better cycle usage.
- Traffic lights on station Road could exacerbate the congestion that occurs in the Road. The road needs to be widened.

Amenity

- Proximity of community centre to dwellings will cause noise and disturbance close to existing residents.
- Installing flood lighting on top of a hill will harm local environment and amenity of residents.

Facilities

- Lack of town centre/insufficient amenities and infrastructure for the existing town
- No confidence that further amenities will be provided for the additional dwellings
- The range of shops and facilities proposed including betting shops and fast food outlets
- There is no dentist's provision within the town
- Local doctor's surgery is already at/over-capacity which will be made worse by the proposed development.
- Lack of police resources and time spent in the town which needs to be improved
- Inadequate provision for secondary school places given that the existing provision in Cranbrook is already at capacity
- Sports facilities at Treasbeare would be in competition with those already provided at Ingram's – those should be upgraded

Flooding

- Area is prone to flooding and development on the higher land will put Rockbeare village at additional risk
- Parsons Lane is small narrow and subject of flooding – any widening of the lane will further erode its character
- Scheme risks exacerbating flooding problems associated with the River Clyst at Clyst Honiton

Wildlife and Countryside

- A single oak tree can support as many as 2,300 species and therefore the risk of her loss along Parsons Lane is unacceptable.
- Scheme results in a destruction of wildlife and habitat
- The scheme will result in additional light pollution
- Lack of consideration for the landscaping and loss of trees and hedges
- Loss of prime agricultural farmland will increase dependence on imports with higher carbon footprint, lower standards and loss of rainforest

Settlement Identity and character

- Development on both sides of Parsons Lane will cause Rockbeare to lose its identity and charm
- Development will undermine identity of Cranbrook itself
- Loss of green belt/farmland and open space between the town and the airport is a concern
- Loss of Green belt between Cranbrook Rockbeare
- Ignores previous planning commitments and results in the loss of the green wedge
- The hill dividing Cranbrook from Rockbeare is important for protecting the villages identity and protecting it from noise and disturbance – that buffer would be lost if the development is permitted.
- Rockbeare don't wish to potentially lose their school as new schools are built

Rockbeare Neighbourhood plan and planning policy

- Disregard of Rockbeare Neighbourhood plan which is in place to ensure the areas remains green
- Development of the Green wedge is contrary to the development plan and should be rejected
- Contrary to the neighbourhood plan

Gypsy and Traveller site provision

- Proposed location of gypsy and traveller site is illogical and poorly related to proposed adjacent uses
- Proposed location of access to the Gypsy and Traveller site is on a blind bend
- Occupiers of the gypsy and traveller pitches would have their privacy lost due to be located amongst other development

Other comments

- The town isn't supported locally
- Loss in value of existing properties if more are built
- Cranbrook represented by a sprawling mass of houses which are more expensive than surrounding areas
- District heating is a disaster and frequent road closure are a problem
- Cranbrook is already big enough - there is no need for additional houses
- Up to 12m high buildings adjacent to London Road will change the character of the part of the town

- Rich developers should not be afforded a further opportunity to make more money at the expense of rural Devon
- School location is unsightly - a central location for the proposed school within the garden village would be more accessible
- Submitted objections need to be taken seriously and respected
- Proximity to Exeter airport will put people off from buying these proposed houses.
- Insufficient affordable housing being proposed given the profitability of house building
- Concern that parish boundaries have been changed to allow this scheme to be bought forward.
- No evidence of housing for the elderly or disabled
- All new houses should have solar panels on the roofs to avoid additional fields being lost to the structures
- Other suitability measures should be incorporated into the buildings and site
- Sewage system upgrade needed to avoid Clyst Valley Park being further polluted

Support

- Cranbrook was always expected to become a standalone self-supporting town and this application helps to achieve this
- Layout of the plans are well conceived with employment close to Skypark and greenspace towards Rockbeare
- Move to provide greater cycling opportunity is good
- The town supermarket will need additional development in order to thrive
- Care will be needed when undertaking the development to limit inconvenience to existing residents
- The delivery of additional houses is good for young people who want to get their own home locally
- Cycle infrastructure needs to be delivered ahead of the first new residents
- There should be more mixed use development provided on the development site
- Support location of attenuation pond to the rear of 1 and 2 Treasbeare cottages where land regularly is underwater
- Reduction in vehicle speeds is important and should be delivered by the most effective scheme - either the interim or one by Devon County scheme
- Junctions and accesses in the revised are generally better with the provision of straight tarmac crossings

Below is a brief summary of the technical consultation responses with the full text included as an appendices.

Technical consultee Responses		
	Arboricultural Officer (East Devon)	Approve of amendments made to the proposal Residual concerns in respect of one tree group and removal of small section of hedge to accommodate employment access road which might also affect RPA of retained trees
	Contaminated Land Officer	Targeted ground investigation is required
	Devon County Council	
	Local Highway authority	Support the scheme provided suitable conditions and section 106 obligations are secured
	Local Education Authority	No objection to this application on education matters subject to the imposition of appropriate conditions and provision of contributions toward education infrastructure
	Children's services	No objections subject to contributions towards children's services
	Youth service facilities	No objections subject to contributions towards youth service facilities
	Library services	No objections subject to contributions towards library services
	Extra care housing provision	No objections subject to contributions towards extra housing provision
	Gypsy and Traveller provision	Welcomes the provision of 5 serviced permanent pitches for Gypsies and Travellers on a site of at least 0.5 hectare. This provision is consistent with the Policy
	Health and well being	No objection to this application on matters relating to health and wellbeing subject to provision of s106 contributions and further details being resolved at reserved matters stage
	Lead Local Flood authority	No in-principle objections to the application from a surface water drainage perspective provided a pre-commencement condition is imposed for additional details
	Historic environment service	Subject to appropriate planning conditions, the council has no objection on this matter
	Waste team	Subject to an appropriate planning condition, the council has no objection on this matter
	District Ecologist	Revisions to the proposal address the majority of the concerns and suggestions raised by EDDC. Outstanding query on the layout of the access road serving the employment site. BNG calculation should properly reflect impacts of hedge translocation
	Environment Agency	On the basis of the additional information provided, the outline planning permission is acceptable provided conditions are imposed

Environmental Health	EH do not anticipate any environmental health concerns. Relevant standards set out within BS8233 can be met and addresses noise concerns that were raised
Exeter and Devon Airport	Exeter Airport's previously raised objection to the proposal on the grounds of aviation safety and potential airport operational impacts can now be removed providing the requested condition is applied
Housing Strategy (EDDC)	Agree to clusters of no more than 10 affordable units and that all the affordable units should be constructed to M4(2) standard. 15% is policy compliant and applicants should meet 70/30 tenure split
Landscape Architect	Proposed application is generally considered acceptable in terms of Landscape and Visual Impact although seek changes to the Green infrastructure plan to show cycle routes and repositioning of LEAP near to the allotments
National Highways	No objection but recommend that conditions should be attached to any planning permission that may be granted. Excess housing sits within the identified total 4170 dwellings which have been previously assessed
NHS - RDUH	Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare and requests £624,642 to go towards the gap in the funding created by each potential patient from this development
Natural England	Natural England concurs with your authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA, Exe Estuary RAMSAR and the East Devon Pebblebed Heaths SAC; Many comments made in earlier response have been addressed and should be reflected in the approved plans
Network Rail	Network Rail object to the proposal based on the material increase in the volume of use and change in character of use at the AHB Level Crossing which is within close proximity to the site
Police Crime prevention Officer	Designing out crime principles must be embedded in the detailed design of the scheme
Recycling and Contract Waste manager	Development looks good in terms of overall access for recycling and waste collections
RSPB	Recommend that complying with BS42021 is made a condition of the consent; proposed details will need to be captured in a future LEMP
South West Water	No objection subject to details of foul and surface water drainage being submitted for prior approval. The proposed surface water disposal strategy - proposed to discharge into a surface water body via SuDS is acceptable and meets with the Run-off Destination Hierarchy
Sport England	The Pavilion and tennis courts are essential to enable the site to be sustainable. If the scheme is delivered in

		phases, it will not meet the sporting needs of the new community
	Urban Design (EDDC)	There is a sound framework from which detailed reserved matters can be developed. Further details and delivery of appropriate cycle network is important. Careful choice of materials is important on the highway scheme – particularly in the double mini round about

APPENDICES:

Appendix 1 – Technical Consultation responses received (set out in full)

Appendix 2 – Appropriate Assessment

PLANNING HISTORY

Reference	Description	Decision	Date
03/P1900	A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail , residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses.	Approval with S106 agreement and conditions	29.10.2010
15/0046/MOUT	The expansion of Cranbrook comprising up to an additional 1,550 residential dwellings, 40,000 sq. m of employment (B1, B2, B8), one 2-form entry primary school, a local centre comprising of up to 1,000sq m of A1 uses plus A2, A3, A4, A5 uses and up to 1,250sq m B1 business use. Sports and recreation facilities including children's play, green infrastructure (including open space), community uses (including non-residential institutions), assembly and leisure. Access from former A30, landscaping,	Withdrawn	9.07.2021

	allotments, engineering (including ground modelling and drainage) works, demolition, associated infrastructure and car parking for all uses. All matters reserved except access.		
17/1482/MOUT	Outline planning application with all matters reserved except for the expansion of Cranbrook comprising up to 1200 residential dwellings, residential care home (C2); employment (B1, B2, B8 and collectively to comprise up to 35,000 sq. metre); energy centre); petrol filling station with associated convenience retail and facilities; one 2-form entry primary school; local centre comprising A1 uses plus A2, A3, A4, A5 uses and B1 business use; sports and recreation facilities including an all-weather playing surface with floodlighting, changing facilities and children play; green infrastructure (including open space and SANG); community uses (including D1 non-residential institutions); assembly and leisure, gypsy and or travellers pitches; access from former A30 and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses	Withdrawn	09.07.2021
17/1483/MOUT	Outline application for the construction of sports pitches, tennis courts, landscaping, engineering (including ground modelling and drainage) works and associated infrastructure, access and car parking	Withdrawn	09.07.2021

POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Government has issued the National Planning Policy Framework [NPPF 2021] which sets out the Government's planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

In this instance, the relevant Development Plan comprises

- The Cranbrook Plan Development Plan Document 2013-2013;
- East Devon Local Plan 2013-2031,
- Rockbeare Neighbourhood Plan (made 11 October 2018)

Relevant Cranbrook Plan Policies

CB1 (Health and Wellbeing At Cranbrook)
CB3 (Treasbeare Expansion Area)
CB6 (Cranbrook Infrastructure Delivery)
CB7 (Phasing)
CB8 (Cranbrook and Broadclyst Station Built Up Area Boundaries)
CB9 (Public Transport Enhancement)
CB10 (Cranbrook Affordable Housing)
CB11 (Cranbrook Custom and Self Build)
CB12 (Delivering Zero Carbon)
CB13 (Safeguarding of land for energy uses)
CB14 (Delivery of Suitable Alternative Natural Green Space)
CB15 (Design Codes and Place making)
CB16 (Amenity of Future occupiers)
CB18 (Coordinated sustainable travel)
CB20 (Parking at Cranbrook)
CB21 (Cranbrook Town Centre)
CB22 (Residential Development in the Town Centre and Neighbourhood centres)
CB24 (London Road Improvements)
CB25 (Allotments)
CB26 (Landscape, Biodiversity and Drainage)

Relevant Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)
Strategy 50 (Infrastructure Delivery)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development affecting a designated heritage asset)
EN14 (Control of Pollution)

EN16 (Contaminated Land)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN22 (Surface Run-Off Implications of New Development)
H7 (Sites for Gypsies and Travellers)
E12 (Neighbourhood Centres and Shops)
RC2 (New Open Space, Sports Facilities and Parks)
RC3 (Allotments)
RC6 (Local Community Facilities)
TC1 (Telecommunications)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Rockbeare Neighbourhood Plan

Rock01 Local Woodlands, Trees and Hedgerows

Government Planning Documents

National Planning Policy Framework (NPPF 2021)

1.0 Site Description

- 1.1 The application site measures approximately 91.3 hectares and is located to the south of Phase 1 of Cranbrook, approximately 8.5km to the east of Exeter City Centre and 4km to the east of junction 29 of the M5. The application site is bounded by the London Road (B3174) to the north, Exeter airport and Treasbeare Farm house to the south. On its western edge the site is bounded by the existing E.ON Energy Centre and land allocated for Skypark development while on its western edge it straddles Parsons Lane (linking Cranbrook and Rockbeare Village) to extend down to the boundary with the existing Cranbrook Country Park.
- 1.2 The site comprises an undulating landform with high ridges more generally located towards its easterly edge, while there is a general approach to lower land in its south westerly corner. It also drops more sharply on its north eastern edge where it meets and includes part of the flood plain for the tributary of the Cranny Brook. Along its western edge there is an identified flood plain from the small stream that runs to the north of the airport.
- 1.3 The site more generally is comprised of a mixture of arable and grazing farm land broken by a variety of post and wire fencing, post and rail fencing and traditional hedgebanks. There are a good mix of trees on the site including some veteran and candidate veteran trees and an attractive and important ephemeral pond in the centre. Soils are recorded as being a mix of 2 (12%), 3a (51%) and 3b (37%) – where grades 1 (none present) 2 and 3a are considered to be best and most versatile.
- 1.4 There are 5 existing properties on or immediately adjoining the site all accessed from Treasbeare Lane – a private lane that runs broadly north

south through the site linking the London Road to the Grade II listed farmhouse and complex of barns that are located beyond the southern boundary of the site.

- 1.5 In terms of other listed buildings located close, there is a Grade II late 18th century milestone located immediately north of the London Road and also to the north, the former road bridge (now used as a footpath and cycleway within the country park) over the tributary to the Cranny Brook.
- 1.6 The site is not subject of any international or national nature conservation designations but is located within the 'Zone of Influence' of the East Devon Pebblebed Heaths Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the Exe Estuary SPA, SSSI and Ramsar site.

2. Proposal

- 2.1. This proposal comprises an outline application with all matters reserved except access for
- up to 1,035 residential dwellings;
 - a neighbourhood centre with a maximum of 3,000sq.m gross of ground floor space (Use Class E and sui generis (hot food takeaways, pubs/bars));
 - a two form entry primary school, with early years provision (Use Class F1);
 - public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land;
 - a sports hub comprising playing pitches, tennis courts, a multi-use path and a pavilion (Use Class F2);
 - up to 10.26ha of employment land (Use Class E(g), B2, B8 and an extension to the existing Cranbrook Energy Centre);
 - 5 serviced pitches for gypsies and travellers;
 - sustainable drainage systems;
 - And associated infrastructure.
- 2.2. The red line around the site has been amended during the life of the application, omitting a small crescent shaped area of land near to the junction with Younghayes Road. This area of land was not needed for the proposal and its omission has not affected any third party.
- 2.3. In detail, 4 access points are set out within the submission with these all creating new or modified junctions on the London Road. Additional access points for pedestrian and cyclists are indicated within the proposal and could be secured in the event of approval together with indicative details of access points serving land to both the north and south of Parsons Lane.
- 2.4. Principal access would be obtained from the existing Younghayes roundabout which would be re-formed as a double mini roundabout (DMR) - the first having three arms serving London Road west bound, Younghayes

Road and the link between the roundabouts, while the second would have arms serving London Road east bound and the development itself.

- 2.5. Younghayes Road, the link between the DMR and London Road to the east of the roundabout would all have pedestrian and cycle crossing points and include central refuges. It is proposed to have an enhanced palette of coloured tarmac in this area as part of the design.
- 2.6. Other accesses proposed comprise a signal controlled crossroads towards the west of the site near to the existing Energy Centre and providing access to the proposed employment land while also working with Station Road opposite; revisions to the Parsons Lane roundabout and a simple T junction at the eastern extent of the site (to the west of the Rockbeare bridge) to serve the proposed gypsy and traveller site.

Parameter Plans

- 2.7. The application has been accompanied by three parameter plans, setting out the spatial distribution of uses and supporting parameters which, if the application is approved would form part of that approval. Essentially they provide the essential framework to shape and guide future reserved matters.
- 2.8. The first of these considers land use and access. While accesses have already been described, land use elements recognise, that outside of the Flood zones, employment would be focussed to the west and south west of the site and residential parcels would form the central core of the development with a neighbourhood centre located to the north where it abuts the London Road. A sports hub would be located towards the east abutting Parsons Lane while to the north of this would be the site for the 2 form entry Primary school and the gypsy and traveller site. Extending between these uses and the eastern boundary of the site would be SANGS land – that is Suitable Alternative Natural Green Space to be used as part mitigation for otherwise potential impacts on the designated environments.
- 2.9. The second plan focusses on building heights. This distributes development by height putting in place proposed maximum height restrictions so that employment areas would be restricted to between 12m, 15m and 18m depending on location (the highest to be located on the land in the southwest corner closest to the airport).
- 2.10. Residential development would have proposed maximum heights of 12.5m, 12m, and 10m depending on location with the highest located towards the London Road. A wedge shaped section of proposed housing land within the south east corner of the central block would be limited to 9m. For the school land this is split into two components. Part of the site would be limited to 12.5m and part limited to 4m. This defines the proposed area of the school buildings but still allows for ancillary structures elsewhere on the site which are typically found within a school (e.g. fencing, sheds, out buildings).

- 2.11. The final parameters plan is that for Green Infrastructure. This overlays the network of retained and proposed hedges, planting and indicative paths over the underlying parcel plans. It seeks to show a comprehensive network that will frame the proposed development.
- 2.12. While not a parameter plan there is also an overriding masterplan which brings the parameter plans together and demonstrates how they work together. It is these four plans that will be regularly referred to in the course of this report.

3. ANALYSIS

The key considerations in the determination of this application with each addressed in separate sections are:

1. The policy context and principle of development
2. Housing
3. Affordable Housing and custom and self build
4. Building standards and Nationally Described Space standards
5. Gypsy and Traveller pitches
6. Employment and safeguarded energy land
7. Sports hub
8. School
9. Landscape and visual impact
10. Agricultural land and soils
11. Cultural heritage
12. Water resources and flood risk
13. Transport and access
14. Air quality and odour
15. Noise
16. Biodiversity
17. Climate change
18. Lighting
19. Neighbourhood centre
20. Airport safeguarding
21. Health
22. Sustainability
23. Infrastructure obligations and Section 106 requirements

3.1. The policy context and principle of development

- 3.1.1. The Cranbrook Plan DPD was adopted on 19 October 2022 and now forms part of the development plan for the District. In the context of the current application, it is the starting point for its assessment.
- 3.1.2. The Cranbrook Plan identifies the majority of the application site as falling within the Treasbeare Expansion Area, identified by Policy CB3 with only three sections falling outside this boundary.

- 3.1.3. The first of these is the school playing pitch area which lies to the east of the main school building and north of the gypsy and traveller pitches. The identified land for the school building sits in and on the defined boundary but its wider playing fields extend over what is shown as “white land” on the adopted Policy Map. This is land that could not form a function as SANGS being narrow and having a more urban context but which equally was not suitable for built development. Its proposed use as school playing field is therefore considered appropriate in policy terms as it would align with Local Plan policy RC6 which allows for development that is outside of the built up area boundary but only where the four tests set out within it are met. These require the consideration that the development is compatible with the character of the site and its surroundings; is well related to the built form of the [emerging] settlement; is accessible by a range of means; and would not be detrimental to local amenity. In this instance while the development represents an incursion into the countryside it can demonstrate good accessibility for existing and emerging development and is only by a use which is generally low key in nature, can be landscaped and should not undermine the fundamental principles that need to be considered in this location – principally landscape and visual impact. These will be considered in more detail elsewhere in the report
- 3.1.4. The wider area of land to the north of Parsons Lane forms part of the Green Wedge that was identified in Strategy 8 of the East Devon Local Plan 2013-2031. With the adoption of the Cranbrook Plan, policy CB3 superseded part of this land identified in Strategy 8 (as set out in Appendix 1 to the Cranbrook Plan). As a result there is no Green Wedge land within the proposal and no conflict with Strategy 8, which is not applicable to the application. In addition this land sits outside of Rockbeare Parish boundary resulting in no conflict with associated policies in the Rockbeare Neighbourhood Plan either.
- 3.1.5. The second is the addition of supplementary public open space to the east of the Treasbeare Lane (south of Treasbeare cottages). Although this is a divergence from the expansion area boundary, there is considered to be no conflict with restrictive planning policy, given the intended use would retain the character and general appearance of this area and could be used as open space or access to SANGS land as necessary. As such it is considered to be supported by Policy RC2 (New Open Space, Sports facilities and Parks).
- 3.1.6. The third area which extends beyond the Expansion area boundary is also to the south of the site and lies to the west of Treasbeare lane. This is currently a large almost square field of which the northern and western sides are, in policy terms already identified for employment uses. However the Policies Plan restricts land outside of these areas of the field and seeks that it is safeguarded for use as SANGS. This doesn't mean that it has to be brought forward for SANGS but it can't be used for an alternative use unless it is evidenced that adequate SANGS has been provided. In this location the boundary is further reinforced by use of the Built up area boundary (supported by Policy CB8) which takes the same boundary line. This means that development beyond this line is in open countryside and falls outside of

the supportive principle for development which the rest of the site enjoys by virtue of the adopted Plan; therefore Strategy 7 of the Local Plan applies. However the proposal to use this land for additional employment purposes is attractive. It sits as a residual part of what is currently a single large field that is already set to be split and has allocated employment land to the north and airport land and linked uses to the south. The quantum of SANGS and landscape impact are both to be assessed elsewhere in this report but the option of bringing forward additional employment land is certainly a positive that needs to be considered within the planning balance.

- 3.1.7. As alluded to within the preceding paragraph the Policy Map also depicts a built up area boundary and there are two additional areas where minor breaches against this boundary are proposed. To the west it is proposed to take employment to the boundary with the flood zone rather than leaving a section of land outside of the defined use. This is a sensible approach particularly as it does not mean that development would necessarily extend right up to the boundary edge but does allow greater flexibility at the Reserved Matters Stage where employment curtilages can maximise the available land.
- 3.1.8. Towards the east of the site and where the proposed built development meets the sports hub land, the built up area boundary currently follows the 40m contour. This was premised at plan making stage on the landscape work that underpinned the Cranbrook Plan and was chosen as a precautionary level to minimise roof tops rising above the ridge that lies to the east and being seen from the neighbouring Village of Rockbeare. The development team for Treasbeare have looked extensively at this and sought to demonstrate that with some reprofiling which is needed in any event, development will not have a harmful effect on the sensitive receptors. In the event that this land is not required for sports pitches then its use for additional residential development – particularly at a time when the Council cannot demonstrate a 5 year housing land supply is a benefit that must weigh positively within the planning balance. Coupled with the ability to limit the ridge height through details on the parameter plans (a limit on development to that of a bungalow or 1 ½ storey dwelling) it is entirely possible to secure mitigation which would allow this area to be used for development but still ensure that it does not result in harmful effects occurring to the wider environment including receptors at Rockbeare.
- 3.1.9. A pocket of the proposed SANGS land in the south eastern corner of the site extends into Rockbeare Parish. This comprises a small area of woodland and wetland habitat which is to remain. Its incorporation into an area of SANGS would allow public appreciation of it from adjacent paths. As such while forming part of this application, its use and retention would accord with Policy Rock01 of the Neighbourhood Plan.
- 3.1.10. While the first two incursions identified can gain support by other development plan policies the remaining three identified represent development in the countryside (Strategy 7) with no direct supporting policy. However the harm that these areas cause is limited or negligible. They all

come with other material considerations that generally support the respective uses/development, and therefore these will need to be considered in the context of the application and the wider planning balance.

3.2. Housing (total quantum)

3.2.1. It has already been referenced in the preceding paragraph that the Council does not have a 5 year housing supply and therefore the housing that this site is proposing weighs very heavily within what must be regarded as a tilted balance in favour of residential development. It is also notable that the allocation in CB3 seeks 'around 915 dwellings' whereas the application proposes up to 1035 dwellings. Clearly these will take time to be developed and therefore at least half will fall outside of the 5 year assessment period but it demonstrates a commitment to delivering this allocation, builds in a buffer for its delivery and helps to deliver housing within the next plan period. Importantly this allocation and the excess housing proposed are in the right place – a location which is already allocated and by virtue of the existing and proposed infrastructure, sustainable. It is a site that supports this level of housing growth.

3.2.2. It is acknowledged that excess housing can in itself put pressure on some of the infrastructure that has been planned but additional contributions and mitigation can be secured against this where it is deemed necessary. A chapter within this report will focus on infrastructure and obligations and will consider this aspect in more detail.

3.2.3. In addition it is noted that excess housing over and above that which is planned can affect in particular the local and strategic highway network. A significant amount of work has been undertaken to review these impacts and these will be assessed in more detail under the Highways Section. Nevertheless, and while excess housing is not without its challenges, it is in this context a significant benefit which weighs in favour of the application.

3.3. Affordable Housing and custom and self-build

3.3.1. Beyond the basics of housing numbers it is important to note that the scheme proposes a policy CB10 compliant 15% affordable housing. It is agreed with the developer that this would be split 70% rented and 30% affordable home ownership. Again this is a policy compliant position that helps to meet the needs of the local community and means that the scheme would deliver up to 156 affordable homes. This is a significant number and would make a meaningful contribution to the housing needs in the District. The applicant is proposing a mix of 12% 1 bedroom, 37% 2 bedroom, 40% 3 bedroom and 11% 4 bedroom plus. This mix replicates that in the emerging Local Plan and is based on the evidence need from the Local Housing Needs Assessment published in 2022. It is considered a reasonable mix and one that should be supported.

3.3.2. The applicant is also proposing to appropriately phase the delivery of these units and cluster them in groups of no more than 10. This number, which is

derived from the affordable housing SPD helps to balance integration of the units within the community with the need for cost effective management and ownership by the Registered Providers. As such and provided this is appropriately captured within a future legal agreement, this acts as a significant benefit that arises from the application and clearly weighs in support of the proposal.

- 3.3.3. On a linked theme, Policy CB11 requires that 4% of the development is made available for Custom and Self Build (CSB). In a similar vein to affordable housing, this helps to meet a particular demand and in so doing, broadens the housing offer that is available at Cranbrook. Currently there is a fair degree of consistency between and within the existing stock. Custom and Self Build is one way of addressing this as the town expands. In this regard the applicants are agreeable to this provision. It is also possible that some CSB units may be provided as an affordable housing product.
- 3.3.4. While triggers and phasing remain to be sorted out it is important that a phased release of the units is secured. To have all plots available at the same time, risks saturating the market such that not all are taken up. With a cascade mechanism already allowed for in policy (and the resulting release of units from a CSB restriction), the risk is that unsold plots get lost to this section of the market and fail to fulfil their intended purpose. Ultimately this detail can be agreed by negotiation as part of the Section 106 that would be required in the event of approval. At this stage it is simply relevant to note that 4% of plots would be made available for custom and self-build and as such this is a benefit which supports a positive determination of the application.

3.4. Building standards and Nationally Described Space Standards

- 3.4.1. While the Cranbrook Plan is now the starting point for determination of applications within the Cranbrook Plan area, not all policies of the Local Plan have been superseded and some remain in force and need to be complied with. One of those Policies is Strategy 36 which seeks to ensure that all affordable and 20% of market houses that are delivered should be designed to meet M4(2) of the Building Regulations which relates to accessible and adaptable dwellings. In addition Policy CB16 (Amenity of future occupiers) of the Cranbrook Plan requires that all homes delivered meet the Nationally Described Space standards. Both of these requirements are intended to be met in this application and can be secured as part of the Section 106 agreement.

3.5. Gypsy and Traveller Pitches

- 3.5.1. Within Policy CB3 (Treasbeare expansion area) of the Cranbrook Plan, provision is also set out that the expansion area must deliver 5 serviced pitches for Gypsy and Travellers on 0.5ha. In accordance with the Policies Plan these are proposed to be located towards the north of the site – more particularly south of the London Road and north of Parsons Lane. Located in this position and while smaller than the allocated site, the proposal meets

the policy requirement of 0.5ha and provides direct access from the London Road, where a road can be taken more or less at grade in a south easterly direction to connect with the pitches.

- 3.5.2. The point of access has been a particular concern within the submitted response received during the consultation. These note the position of the access is close to a bend on what is currently a relatively fast road with limited visibility. As will be discussed within the highways section of this report, the applicants have evidenced that with careful positioning of the junction and traffic calming, the access can be made safe.
- 3.5.3. The pitches themselves would be formed by terracing part of the lower slopes of this part of the site. In this location the angle of slope faces largely north and with a strong hedgerow to the east, allows them to nestle into this part of the hill. The location allows for appropriate landscaping to the north and west which would further help to ensure that the pitches are well integrated with the landform in this particular location.
- 3.5.4. A significant issue that has arisen both during examination of the Cranbrook Plan and the consultation on this application is the visual impact that the site may have on the character of the Country Park (to the north) and Rockbeare (to the east). Although these issues were explored at examination when the Inspector found no reason to criticise the site's proposed allocation, it is necessary to further address this issue here.
- 3.5.5. It is acknowledged that development of this part of the site comes with challenges, as it is on the edge of the development. However as already indicated above there is existing good landscaping in place which would help to soften and mitigate any impact and coupled with additional planting this softening can be extended. Importantly, the topography to the east, means that a spur of land extends to the north beyond this site so that it naturally helps to contain the site. This containment limits direct views into it – something that is beneficial for the future occupiers who benefit from additional privacy but also for the wider landscape and relationship with the village of Rockbeare. Essentially the topography and landscaping when taken together ensure that the site would not harm the identity of Rockbeare.
- 3.5.6. It is likely that until landscaping matures, views of the site from the Country Park and London Road would be obtainable. However these would be framed and softened by intervening vegetation. Coupled with the back drop of rising land which would continue to extend up to the proposed school site, as well as the policy allocation, the context and setting for these pitches means that the principle should be considered acceptable.
- 3.5.7. Turning to need, it was acknowledged at examination that the Town is required to deliver Gypsy and Traveller Pitches. In the Local Plan this was originally set at up to 30 pitches within the now superseded Strategy 12 but was clarified as 15 within the Cranbrook Plan with delivery to be split over two sites - 10 at Cobdens and 5 in Treasbeare. The Council is obligated to ensure housing delivery meets the needs of all sectors of the community and

this includes accommodating the needs of the gypsy and traveller community. Furthermore, in carrying out its functions, the Council must ensure that it complies with its obligation under the Public Sector Equality Duty. This includes eliminating discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act and advancing equality of opportunity and fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. Romany gypsies and Irish Travellers are protected as 'races' under the Equality Act.

- 3.5.8. Gypsies and Travellers are a group within the community who have an equal right to good quality well located places to live. This application proposes to help meet the identified need and in so doing, complies with Policy CB3. The pitches represent a significant benefit of the scheme and their delivery and phasing can be secured through the section 106 in the event of approval.

3.6. Employment and safeguarded energy land

- 3.6.1. Before considering landscape and the technical issues in more detail this report will focus on the other key land uses that form part of this application – namely the employment and safeguarded energy land in this section and sports hub and the proposed 2 Form entry primary school in the subsequent ones. A short assessment will be provided on each, considering the uses relationship/compliance with policy. Limited assessment will also be made of the key landscape issues before these are considered in an overarching landscape section which itself will form the first section of the technical appraisal.
- 3.6.2. In addition it is worth noting that the applicants attended three design review panel assessments in developing the scheme to its current stage. This has allowed for welcome input into the scheme from a range of experts who are external to both the development team and the Council and their insight and comments have proved particularly valuable. At this stage limited reference will be made to their comments (they have helped in the journey to reach this stage rather than commenting directly on the final version that is now subject of this report) but for completeness a copy of their report is available if members of the Planning Committee wish to review this.
- 3.6.3. Policy CB3 (Treasbeare expansion area) requires that a minimum of 4.9ha of employment land is brought forward within the Treasbeare area. In addition the policy (supported by Policy CB13 – safeguarding of land for energy uses) sets out that 3.5ha of land should be safeguarded for decentralised low carbon and renewable energy uses which directly benefit Cranbrook's energy needs. Of this 3.5ha, up to 2.0ha must be capable of being released for the prescribed use with the remaining being available either for use as additional employment land or public open space.
- 3.6.4. The current parameter plans and land budget that accompanies the application shows a site area of 10.26ha for the combined uses of

employment land and energy safeguarded land. This therefore fully meets and in employment terms exceeds the minimum requirements that the policy expects. Provision of additional employment land is welcome, delivering the opportunity for additional local jobs for the town of Cranbrook. Key to the success of this area is the proposed location for these uses and connectivity.

- 3.6.5. In terms of location, the relevant parameter plan picks up on the approach taken within the East Devon Masterplan which supported the Plan making exercise and has located this land on the western and southern extents of the site. This locates this employment land between the housing and the airport where it can reasonably act as an additional buffer between any noisy activity that takes place at the airport and the more sensitive residential development to the north. There is also a natural grouping of similar uses, noting the boundary with the existing E.ON Energy Centre and Skypark employment site that is located to the west.
- 3.6.6. Access through the employment parts of the site is shown to be provided by a primary route connecting the two northern parcels while a spur then accessing the southern parcel adjacent to the airport land. Conversely it is noted that within the consultation responses received from both the Council's Arboricultural Officer and Landscape architect, that the north westerly parcel should be accessed by a spur, while the main access road could loop around to the south before heading north into the north-eastern parcel.
- 3.6.7. While the latter arrangement would help protect a particularly attractive area of Green Infrastructure (GI), there are significant challenges in topography and a hedgerow breach with this option. The applicants have therefore provided additional evidence to demonstrate that on balance their preference remains the better option. The additional evidence provided demonstrates that access can be obtained while still maintaining suitable clearance around the adjacent oak trees. While the residual harm is still disappointing as it cuts through the high quality GI area, it is not at a level which could warrant withholding permission. Detail at the reserved matters stage will be critical in ensuring that the connection between the employment parcels, works effectively and sensitively.
- 3.6.8. In terms of the energy centre land, work is still in progress to determine the exact use for the safeguarded land and how this land can best serve the future needs of the energy network within the Town. However the options for its location which are spread along the western and south western edges of the employment area, are considered to provide a reasonable set of alternatives and sufficient to cover the eventualities that may present themselves. Final details of the structure and use can be resolved through future applications on this part of the site
- 3.6.9. In terms of landscape and visual impact, careful site assessment has been undertaken as part of the Environmental Statement that accompanies the application. Much of the site forms the lowest part of the expansion area when viewed as a whole and therefore is considered capable of accommodating the taller buildings of greater massing that are more often

associated with employment areas. However it has already been noted that the employment boundary pushes further south than the adopted Plan expects. However in this part of the employment area the height parameters are reduced to 12m and in so doing there is an attempt to minimise any significant impact to both the wider landscape but also the setting of the Grade II listed Treasbeare Farm house which is located approximately 8m higher than the most elevated part of the employment site, is 340m away (as a direct line), and sits on the south facing slope rather the north west facing slope considered for the employment use.

- 3.6.10. In recognising these terms, together with the nature and angle of the access driveway and the fact that the employment land will have to be terraced within this part of the site and therefore is unlikely to reach its maximum height against existing natural ground levels, the relationship and impact on setting is considered to be less than substantial (at worst), and more likely to have little or no effect. Impacts on wider views from the north and west would be masked by intervening development and landscaping; from the east would be screened by natural topography; and the south softened and masked by both landscaping and land form but also distance – the immediately adjoining use to the south is Exeter Airport, its runway and associated infrastructure and uses.
- 3.6.11. Connectivity has been mentioned as a key aspect of the success for the employment area, and to support this the application proposes that the area should be accessed from the neighbourhood centre (located by the proposed double mini roundabouts opposite Younghayes Road) by a bus gateway, footway and cycle route leaving a dedicated employment access junction located to the east of the existing E.ON energy centre to be the single entry point for all other vehicles. Here land at the site is close to being at grade with the London Road and presents a good opportunity for suitable access. This access is shown in detail within the proposal and has been amended during the consultation period to take account of comments from the Local Highway Authority. In so doing, it has grown in size and currently shows 5 lanes of carriageway – three west bound, and two east bound. This extent of carriageway is considered necessary to accommodate the retained bus lane west bound, and the 4 arms of the resulting crossroads comprising east west movements along the London Road and access into Station Road to the north and the employment site to the south.
- 3.6.12. It is important to note that the access is of a greater scale than was originally envisaged in this location and results in the loss of a length of B quality hedgerow that currently lies to the east of the existing field gateway. This is unfortunate and as a result of the hedgerow loss and scale of junction does not help with the place-making agenda that is sought by Policies CB3 and CB16. However this stretch of road forms part of the transition in the London Road corridor between the large scale employment sites of Skypark and the Logistics Park to the west and the more residential and as such smaller-scale development that exists and is proposed further east at Cranbrook. The additional employment development proposed at Treasbeare brings

significant benefits and therefore while some harm is caused, these are outweighed by the wider benefits.

- 3.6.13. Through negotiation with the applicant, connectivity with Skypark is also set to be significantly improved. It has already been noted that the two share a boundary on the western edge of this site (south of the E.ON energy centre) and there is now agreement to take a bus link, footway and cycle path to the site boundary. This is not a policy requirement and so is a betterment over the basic expectations – in effect its delivery (and the importance of its delivery) reflects the greater level of employment now proposed through the application. As owners of the Skypark land, the County Council have signalled their willingness to facilitate a similar link on the Skypark side of the boundary. If permission were to be granted and the routes join up, it would allow a good connection between the two sites which would be mutually beneficial and importantly, highly sustainable. The proposal accords with Policy CB3 in respect of employment and its delivery is important in helping to deliver a sustainable community. The additional link which is supported by Policy CB12 is a further benefit which should be given additional weight in the overall balance.

3.7 Sports Hub

- 3.7.1 The Sports hub is located on an area of land that is located to the east of the site on land which largely forms the upper plateau area. Land gently rises up to it from the west before it more sharply falls away in an easterly direction on the other side. This land was identified as forming the sports hub within the Cranbrook Master Plan (prepared by the Council) and is identified as the allocated land for sports on the now adopted Cranbrook Policies Map. As such the broad principle for sports facilities in this location is established and in principle, the application complies with Policy.
- 3.7.2 However the two aspects that need more detailed consideration are the use of a wedge of sports land for housing (bounded by the 40m contour line and an existing hedge that runs north south – this is the same wedge that was discussed in section 3.2 in respect of landscape) and the composition of pitches now proposed. In addition landscape impacts are also considered in this section as far as they relate to specific aspects of the sports proposal.
- 3.7.3 The amount of sports pitch land that would be lost as a result of this proposal is around 0.9ha although this is offset by an incursion of sports pitch land into the safeguarded SANGS land on the east of this hub by around 0.3ha. Overall there is a reduction in size of the hub by about 0.6ha. This is a negative and would in isolation weigh against the proposal. However it needs to be seen in the context of the sports offer that is now proposed within the application in order to be fully understood.
- 3.7.4 The following table sets out the differences between the requirement of Policy CB3 (Cranbrook expansion area) and the current offer within the

application. It helps to demonstrate the revised balance in the offer that the applicants propose:

Policy CB3	Application Proposal	Notes
2x Senior Rugby pitches	2x Senior Rugby pitches – one with flood lighting	Flood lighting is a material benefit and meets RFU requirements
2x Junior Rugby pitches	Omitted	These have been omitted in favour of providing an enhanced Artificial Grass Pitch (AGP)
2x Senior Football pitches	3x Senior Football pitches	Increased number of larger pitches following up to date needs assessment. Also allows greater flexibility as small format games can be played on larger pitches
1x Junior Football pitch	Omitted	See above
Serviced Land for: AGP (rugby)	AGP (football) – with rugby shockpad and floodlit	This sees the biggest change in that the developers are offering to deliver this component in full
Serviced Land for Sports pavilion and changing room	Serviced Land for Sports pavilion and changing room	Policy compliant
Serviced land for 4 flood lit tennis courts	Serviced land for 4 flood lit tennis courts	Policy Compliant – to be delivered from s106 monies from other expansion area development
Car and cycle Parking spaces	Car and Cycle Parking spaces	Policy compliant
Peripheral multi use path	Multi use paths	Variety of paths proposed including those located within the adjacent SANGS land

3.7.5 As will be noted from the above some flex is being requested when compared with the adopted policy position. However two things have a bearing on the acceptability of this – namely an updated needs assessment prepared by consultants working for the development, and a realistic assessment on deliverability.

3.7.6 In terms of the needs assessment a robust appraisal has been undertaken and submitted with the application. This has drawn on a series of meetings between the developers and sports national governing bodies (NGB's) and Sport England at which East Devon officers were in attendance. One of the

overriding messages that came out of those meetings was the fact that the sport's governing bodies had a preference for fewer larger pitches compared to a larger number of small pitches. This is because the larger pitches bring with them more flexibility in terms of level plateaus and can be subdivided and used for small format games if desired – the same does not work in reverse when trying to upscale to larger formats from small pitches.

- 3.7.7 In addition the RFU were clear that they didn't require a Rugby sized AGP provided they had flood lighting on one full sized senior grass pitch – this allows for winter matches to be played in the later afternoon when natural light starts to fail. However to avoid over use of just two grass pitches, the inclusion of a shock pad under the AGP would allow for rugby training.
- 3.7.8 The revised pitch mix which is supported by the NGBs and has merit can be accommodated on the smaller sports pitch hub land as identified at the start of this section. In addition the reduced land take and slightly reduced number of pitches helps to offset the costs of delivery and ensure that a greater part of this hub rests with the developers through direct delivery – in particular the AGP which in the Cranbrook infrastructure delivery plan (IDP) was only ever part-funded. This was always an unsatisfactory situation but one for which at the time the IDP was being prepared, there was no solution.
- 3.7.9 In recognising that the pitch mix and land take for the sports hub work together, the remaining component to consider in this regard is the landscape impact. As the proposed pitches are located on relatively gentle west facing slopes and the adjoining plateau, the extent to which cut and fill is required is reduced and as such it is considered that the scheme works as well as it can with the natural topography. However, the site remains some of the highest land within Treasbeare and therefore there is a challenge as to whether the scheme can be accommodated within the landscape without causing excessive harm.
- 3.7.10 Although the application is in outline, the applicants have gone to considerable effort to demonstrate that the pitch arrangement and cut and fill exercise minimises this potential and have a detailed cut and fill plan which evidences the most likely scenario to be deployed at reserved matters stage. This plan shows that on the west side of the development, the cut and fill would be relatively modest. On the east side much of the development could be similarly accommodated but there are three points at which a greater amount of fill would be required. The most significant of these is the south east corner of the eastern-most senior football pitch where the fill required would likely be in the order of around 3.5m with a graded embankment beyond this to bring the levels back down and marry them with natural ground levels.
- 3.7.11 South of the aforementioned pitch lies the third football pitch. This too has a point of more notable fill in its south eastern corner although it would be somewhat less at around 2.5m. The southernmost pitch (a senior rugby) has a modest area of fill along its eastern boundary of up to 1.5m) and a slight cut on its southern edge where the ground levels start to rise again.

- 3.7.12 Taken together the fill required to these three pitches have the potential to change the appreciation of the existing and natural topography which on this far eastern side of the site is quite variable. In itself and particularly with the proposed translocation of the hedge to the east of the northern football pitch, it is considered that at the detailed design stage, these changes can be accommodated and softened into the landscape to avoid too many sharp and uncomfortable changes in level and landform. Importantly it would be the grading back into the natural landform that would be the key to success in this environment, coupled with appropriate planting to soften the most challenging points of potential concern.
- 3.7.13 Flood lighting and fencing are the final components that could affect the wider landscape from this proposed use. Fencing is considered to have only a marginal impact as despite its height, sports fencing has a degree of transparency that, particularly at a distance, helps it to be assimilated into the landscape, sky and wider background.
- 3.7.14 Lighting however is the greater challenge. Within the scheme, two pitches would be floodlit – that being the AGP and the northern of the two Rugby pitches, as well as the four tennis courts. Both pitches are located on the western side of the site and therefore further back from the high point of the ridge where the land falls sharply away to the eastern valley. The courts have been moved to the west from their original position to further help limit their impact. The Lighting assessment contained within the environmental statement (ES) is clear and robust assessing the likely levels of illumination glare and sky glow and light spill from the indicative masterplan.
- 3.7.15 In respect of sport pitch lighting Figure X3.5 within the appendix 16.3 (updated) of the ES, is particularly interesting and sets out in a clear and visual manner the lighting that would result. It shows the degree to which light spill can be contained within the embedded mitigation (reviewed elsewhere within chapter 16 of the ES and its accompanying appendices). In the event of approval it is imperative that these mitigation measures are secured and then followed through in subsequent reserved matters.
- 3.7.16 In response to neighbour comments, the conclusion to appendix 16.3 in the report recognises that (in terms of sport pitches) the lighting surrounding these pitches and courts, would not result in specific light spill to sensitive receptors (residential properties), but would result in some potential glare.
- 3.7.17 This glare is where there is a line of sight to the actual luminaires themselves which due to intensity can be perceived as harming amenity. In this instance, the report recognises that the sports pitch lighting is designed to minimise the effect as far as it can but that due to distance and terrain some views from the edge of the existing town and from Treasbeare Farm are inevitable. Additional mitigation for this comes from the proposed limitation on hours of use (only up until 10pm) coupled with the recognition that these will predominantly only be used in the winter months. The hours of use is a

restriction that could be secured on the outline permission in the event of approval.

- 3.7.18 The report also identified the potential for other development to help shield the light – for example the proposed potential school as well as the use of specific glare shields. Both of these would provide a betterment to the assessment that is currently made but can only be considered and secured at Reserved Matter stage when details become known and designed.
- 3.7.19 In policy terms, the scheme is pushing at the margins of what policy CB3 and CB15 (Design Codes and Place making) expected. The location of pitches is broadly similar (albeit squeezed on its eastern edge) but the location of the envisaged lighting has risen up the slope and closer to the upper plateau. The detailed evidence submitted with the application recognises that the sports pitch lighting causes some harm albeit that this is relatively limited in the number of receptors who are adversely affected.
- 3.7.20 In addition this proposal is about building a community with appropriate services and facilities and the sports pitches and floodlighting is an inherent component of this. While a limited harm is noted it is not considered to be so severe as to jeopardise the layout that is currently under consideration – the ES evidences only limited harm, and the sports pitch location more generally is in close alignment to that shown on the Council’s own masterplan. Ultimately this issue will weigh in the overall planning balance that needs to be considered at the culmination of this report but even in isolation (and provided restrictions and mitigation is secured) is capable of being considered acceptable particularly noting the full delivery of the AGP. This was not envisaged when the policy was prepared but is an important aspect of the proposal.

3.8 School

- 3.8.1 At the start of this section it is important to reference that within Policy CB3 of the Plan, delivery of a 2 form entry (2FE) school is required either in Bluehayes or Treasbeare. The application itself and this report is premised on the basis that this site would deliver the school but if approved, the alternative would need to be captured in any Section 106 agreement. In the event that the school is delivered in Bluehayes (planning application 19/0620/MOUT for Bluehayes also proposes land for a school), alternative land uses would need to be agreed with the applicant.
- 3.8.2 On the assumption that the school is delivered in Treasbeare as proposed by the application, it is the single biggest divergence in terms of the position of proposed land uses when compared to the Cranbrook Masterplan that supports the adopted Cranbrook Plan. Located to the immediate east of Treasbeare Lane and therefore to the west of the proposed sports pitches on the Council’s masterplan, the proposal within this application seeks to locate the school on the north side of Parsons Lane. This change is not necessarily contrary to Policy as Policy CB15 (Design Codes and Place making) of the Plan is clear in that the Council’s masterplan is a

guide/starting point only. Applicants are free to diverge from this where there are sound planning reasons for doing so and the revised location still works with the fundamental concepts of Plan – those being the creation of a healthy accessible town (for pedestrians and cyclists) with good legibility and from Policy CB12 (Delivering Zero Carbon), the 400m walkable neighbourhood.

- 3.8.3 Based on accessibility within the Treasbeare expansion area, the revised location extends the furthest direct walk to the school from around 650m to around 960m and has marginally greater overlap with Cranbrook Phase 1 than the Council's originally preferred location. In addition the site is also further from Bluehayes meaning that development in this expansion area would be more reliant on the existing St Martin's Primary school in phase 1 of Cranbrook as its nearest and most accessible school, albeit there would be no direct route from one to the other due to the presence of the private Bluehayes Lane between the two, meaning that walking distances could be in the region of 1,500m at their greatest.
- 3.8.4 However 400m walkable neighbourhood is not the only measure by which the school location needs to be judged. One wider measure of accessibility can consider the number of primary routes and their directness of approach, and on this basis the site proposed within the application fairs much better than the location in the Council's masterplan. Being located directly on Parsons Lane, it has a good direct access from the north and the rest of Cranbrook Phase 1 and is on a clear line of sight on two key routes that are proposed to pass through Treasbeare. The benefit of this is that when something is visible it is much more likely to encourage people to walk to it rather than when it's hidden away where the perception of distance is that much greater.
- 3.8.5 The two routes also link with important uses – namely the sports hub to the south which would be on one arm of the main connector road through the expansion area, and the neighbourhood centre located to the west which is on the other route, albeit this one has a focus on pedestrian cycle movements rather than all vehicles. Between the eastern edge of the centre and the school there is a separation of around 460m while this extends to 570m if measured from the western edge of the neighbourhood centre. Such distances between the two are appropriate, particularly when the two key uses anchor each end of the linking corridor.
- 3.8.6 Importantly 400m also needs to be seen in the context of National standards and in particular the National Design Guide¹ – a Design guide that has been published by the government and which sets out to address the question of how well-designed places are recognised, by “outlining and illustrating the Government's priorities for well-designed places.
- 3.8.7 Within this document it identifies that “A compact and walkable neighbourhood with a mix of uses and facilities reduces demand for energy

¹ <https://www.gov.uk/government/publications/national-design-guide/national-design-guide-accessible-version>

and supports health and well-being” (paragraph 136) and that “Well-designed places have: [amongst other things] compact forms of development that are walkable, contributing positively to well-being and place making” (paragraph 36). Within the definitions provided, the document identifies that walkable means “Local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius)”.

- 3.8.8 The decision affecting the location of the school is not just one that is driven by accessibility/distances. Its proposed move to the east takes it higher up and just over the local ridge onto north east facing slopes. While this means that the facility would be more distinguishable for people within the Treasbeare development area, it also means that it would be more prominent in views from the north and north east – particularly the London Road and existing country park.
- 3.8.9 It is evident from the submission documents that the development team have sought to accurately demonstrate the visual impacts that this part of the development would cause. The application and Environmental statement is accompanied by a detailed LVIA (Landscape and visual impact assessment) and in revisions to the application, the school has been modelled in two sections - that for the school building on the western section at up to 12.5m and that for the remainder of the school land on the eastern area at up to 4m.
- 3.8.10 It must be acknowledged that the school building would be visible from land to the north, however with careful design and having carefully reviewed the LVIA, officers are of the view that its position is not considered to be harmful. In such views the school building would have residential development and landscaping on the land rising up to it. This would provide a context to the resulting school building which would not be seen in isolation. Coupled with this, a well-designed school building in what would be a relatively prominent position can in its own way set the tone for the development and demonstrate through its boldness that it is at the heart of the community.
- 3.8.11 The remaining aspect of the visual assessment associated with the school building that needs to be considered is that affecting Rockbeare. In a similar way to that for the Gypsy and Traveller site, concern has been voiced within consultation responses about the impacts of the school on the community in Rockbeare, the degree to which it may add to a sense of settlement coalescence between Rockbeare and Cranbrook and the risk that the new school may cause the closure of the village Primary.
- 3.8.12 In this assessment the position and importantly, restriction of the school building onto the westernmost part of the site is key. This is because the land form has a marked fall in a northerly direction, it also results in a plateau that sits on top of the ridge which itself extends in this location, on a broadly east west axis. At its eastern extent is an existing and sizable hedgerow that also marks the boundary with the SANGS land and is a hedge that is to be retained. It is considered that due to the extent/length of the plateau in the easterly direction (of between 120 and 160m depending on where the building is ultimately positioned) the ability to appreciate any of the school

building from Rockbeare village would be severely restricted if not completely obscured by the hill itself.

- 3.8.13 Finally in considering the suitability of the site for a school building, the remaining aspect that needs to be considered in the overall balance for this component of the site, is its deliverability. As the Local Education Authority, Devon County Council have been clear throughout the plan making process and consideration of the raft of planning applications that are currently within the system, that early delivery of the first primary school in any of the expansion areas is fundamental. Policy CB7 (Phasing) requires that no more than 30 houses are built and occupied in any of the expansion areas until the first school is built and open. Whilst this is a significant capital expenditure in such an early phase of development (this matter was debated at length during the Plan examination), potentially having the first school with direct access from an existing public highway is a significant advantage. It would allow easy access for all the initial survey work as well as subsequent construction without the need for expensive haul roads and more extensive lengths of servicing. In addition the site sits outside of the noise constrained area (resulting from the airport) meaning that its delivery would not be predicated on the prior delivery of a ground run enclosure/noise mitigation at Exeter airport. This is something that will be discussed later in the report but also is considered an important factor when weighing the balance for the various issues. Overall it is not an assessment of whether there is preference for a school in one location or another – it is rather a planning judgement as to whether the site proposed by this application is acceptable.
- 3.8.14 Before focussing on the planning judgement for the location of the new school it is important to note the concerns raised within consultation responses that suggest its delivery may cause the demise of the village school in Rockbeare. Future uncertainty means that there are never guarantees, but Rockbeare Primary School's full capacity was modelled into the school place assessment work that Devon County Council undertook in preparation for the Cranbrook plan. Currently Rockbeare has a healthy number of 86 on roll (as at 2022) with a planned admission of 12 (exceeded last year). At this stage and given the critical need for additional school places within the area, it is not expected that the school development in Treasbeare would adversely affect the village's Primary school.
- 3.8.15 Taking the foregoing aspects into account, the location of the school is not without its challenges. While walkability and accessibility for Treasbeare are considered acceptable and the design can be resolved at Reserved Matters stage the location is not particularly conducive for easy access when considering the wider Cranbrook area and particularly Bluehayes expansion. Overall this will need to be fed into the wider planning balance that is formed and which looks at the delivery of not just the school, but housing, employment, layout constraints and noise that are wrapped up in the application. At this stage the acceptability of the location is balanced.

3.9 Landscape and visual impact

- 3.9.1 As will have been evident in the analysis provided so far, landscape plays a critical role for the setting and assessment of various land uses discussed. Underpinning this is the landscape and visual chapter (chapter 7) of the Environmental Statement that accompanies the application. The full extent of that chapter will not be repeated here but instead a brief summary of the approach taken and issues where these are relevant and have not yet been discussed.
- 3.9.2 Fundamentally the ES recognises that although the Landscape character type is of medium value, the Local Landscape Character Areas (LLCA) can be described as being of low or very low sensitivity in the west but gradually increasing towards the north and east to be of medium to high around the Ford Stream corridor.
- 3.9.3 More generally the site is considered within the LVIA as an attractive landscape framed by valley floors in the east and in the west but is nonetheless significantly impacted in character by Cranbrook Phase 1 to the north, Skypark to the west and the airport to the south. Collectively these are considered to affect the sensitivity of the site to development (corroborate the above LLCA findings) and largely fit with the distribution of uses described in the first half of this report.
- 3.9.4 The landscape chapter is supported by a range of helpful photographs with views wrapping around the site and demonstrating the existing context for the proposed development. These are considered to be a suitable representative sample and in combination with the extensive site visits undertaken by officers, including the Council's Landscape Architect, have allowed a clear and thorough appreciation of the site and the relationship between the different uses, building heights and layout and their relationship with existing places and infrastructure including settlements of Broadclyst, Rockbeare and Clyst Honiton as well as heritage assets which will be separately addressed.
- 3.9.5 In summary the commentary that accompanies the photos concludes that the site is principally perceived in views from the immediate vicinity of the site to the north, north east and east, and the south eastern fringes of Ford Stream Valley, east of Exeter Airport. Longer distance views from hills that surround the Clyst valley are also discernible.
- 3.9.6 Sensitivity of the site and its surrounding area has been addressed both within the Landscape chapter and lighting chapters of the ES. As demonstrated in figures set within the landscape chapter light sources are considered to be prevalent in the area – most notably associated with Exeter airport and the adjacent employment uses. This includes direct glare, light spill and extensive glow.
- 3.9.7 In assessing the general component of lighting and landscape it is considered that an appropriate appraisal has been undertaken and a

recognition that while some parts of the site are fairly dark, the area more generally is already affected by lighting. Care would undoubtedly need to be taken at the detailed design stage to help minimise impact (in particular noting the flood lighting as discussed earlier) but recognising that some additional lighting impacts are inevitable with a development, it is considered that the site would in general be able to accommodate the proposal.

- 3.9.8 As part of the baseline assessment of landscape it is notable that there was historically a much more extensive canopy vegetation cover as well as orchard planting across the Treasbeare site. While care needs to be taken in terms of the airport and risk that some particular planting could attract birds and increase the risk of birdstrike, the principle for increased canopy vegetation is one that is well established and historic in nature. It is against this background and the revised policy position that requires delivery of biodiversity net gain that the developers are opting to increase tree planting particularly on the tops of the hills. While this in itself might appear somewhat of an alien approach when compared to the exposed hill tops and upper slopes that the site currently presents, it is clearly good for biodiversity and would also help to break up and frame the development that is being proposed. Overall the approach is considered to have many positives with it and is supported.
- 3.9.9 In addition the baseline study also correctly looks at the wider landscape designation and in particular the AONB which lies approximately 4.8km to the south east. The ES correctly recognises that at this distance, the development would have no harm on the AONB – something that the Council confirmed earlier in the process when agreeing the scope of the ES.
- 3.9.10 Overall the ES recognises that there are potential beneficial changes from the development including the provision of multi-functional Green infrastructure (including delivery of SANGS) which would join with the existing Cranbrook country park; accentuated landform with structural planting on the valley floors and ridgelines; the ability to replicate blocks of woodland already found in the wider landscape and the reinforcing of the separation of Rockbeare and Cranbrook across the Ford Stream valley.
- 3.9.11 Correctly it balances this with a recognition of the potential adverse changes which include the inevitable change to the landscape as a result of the development, aspects of cut and fill associated with creation of platforms and the alterations in the ridge form as a result of the proposed pitches; loss of agricultural field patterns; loss of limited lengths of hedgerow and trees and the greater sense of built form and additional lighting that would result.
- 3.9.12 None of the adverse changes are particularly surprising. The developers have worked extremely closely with the Council over the past 18 months and sought as far as they reasonably can to minimise the negatives. Appropriate mitigation for many of the adverse effects are set out within the ES and can be controlled at detailed design stage and by condition in the event that the application is approved - particularly through the securing of the Landscape

Biodiversity and Drainage Strategy (LBDS) which accompanies the application and is required by Policy CB26.

- 3.9.13 In addition to the LBDS, control of advance planting is also recommended as a condition in the event of approval. The mosaic of planting and habitat creation and the visual framing and softening of development is a key aspect of the LVIA and mitigation identified. To help ground the development in a well-established landscape led environment further work should be undertaken with the applicant at the earliest opportunity to agree a scheme of advance planting. Where this can be achieved it will deliver the GI that is fundamental to the scheme.
- 3.9.14 Taking the scheme in the round and in recognising the assessment against landscape and visual impacts, it is considered that the scheme has the ability to be a success in marrying built form within the landscape in this location. As recognised above details can be controlled through Landscape Biodiversity and drainage Strategy and at reserved matters, but at this stage it is considered that the applicants have successfully demonstrated the scheme works with its landscape context and meets with the objectives of policies CB15 (Design Cods and place making) and CB26 (Landscape Biodiversity and Drainage).

3.10 Agricultural Land and soils

- 3.10.1 Soil is a valuable commodity and one that needs to be looked after to ensure that it is productive and appropriate for the particular environment and function that it is being asked to support. This is recognised within the NPPF paragraphs 174 and 175 as well as its accompanying Planning Practice Guidance (PPG) which also highlights that soil is an essential natural capital asset that provides important ecosystem services such as a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. In this regard the ES recognises that sustainable use and management of soil resources during construction can help with the re-establishment of soil functions following their storage or movement, including for food production, habitat provision and support, and natural cycling of elements such as carbon and nitrogen.
- 3.10.2 90 soil profiles were examined on site at a rate of approximately 1 per hectare. In addition the development team also opened up 4 trial pits to further look at the sub soil structures. Assessment was made of soil texture, stone content, soil colour, consistency structural condition free carbonate and depth.
- 3.10.3 The findings from these assessments together with laboratory examination has confirmed that the principal underlying geology is reddish brown silty mudstone and clayey siltstone from the Aylesbeare Mudstone group
- 3.10.4 At site allocation stage (when the Cranbrook Plan was being prepared) it was recognised that the expansion of the town would result in the loss of some land which was identified as Best and Most versatile agricultural land (BMV).

This is land which is classified as grade 1, 2 and 3a. The harm that was identified was balanced against the need for additional housing development which was located in the right place – i.e. with good access to and connection with infrastructure and services. On this basis the Treasbeare site allocation was proposed, found sound and adopted as an allocation.

- 3.10.5 The current proposal now confirms that the development would result in the loss of 56.3ha of BMV agricultural land which is found over 63% of the Site. As a major change to the BMV land the ES has recorded this as a direct permanent major to major/moderate adverse impact. The ES further recognises that during the construction phase, damage to, and loss of, topsoil could occur if other dissimilar materials such as subsoil or other materials were stockpiled directly on it without a separating layer or possibly by poor work causing mixing of topsoil, subsoil and other materials during stockpile placement or removal. There is also a risk of long-term damage to soil structure, and the loss of potentially valuable soil, if there is uncontrolled trafficking of land and soil by heavy machinery, especially wheeled machinery
- 3.10.6 The top soils on site are predominantly medium clay loams. These are of moderate sensitivity to movements and handling and which, prior to mitigation, would be subject to a moderate magnitude of change. To help limit the potential effect, the ES recognises a range of mitigation measures that should be employed during development. It recommends that these are captured in a Soil resource Management Plan (SRMP) which should be prepared at the detailed design stage and form part of the Construction Environment Management Plan (CEMP) – ultimately being controlled and enforced by condition.
- 3.10.7 It is anticipated that the SRMP would include details on the most appropriate reuse for the different types of soil and the proposed method for handling, storing and replacing soils on site. The resulting impact on the soil resource is one of only minor adverse impact. While unfortunate, the reuse and proper handling of the soil should allow it to continue to fulfil a meaningful role within the environment.
- 3.10.8 Linked to soils, although clearly as a land use rather than the technical assessment in its own right are the provision of allotments. The reference to their requirement here is borne about because it forms a direct use of the quality soil that is available. It is recognised that establishment of good quality allotments relies on the careful soil preparation; avoiding compaction of underlying clays; removal of large stones, addition of good quality topsoil and the ability for future allotment holders to have access to water, sheds (there should be at least one communal shed in case people don't have access or the money to provide their own) and a small number of plots that are suitable for disabled and wheelchair access. These requirements can be secured through a Section 106 agreement and/or condition but demonstrate a key way of securing the use of good quality soils and linking these with Policy CB1 (Health and Wellbeing at Cranbrook) and CB25 (Allotments). The proposal currently proposes a policy compliant quantum

of allotments towards the south of the site accessed from Treasbeare lane. This is a good central location and is supported.

3.11 Cultural Heritage

3.11.1 Cultural heritage needs to be considered in its widest context and includes all designated and non-designated heritage assets as well as interests that can be archaeological, architectural, artistic or historic.

3.11.2 In term of Listed Buildings Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty of the decision-maker where a proposed development would affect a listed building or its setting, stating:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

3.11.3 In addition paragraph 195 of the NPPF requires that Local Planning Authorities identify and assess the particular significance of any heritage asset - which ultimately should form the benchmark against which the effects should then be assessed. Paragraph 199 requires that great weight is given to the conservation of designated heritage assets and this position is further supported by Local Plan Policies which remain applicable and have not been superseded by the Cranbrook Plan – namely EN7 (Proposals affecting sites which may potentially be of archaeological importance, EN8 (Significance of Heritage assets and their setting) and EN9 (Development affecting a designated heritage asset).

3.11.4 The ES recognises that within the 5km study area, there are 336 listed buildings, one registered park and garden, four scheduled monuments and two conservation areas. However, it further recognises that in the majority of cases the significance of the assets and the nature of their settings were such that the development site either did not, or only formed an ephemeral part of, the asset’s setting – a position that is agreed with by officers.

3.11.5 Most relevant to this report and assessment are the following:

- Treasbeare farm - Grade II listed farm house located immediately adjacent to the site and which is accessed through a tree lined avenue that passes through the middle of the site;
- Rockbeare Bridge - Grade II listed stone bridge located north of the London Road and north east of the proposed access into the gypsy and traveller site
- Milestone – Grade II listed adjacent to north west boundary of the site
- Rockbeare Manor - Grade I listed Manor including terraces (2km to the south)
- Rockbeare Manor park/garden - Grade II registered

- Rockbeare Manor Gate posts, Gates, Railings, Shrubbery garden wall and Courtyard farm buildings – all individually listed as Grade II
- 3.11.6 Of these the ES suggests that the two closest – being the Rockbeare Bridge and Milestone should be regarded as being functional in nature and therefore not deriving meaning or interpretation from the land within the site. In assessing this application, it is considered that such a cursory approach fails to give these assets the respect or value that they deserve and while no physical change to them is proposed their setting and ability for appreciation and understanding would change and arguably already has changed as a result of Cranbrook Phase 1. However, it is not suggested that the change is necessarily harmful. Post development, they would still be clearly identified for what they are – one being a distance marker on the roadside, the other a functional stone bridge allowing access over Ford Stream. Both functions remain and it is only the way in which the assets are appreciated and understood that is at risk of being altered by the proposed development. In this case it is considered that either no harm arises or at worst “less than substantial” harm. If it is the latter then while the conservation of the assets should be accorded ‘great weight’ in accordance with paragraph 199 of the NPPF, Paragraph 202 allows for that harm to be weighed against the public benefits of the scheme. In this case the comprehensive development of a strategic development site including the delivery of 5 much needed gypsy and traveller pitches, a school and over 1000 houses, all on a site that is allocated for such development within an adopted plan, means that any harm is outweighed by the wider public benefits of the scheme.
- 3.11.7 The next nearest asset is Treasbeare farm and has its setting more directly affected by the proposed development. Currently the farmhouse is accessed along a narrow rural lane that only serves 4 other dwellings on its wider approach before rising up a gentle incline which is part tree lined to the cluster of farm buildings and the farmhouse itself. While this cluster of buildings is outside of the development site, much of the access lane is included and will be breached by footways and roads that connect the development parcels either side. As the lane starts to rise towards the farm house (and still forms part of the application site area at this stage), the hedge lines open out away from the road to give a much more open feel to the character of the site. Land to the east of the driveway would continue to be open informal open space, while land to the west would at its lower level be used as allotments while on the rising land but set further away from the lane be home to the proposed employment uses.
- 3.11.8 The development site area then ends before the driveway continues up through the tree lined section to the house itself. To the south and commanding views over this area, the listed house looks out across Exeter airport, its runway and supporting infrastructure and uses. In this way it presents an unusual setting – on the one hand it seems to be a very rural and typical country farmhouse, while on the other its setting is dominated by the airport, its physical attributes, more general appearance and noise. Other than a narrow wedge of employment land, the scheme has been careful to keep the majority of built form away from the farmhouse – the

nearest residential property would be around 360m away (to the north) with retained outbuildings, farmland and informal open spaces between. Only the southern senior rugby pitch encroaches closer to the farmhouse than this, but that too has the same mix of intervening land uses to act as a buffer.

- 3.11.9 Taken together it is considered that inherent mitigation through the parameters plan goes a long way to ensuring that any harm to the setting of the farmhouse is negligible or using terminology in the NPPF less than substantial. While the conservation of the assets should be accorded 'great weight' in accordance with paragraph 199 of the NPPF, conditions would control development to ensure that it follows the proposed parameter plans. For the reasons already set out in respect of the limited harm to both the milestone and Rockbeare Bridge, public benefits of the scheme are significant and that harm has been minimised so far as it reasonably can. Paragraph 205 of the NPPF also advocates that developers should record and advance understanding of the significance of any heritage assets that are to be lost in a manner proportionate to their importance. While the asset is not being lost in this instance, benefit can be derived for its setting from strengthening its tree lined approach which on its northern end has failed and by providing public interpretation boards that allow the public a better appreciation of the history of the site, and the formal gardens that belonged to the house and extended north to the edge of the proposed development. In the event of approval, these elements can be controlled by condition.
- 3.11.10 Rockbeare Manor encompasses a significant amount of heritage and as listed has a number of individually listed components varying from grade I, through II* and II as well as the Grade II registered park and garden. For the purpose of this assessment it is considered a reasonable and proportionate approach to take them together.
- 3.11.11 As the crow flies there is a significant distance between these heritage assets and the nearest part of built form proposed within the application site – in the order of 2km or more. Whilst it is recognised that there is some intervisibility more particularly between the larger scale landscape features of the registered park and garden, the effect on the setting of these assets is not harmful being experienced in the context of a wide and varied landscape with views limited to distance views only and these broken by intervening landscaping in any event.
- 3.11.12 Other heritage assets exist within and around Rockbeare and these are generally closer than Rockbeare Manor. They sit on a broad arc from Hillside (grade II), Stone Villa (Grade II) and the entrance gates opposite the Jack in the Green (grade II) all located on or adjacent to the London Road, Rockbeare Court (Grade II), St Marys Church Rockbeare (Grade II*), Lych Gate (grade II), Little Croft (Grade II), Croft (grade II), Little Slades (Grade II), Post Office (Grade II) and Furze Cottage (grade II).
- 3.11.13 Overall there is considered to be very limited visibility for those properties that are located within the heart of the village, including Rockbeare Court and the Grade II* church. While these assets might be seen in the context of the

development site they would be principally seen against the SANGS which by its nature would be undeveloped. While the soft landscaping may change, it would not affect the rural character of that part of the site and therefore the setting of the heritage assets. .

- 3.11.14 Stone Villa is a modest cottage on the opposite side of London Road with its setting already dominated by the Road itself and allocated and built development around it is also recognised. The additional development now proposed on Treasbeare would not affect this asset.
- 3.11.15 Finally the listed gates at Rockbeare Court and Hillside are both on the south side of London Road and in a somewhat elevated position. The Gates have a much more localised setting related to the driveway entrance to the Court and Hillside. While this is rural in nature on the southern aspect, it is seen in the context of the London Road and the existing and recent development to the north and east. As such while the outlook may change with views over towards the proposed school site and adjacent housing, this does not mean that its primary setting would be adversely affected. If harm could be argued to occur, then at worst this is limited to less than substantial. Taking a precautionary approach, and if less than substantial harm were to occur (notwithstanding the great weight that must be given to the asset's conversation), there are again public benefits which outweigh the harm.
- 3.11.16 Heritage in the form of archaeology has also been explored through the ES using previous survey work as a baseline. Taken together the programme has involved a detailed geophysical survey and field evaluation assessment including targeted trial trenching in areas of potential interest. As a result of this the site has proven potential for features associated with the Iron Age (pottery finds) and Roman period (a pottery find – most likely to facilitate later reconstruction/recycling although only limited evidence exists for this) and a number of undated linear features. Such features are of interest but are not considered to preclude the development of the site. Advice that has been received from the Historic Environment Services at Devon County Council has suggested that a written scheme of investigation should be submitted and agreed prior to the start of development. This can be secured by condition in the event of approval and would ensure adequate control is in place to fully understand the archaeology that may be discovered.
- 3.11.17 The site is also immediately adjacent to the Second World War battlefield HQ associated with RAF Exeter. Features arising from this are of local interest. Particularly noting that the site for this was centred on and around the Grade II listed farmhouse (Treasbeare farmhouse) and lends further weight to the previous suggestion that a series of interpretation boards should be provided to allow the full heritage of the area to be understood.
- 3.11.18 As well as the general use of the area three key physical assets are known about - a retained pill box within the site and located between employment areas; an aircrew shelter immediately adjacent to the southern boundary of the site with close association to the airport boundary; and the bunker HQ where the observation post looks out to the open ground. While the latter is

outside of the site and would remain unaffected, the first two would be closely associated with new built form. Through layout and design it is considered that the relationship with the airport can be retained and with suitable information being available to help aid their interpretation, their setting can accommodate the development as proposed. In addition to the proposed interpretation boards, suitable protection for the Pill Box would be required during development. This can be secured by condition in the event of permission being granted and helps to ensure that the scheme is in compliance with Policies EN7 (Proposals affecting sites which may potentially be of archaeological importance) and EN8 (Significance of heritage assets and their setting).

3.12 Water Resources and Flood Risk

- 3.12.1 As has already been described the site displays an undulating landform with high land towards its eastern side and through two spines that extend east-west through the site falling away to low areas located along the eastern and western boundaries where existing stream corridors lie. These corridors have been identified by the Environment Agency as being within flood zones 2 and 3 and therefore development is right to be set away from these areas. The rest of the site is all flood zone 1 and as such is considered to be land at the lowest risk of flooding.
- 3.12.2 Peripheral edges of employment allocation are very close (but outside) the current flood zone boundaries which would usually indicate the end of further concern. However the Environment Agency have indicated that their modelling for development in this area is out of date and therefore to ensure adequate assessment is made, have requested that a condition be imposed to require further modelling be undertaken by the developer prior to development commencing in these areas. Given the topography it is not considered that modelling would make a significant difference to the mapped zones – it is more about refinement than comprehensive change. On this basis the applicants have indicated their willingness to such a condition which can be imposed in the event that the application is approved. This should prevent development being proposed which would have a finished floor level that measures 600mm or less above the currently assessed 1 in 100 year plus climate change level until the flood modelling has been completed, submitted and agreed.
- 3.12.3 Currently the only exception to this is the employment access junction and more particularly the exit lane heading westbound on the London Road. It has been evidenced that this lane is required for highway management and future capacity purposes. It results in a circa 12 sqm incursion into the currently drawn flood plain but as it represents essential infrastructure and only causes a minor incursion is considered acceptable provided adequate compensatory flood storage is provided. This compensation can be secured by condition.
- 3.12.4 An important component of considering the water resources and flood risk from a site is the ability to deal with runoff that inevitably arises from

development. When a site moves from being a greenfield environment to one with impermeable surfaces on it, there is a risk that more water will get into the local river system more quickly with the risk of increased flooding. This is something that for a long time has been resisted and therefore there is an expectation that surface water is appropriately managed on site so that the peak discharge is reduced and at least mimics the natural greenfield rate. To add a further safeguard to this approach, there has for some time been an additional allowance made for climate change – originally at 20%, more recently at 40% and during 2022 increased to 45% within East Devon. It is this higher figure that has been correctly used in the drainage calculation within this application and establishes the most cautious approach to management of surface water that can be applied.

- 3.12.5 To ensure that surface water is adequately managed on site it needs to be attenuated, where excess water is stored on site before being released back into the natural river system when capacity allows – this affects not just the finished development but also periods during construction when final basins are not in place but increased run off can still occur (often more heavily silty laden) therefore with the higher risk of causing flooding.
- 3.12.6 In this instance and to help ensure that adverse effects don't occur during the construction phase a drainage strategy for this period (bespoke to each phase of development) should be required by condition.
- 3.12.7 Turning back to the principle of ensuring that surface water drainage doesn't lead to increased flood risk, and in noting that large parts of the site do not have adequate permeability to allow natural infiltration, it is proposed to create a series of attenuation basins – where by water is captured, stored and then released. While in principle only at this stage, the size and specification of the basins have been assessed by Devon County Council as Local Lead Flood Authority who have indicated that such basins are sufficient to meet the requirements of attenuating at the greenfield run off rate +45% allowance for climate change. In addition a further allowance has been factored into the assessment to allow for urban creep – the idea that in the future, houses may seek extensions or patios and driveways may be enlarged. Overall it is envisaged that this network of basins serve a series of identified catchments and work together to manage flood risk, which is in accordance with East Devon Local Plan policy EN22 (Surface run-off implications of new development). This framework can be secured through the Landscape Biodiversity and Drainage strategy required by Policy CB26.
- 3.12.8 The applicants have also committed to additional at source SUDS features such as permeable/porous surfaces, swales, bio retention areas, and filter trenches which are a further important tool in water management. While helping to slow the movement of water down, they also act as an important means of improving water quality This too is an expectation of Policy CB26 (Landscape, biodiversity and drainage).
- 3.12.9 Foul drainage is an important issue and one that requires mention here – not least because of the recorded flooding events that have occurred in Clyst St

Mary – a village downstream of the current proposal. Much of the flooding that has occurred in Clyst St Mary including the backing up of sewage into private property has occurred during peak rainfall events when sewage treatment has been unable to cope within the volume of water that it has been presented with. It is understood that South West Water (SWW) are currently in the process of working their way upstream to remove surface water ingress into the foul network which should otherwise have capacity to deal with all foul flows that could be generated.

- 3.12.10 In terms of this application SWW have raised no objection to the proposal which while only at the indicative stage of design, proposes a new on site network for foul drainage. The network includes two pumping stations to take the flows up to the gravity fed system which already operates off site. SWW's response indicates that either the existing network has sufficient capacity to take the additional load or that they are accepting of their obligation to upgrade and enhance the network to accommodate it. This is clearly set out within the Water Industry Act 1991 and Ofwat's charging scheme rules, which expects/permits water companies to recover costs from developers for work that is required on the company's existing network to provide for new development related growth.
- 3.12.11 Recognising that SWW do not object and have to comply with legislation that allows developers to connect (while being able to recover costs for any improvement that is necessary as a result of the proposed connection) there is no justification for refusing or delaying this application on these grounds and the application meets with policy EN19 (Adequacy of foul sewers and adequacy of sewage treatment systems) of the Local Plan. This policy states that new development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development.
- 3.12.12 The objection from Bishops Clyst Parish Council is noted and sympathy extended for the situation that some of its residents have experienced - those issues evidently need addressing by SWW. However in properly managing and separating its own surface water and foul sewerage, this application should not be linked to or be held up by this issue.
- 3.12.13 Two points of comfort can be noted however – the first is the ability to impose conditions on this scheme to ensure that surface water and foul drainage is managed in the way that is (properly) being promoted. The second is that realistically, first occupations arising from this proposal are unlikely before 2025. This gives further time for SWW to complete their current investigations and further resolve the identified issues. Ultimately, the right for this development to connect to the public sewer and the mechanism to ensure that this is done in a safe manner are well established and properly covered under separate legislation.

3.13 Transport and Access

3.13.1 There are several components to this aspect of consideration – not least the primary accesses which form part of the detailed proposal and for which detailed permission is sought. In addition consideration of the connectivity, trip generation and trip distribution also needs assessment in respect of both the local road network and its impact on the wider network including the strategic network (comprising the A30 and M5 and the associated junctions). The impact on the Crannaford Lane level Crossing (more commonly known as the Crannaford Crossing) has also been raised within consultee responses. These aspects will be addressed in turn.

3.13.2 Access and junctions

3.13.3 As previously described, 4 primary junctions are proposed - the access into the employment area, the provision of a double mini roundabout at Younghayes Road, a revised roundabout at Parsons Lane and the entrance into the Gypsy and Traveller site in the east.

3.13.4 The westernmost of the junctions providing access into the employment area has already been described in detail in response to the employment considerations. The junction proposed is large, requires the loss of some of the hedgerow (to be replanted) and with 5 lanes presents a very urban and vehicle dominated appearance to this part of the network. However this junction follows closely on from the junction into Skypark located to the west which is of a similar nature. However beyond this junction (to the east) the London Road undergoes a transition, becoming a much slower and less car dominated environment which is particularly emphasised with the proposed double mini roundabout shown at the Younghayes junction. Here the existing roundabout is to be made smaller, it's Central Island and associated vegetation removed, with the carriageway to the east realigned to support slower vehicle speeds and a change in character. It is on this realigned section of road that the second mini-roundabout is proposed. Strongly defined at grade pedestrian and cycle crossings are also proposed. These are delivered by toucan crossing points as well as a large central reservation area where people have the chance to wait at the "half way" stage before crossing the remainder of what will become a fairly busy junction.

3.13.5 The double mini roundabouts are in concept strongly supported allowing the feel and character of a much more people rather than car dominated environment to be recognised. The roundabouts have received support from the Local Highway Authority and work with the retained bus lane.

3.13.6 The biggest criticism of the junction has been received from the Landscape architect who has sought additional green infrastructure to be added to the design to further soften its appearance, as well as seeking a further review of the proposed surface materials. The final materials are something that need to be reserved by condition in any event to ensure that the most appropriate balance of materials are used – ones that aid the place making agenda that is strongly advocated by Policy CB24 (London Road

Improvements) of the Cranbrook Plan but still achieves an environment which is robust and maintainable in the long term – something that is imperative given the limited budget of Devon County Council Highways maintenance. The applicants have indicated their willingness to have a further condition imposed which seeks to further explore both the final wearing course materials and also the green infrastructure that supports and embraces this junction.

- 3.13.7 Technically the challenge to the junction has arisen from the need to accommodate a retained highway access to the property known as South Whimble Farm. Changes to this access point and crossing have been made very late in the application's consideration but only at the request of the DCC Road Safety Officer. Ultimately the change requested and now incorporated into the scheme allows for a separate ingress and egress from the site and helps to manage traffic movement around the junction. It provides for a safer arrangement for the occupiers of South Whimble Farm.
- 3.13.8 The next junction to the east involves more modest changes proposed to the Parsons Lane roundabout. This involves widening the approach lane slightly and allowing for pedestrian connectivity/crossing. This change is in principle considered acceptable although the toucan crossing needs to be relocated to the east (slightly further away from the junction to maximise safety). This change can be secured by condition in the event of approval.
- 3.13.9 Finally the last primary junction proposed is that which provides access to the gypsy and traveller site. This is proposed to be a simple T junction which has been designed with a visibility splay which meets national standards in both directions. Helpfully the hedge to the west is also set behind a narrow grass verge, but this is sufficient to allow for the visibility splay without the need for substantial removal or translocation of the hedge. Minor localised changes to the hedge at the junction itself are required but this amounts to limited disruption to the hedge when considered along its full length.
- 3.13.10 It is noted that concern has been expressed about the safety of the junction and of the proposed toucan crossing adjacent which would provide pedestrian access across the London Road and into the Country Park to the north. This concern is understood, not least because of a previous fatal accident that occurred close to this location before Cranbrook was first started and more recently the closure of a pedestrian crossing that linked the Country Park which straddles the London Road. This closure was specifically requested by DCC Highway safety on the grounds that traffic speeds were too fast and there was insufficient visibility at the crossing point – an assessment that was supported by the planning team at the District Council.
- 3.13.11 However the context for that decision and this proposal are very different. While the earlier assessment was in respect of an isolated pedestrian crossing, the junction access and crossing now proposed would take place within and across a London Road where the conditions, appearance and nature of the road would be very different. The whole premise of the Cranbrook expansion is to ensure that the London Road becomes integrated

into the proposals and is a road in Cranbrook rather than acting as a by-pass - or more worryingly fragmenting the north and south of the town. All the junctions are being designed to 20mph speeds with proposed signage of 30mph. To further support this there is an expectation that traffic calming measures are introduced along sections of the London Road to reinforce the change in nature and character and this section is no different. While a holistic and comprehensive scheme has been delayed, developers are themselves demonstrating speeds can be brought down and in this instance there are suggestions that build outs and local narrowing is introduced into the highway. While not of a high quality design, the scheme proposed is fit for purpose and broadly supported by Devon County Council. It is considered that this should be sufficient to make the road speed slower and as a result the junction safe. On this basis the proposed junction is, like the other junctions considered acceptable, and in accordance with the NPPF (paragraph 110) and in particular 110b which requires junctions to be safe and suitable to access the site for all users;.

- 3.13.12 In addition to the pedestrian crossing points that are proposed to accompany the access into the employment site, the Younghayes double mini roundabouts and the Parson Lane roundabout a further pedestrian crossing is also proposed from Treasbeare Lane. This is not set out in detail but can be secured as part of the Section 106 which would accompany any permission issued.
- 3.13.13 As a further part of this proposal, and although only indicative, is the proposed improvements to the first part of Parsons Lane. This is too narrow to accommodate traffic passing in each direction and therefore would need to be widened. It is noted that this is a particular concern of residents in Rockbeare. However the proposal which at this stage is indicative, is to set the hedge back along on the eastern side only (and only between the revised roundabout and school location). In principle this has not received objections from either the Council's Arboricultural Officer or Landscape Architect although the latter has commented that additional design detail and coordination is needed – something that can be addressed at reserved matters stage.
- 3.13.14 Parsons Lane is also proposed to accommodate an access and parking provision for the proposed SANGS that would straddle the Lane. This access is not shown in detail but is clearly indicated on the proposals. It is in a safe and suitable location - in part making use of an existing gateway and is well located to appropriately serve the SANGS. It is not considered that in principle it would harm the character of the lane or SANGS that it would serve.
- 3.13.15 Strategic Road Network
- 3.13.16 Connectivity is vitally important in the delivery of a healthy and sustainable urban expansion and consideration has already been given to the primary network of routes that make up this expansion area; how the neighbourhood centre is linked to both the sports hub and the school and those to each

other; as well as to the employment. In addition the provision of a bus, cycle and pedestrian link, taken to the boundary with the neighbouring Skypark development (something that can be secured within the Section 106 agreement) is very important. Coupled with additional infrastructure in phase 1 and with this being augmented by the proposals for this expansion area, justifies much higher levels of internalisation than has been seen to date - that is trips that can be made within the expansion area and or within the town rather than having to out commute. Such trips reduce the dependency on the wider road network and importantly the potential impact on junctions on the Strategic Road network which is managed by National Highways.

- 3.13.17 While National Highways have not sought to raise an objection to the proposal, their current desire to strictly adhere to a cap of no more than 4170 dwellings as a total across the expansion area (being the total number of indicative dwellings allocated in Cranbrook Plan policies CB2-CB5), would if this was supported mean that capacity on the road network was taken purely on a first come first served basis and where expansion areas exceeded their allocation, excess housing would notionally reduce the housing that could come forward within other allocations. This is not something that can be supported given that the Cranbrook Plan has only recently been found sound and adopted and we have good confidence that all four expansion areas will (or already have been) brought forward.
- 3.13.18 Careful work with Devon County Council traffic modelling has indicated that using a vision and validate approach, sufficient capacity exists on the network for both allocated and the currently proposed excess housing without causing unacceptable levels of congestion. Vision and validate is an approach where rather than simply predicting the number of vehicles that a development may generate and providing the full road capacity for all, a more holistic and sensitive approach is applied in understanding how people would use the network and how human behaviour is likely to adapt to the situations that are presented.
- 3.13.19 In this instance the work by DCC, while not corroborating the exact inputs used within the Developers Transport Assessment, supported both the general approach that has been advocated and importantly the overall findings. This is that with increased internalisation, increased bus provision as a result of identified section 106 contributions, and a reinvigorated travel plan approach (which itself recognises the provision of good accessibility by foot), the higher number of houses do not lead to a higher number of vehicle movements when compared with the original assessment carried out in the mid 2010's. Modelling undertaken by DCC has considered the excess housing that is currently proposed by other expansion areas and the additional town centre housing and this too has been considered as falling within the overall parameters previously established for the total of 4170 dwellings. The developer's consultants have also undertaken a separate sensitivity test that looks at alternative distribution of vehicles on the network and have demonstrated that their scheme continues to operate without putting an unacceptable strain on the network.

3.13.20 National Highways have not yet agreed to this revised position and there is therefore a risk that while not objecting to the current application, they may seek to object to future proposals once the 4170 dwellings have been committed by development proposals. This is a risk that must be recognised but also seen in the context of the adopted policy allocations. These policies set an “around” total for each allocation (and by inference a modest increase is permitted). In addition with the backdrop of more housing needing to be found in the “right place” (i.e. sustainable locations) and the technical work undertaken by the developers and independently by Devon County Council, this risk is considered low. Ultimately it is something that would have to be addressed in due course if agreement cannot be achieved. It is not a matter over which the current application should be held when there is good evidence that supports the case for excess housing numbers without putting the delivery of other allocations within the Cranbrook Plan at risk. Based upon the information presently available and discussed above, it is considered that the development will not have a demonstrably harmful impact upon either the local or strategic road network, such that the application meets with the requirements of policy TC7 (Adequacy of road network and site access) of the Local Plan.

Rail network

3.13.21 The developers TA and general support found in the Local Highway Authority response is also important when considering the impact on the Crannaford Crossing - the level crossing that is located north of Cranbrook Town centre and provides a route along country lanes toward Broadclyst to the North West and Whimble to the north east. It is noted that within their consultation response Network Rail have objected to the development unless the Crossing is closed.

3.13.22 Network Rail also appeared at the examination although at that stage their request was for barrier improvements. However no evidence was put forward which linked the expansion areas with a material increase in traffic over the crossing – they are in essence considered to be too far removed from the crossing (and with alternative routes available), to have such an impact. As such the Inspector chose not pursue the matter or require changes to the Plan to address Network Rails concerns.

3.13.23 While highway and rail safety must be an absolute priority, there is still no evidence that trips from the Treasbeare expansion area would make a material difference in the number of vehicle and pedestrian movements over the crossing. The developer’s TA suggest that there are no movements, and even if this underestimates the potential, the number of movements would be so low as to not make a material difference to the safety of the crossing. As such while the objection from Network Rail is noted, the closure of the crossing is not something that should be sought or attempted to be secured through this application. If Network Rail wish to pursue closure then this request should be directed to Devon County Council who can consider the request through due process – it is however not something that can reasonably be linked to the determination of this application.

Travel Planning

3.13.24 Travel Planning is a further tool to help people make a sustainable travel choice by incentivising the use of particular modes of travel and helping to distribute information as well as direct provision of alternative e.g. shared mobility hubs with car club vehicles and community bikes. While in the past it is recognised that travel plans have had mixed success, they nevertheless remain an important tool which when used can be effective in helping to establish sustainable travel patterns for new residents from the outset of occupation. In this instance the Travel plan and shared cars and e Bikes are an inherent part of the environmental statement as well as the adopted Policy (CB18). Developers have agreed through their Heads of Terms to make the proportionate contributions to travel planning for both residential occupiers of the dwellings and businesses who are based within the employment part of the site. This requirement can be secured as part of the Section 106 agreement and would further help to limit the trip generation from the development and therefore the pressures on surrounding junctions.

3.14 Air Quality and Odour

3.14.1 Development has the potential to affect air quality - particularly during construction and resultant air pollution from activity that occurs within a completed development, both harmful effects on the local environment and particularly upon sensitive receptors. This aspect of the development has been tackled within a specific chapter within the Environmental Statement and correctly recognises the national policy basis as well as Policy CB16 (Amenity of Future Occupiers) which requires a high standard of amenity, satisfactory living and working conditions, adequate protection from noise and pollution and adequate levels of light and outlook for future occupiers and Local Plan policy EN14 (Control of pollution).

3.14.2 Dust is an inherent nuisance from development particularly in dry summers but can be effectively managed with onsite practices and mitigation. This can help to avoid the investigation by Environmental Health and the subsequent risk of enforcement for a statutory nuisance. In this instance and given that there are already near neighbours to the development most particularly sited along Treasbeare Lane, as well as future occupiers who will move into homes while development continues around them, control is proposed through a detailed Construction Environment Management Plan (CEMP). This can be secured by condition.

3.14.3 Assessed against a baseline date of 2019 predicted pollution measures have been assessed both as a result of the proposed development and those affecting future occupiers – including the effects of the sites close proximity to both Exeter airport and the E.ON Energy centre which has the potential to expand onto land within this site if the proposal is permitted. Emissions from an intensive farming practice (which is regulated by the Environment Agency) and falls within 2km of the application has also been considered with the baseline assessment.

- 3.14.4 In terms of Exeter airport and in addition to aircraft, there are a range of activities which increase the potential for odour and airborne pollution. In particular this can occur from ground run engine testing of the aircraft undertaken by a maintenance firm who operate at the airport, but also from hot fire training that is undertaken by Devon & Somerset Fire and Rescue service. Both are also considered within the ES.
- 3.14.5 Finally in reviewing the background and in assessing development against 2031 levels (the end of the plan period) the report recognises that reduction in air borne pollution is likely to occur between the 2019 baseline and the 2031 baseline owing to new regulation and change in vehicles etc. However owing to the uncertainty that exists over such changes the assessment that was made took a conservative approach towards such reduction. This is considered to be a prudent approach and ensures the robustness of the assessment.
- 3.14.6 In terms of Nitrogen Dioxide, it is considered that most receptors would experience a negligible impact due to the operation of the development with only receptors at the Younghayes Roundabout and Parson Lane roundabout experiencing a slight adverse impact.
- 3.14.7 For particulate matter, it is predicted that receptors would experience negligible impacts, while for odour there were no significant finds despite aircraft landing and taking off during the days of observation/testing. This was considered in relation to new residential development which would be closer to the airport than currently exists but again no significant effects are anticipated in respect of future proposed receptors. These assessments are noted and the findings supported.

3.15 Noise

- 3.15.1 Noise is a particularly important issue for the Treasbeare allocation and is recognised within Policy CB3 (Treasbeare expansion area) where development within identified zones within the expansion area cannot be brought forward until it has been evidenced that adequate mitigation has been provided which safeguards the health of future occupiers within the area. The aim is to achieve a noise reduction such that the noise experienced in garden spaces does not exceed 55dB. Policy anticipates internal noise levels to also be at an acceptable level.
- 3.15.2 In considering this section within the ES, care has been given to the noise that results from the ground running engine testing area that is situated at Exeter airport. This is the single loudest point source of noise and while generating only short lived episodes of noise has the potential to cause significant effect. To mitigate the effect of noise from this source, it is understood that the developers have entered into an agreement between themselves and Exeter Airport to provide the funds necessary for the airport to construct an enclosure around part of the test run area to act as an acoustic screen. Similar screens/pens have been built elsewhere and

evidence has been seen of an example in Norwich. Here the pen has achieved predicted reductions in noise and a similar result is expected at Exeter Airport. Within the ES, consideration has been given to the potential positive and negative effects of a ground run enclosure on both future occupiers of the proposed development, but also on surrounding villages.

- 3.15.3 In terms of delivery it is not appropriate or reasonable to control the provision of the enclosure, which is off site to the application area and can be constructed under the permitted development rights that are already afforded to the airport. However it is possible to control the noise in gardens and properties on the application site by condition. Evidenced within the ES as being achievable, such a condition can build upon the stipulations set out in the adopted policy and by implication requires that a robust and appropriate ground run enclosure is delivered. Without such an enclosure it is not considered that the noise requirement identified in policy could be achieved.
- 3.15.4 Other noise sources have also been considered by the applicants for both future development receptors and those existing including residents who live along Treasbeare Lane and elsewhere in Cranbrook. Such noise sources include the in-construction phase, take-off and landing of planes, other airport activity and that resulting from traffic on the London Road. Baseline and 2031 predicted noise levels have been considered and their effects addressed within the ES. For the airport, noise observations are made considering the average noise over 16 hour and 1 hour intervals (with additional reference to 5 minute intervals) as well as an overall maximum level. These are important because a single very loud noise event but which is short lived can get lost when it is averaged out over a longer time period. The Council's Environmental Health officer considers these assessments to be reasonable and justified.
- 3.15.5 In terms of the in-construction phase, working hours are proposed to be limited to 8am-6pm Monday to Friday, and 8am to 1pm on Saturdays, with no working on Sundays or bank holidays. These are typical hours of operation, are considered acceptable and can be secured through a CEMP condition. The applicants are also proposing maximum noise conditions during the working hours and compensation to affected residents where these are regularly exceeded. The ability to secure compensation for third parties by condition is not something that would meet the test of reasonableness or enforceability but the Council can nonetheless work with the developer in devising the CEMP to ensure that there are adequate safeguards in place. There is nothing to prevent a private arrangement taking place between the developers and third parties if this is desired by both parties.
- 3.15.6 Noise from aircraft using the ground running enclosure at the airport has the potential to be reflected back toward other villages – particularly Clyst Honiton to the east. Were this to be a harmful reflection then such an activity would be unacceptable. However the applicants are clear that while some reflection may occur this is limited to at worst 1dB – a level which is negligible and would not cause harm to local residents.

- 3.15.7 For the vast majority of the site road traffic noise is well below the 50dB averaged over 16 hours with only the fringes of the site in close proximity to London Road experiencing noise above this level. While not explicitly shown on figure F2.1 within appendix 13.5 of the ES, a similar traffic noise impact could be assumed to affect houses to the north of London Road affecting such properties as those in Post Coach Way where a number of objections have come from. Much of this noise is already experienced and while traffic volumes are set to increase, the degree of additional impact is considered minor (at worst) with a noticeable drop off in noise with distance.
- 3.15.8 The ES indicates that in general no mitigation or enhancement measures are needed as a result of the drop off in noise. However more detailed investigation by the acoustic consultants indicates that for the few very closest properties some mitigation may be needed and could take the form of high performance double glazing, sound insulated ceilings in bedrooms and mechanical ventilation. This can be designed/secured at the reserved matters stage if necessary. For existing properties to the north of London Road, the set back that is already provided by the internal estate roads is considered sufficient to mitigate the worst of the predicted noise and therefore impact on amenity is not considered significant. The most likely affected existing properties are those at the Younghayes roundabout/South Whimple Farm, but here the proposed road's realignment would itself improve the setback distance from that shown within the noise report and therefore the noise that may be experienced. Overall while road noise may worsen, it is considered that the scheme is acceptable.
- 3.15.9 Noise emanating from employment uses has also been addressed. This has the potential to be variable but could also result in major adverse effects at some locations in the vicinity of particular uses. To ensure that this is adequately mitigated for, it is recommended that at the detailed design stage reserved matter applications are accompanied by a noise report which assesses the degree of noise that could be generated and proposes a specific package of mitigation in order to ensure that noise is properly controlled. This approach would ensure accordance with the requirements of Policy CB3.

3.16 Biodiversity

- 3.16.1 In accordance with Policy CB26 (Landscape Biodiversity and Drainage) and building onto the sections which already address the first and last headline within the policy, this section completes the trio. It considers the approach that the proposal takes in respect of the general layout and its impact on biodiversity (considering its broad definition) before culminating in a consideration of Biodiversity Net Gain (BNG). The Plan requires all schemes within the Cranbrook Plan to achieve 10% with the expectation that this is delivered and maintained on site.
- 3.16.2 In considering the biodiversity and habitat found on the site, regard has been given to both the Devon Biodiversity Records Centre (DBRC) as well as the government MAGIC tool for national site network sites. Detailed field surveys

were also undertaken in 2020 and 2021 adding to evidence that had been obtained from earlier surveys between 2011 and 2017.

- 3.16.3 As well as recording and assessing direct impacts on site flora and fauna, the report also recognises that within the sites zone of influence lie the statutory designated sites of the Exe Estuary (RAMSAR, SPA and SSSI) and the East Devon Pebblebed Heaths (SAC, SPA and SSSI). These are addressed in detail within the bespoke appropriate assessment which has been prepared by East Devon District Council in relation to this application and has been subject to consultation with Natural England. It is contained within appendix 2 to this report.
- 3.16.4 Correctly the ES also recognises that in advance of the first occupations (the operational phase) mitigation should be in place to avoid harm occurring to the Exe Estuary and Pebblebed Heaths - particularly from recreational use. The delivery of SANGS and contributions to it's in perpetuity management and to offsite mitigation on the protected sites themselves can be secured by Section 106 agreement to address this aspect.
- 3.16.5 The ES records the risk of a pollution incident occurring during the construction phase and having a significant effect on these environments as negligible and not significant. Nevertheless it is considered that during construction appropriate controls for run off and sediment should be deployed to ensure that the water quality of these upper catchment streams is safeguarded. These can be controlled by condition. Additional mitigation in the form of careful soil management is also advocated within the ES, supported and can be secured through the CEMP.
- 3.16.6 Non statutory sites around the application site include Hellings Park Fen County Wildlife Site (CWS) (located 1.2km to the north) and the candidate CWS at the Grange in Rockbeare.
- 3.16.7 Importantly the Clyst Valley Regional Park (CVRP) identified by Strategy 10 of the Local Plan and Policy CB1 of the Cranbrook Plan is also recognised. This has an adjoining boundary with the application site and connection is proposed to be made into this through the connecting bridge from the identified SANGS at the eastern extent of the site. Such connection helps with the intrinsic approach to the CVRP and is supported.
- 3.16.8 In terms of habitats, the site is currently considered to be intensively managed but with fields bordered by hedgerows many of which contain mature trees. While hedgerow loss has as far as possible been minimised through the layout proposed (and reduced from the initial submission), some loss is inevitable. The greatest loss of an individual length of hedgerow occurs around the employment junction. This is necessary to accommodate the scale of junction that is required but with replanting and habitat mitigation the impacts of the loss can be reduced. Overall and given that the losses have been minimised it is considered that the residual harm is acceptable. Generally suitable buffers for retained hedgerows, trees and veteran trees are proposed and this too is supported. While the precise detail for these

cannot be secured at the outline stage, the principle is well established within the parameter plans and LBDS and can therefore be taken forward at the reserved matters stage.

- 3.16.9 The site also demonstrates a number of wet ditches, two brick structures (WWII buildings described under the heritage section) and a couple of ponds which have been screened for newts but with no evidence having been found. The site has a bank with Ford Stream (Rockbeare Stream) on its north eastern edge where some cattle poaching (deterioration to the soil, grass and bank due to excessive grazing) has taken place. Nevertheless the stream and its bank are a particularly attractive part of the site and a kingfisher has been recorded. The greatest risk to the water based environments as a result of the construction and proposed development is pollution and siltation. Both are considered manageable and further emphasise the need for the deployment of suitable sediment traps and settlement ponds during construction. In respect of the retained pond, which appears to dry in summer, it is important that as far as possible a natural feed (particularly in winter) is maintained. To help achieve this it is recommended that monitoring of water levels are recorded in the years ahead of development around it to ensure that any future feeds ensure adequate water to mimic its approach as far as possible.
- 3.16.10 Local Plan policy EN5 (Wildlife Habitats and Features) requires that where development is permitted on sites that are host to important wildlife habitats or features, mitigation will be required. The ES considers in detail the potential for important species to be present and the potential impact that the development might have. These findings are summarised by species in the following paragraphs:
- 3.16.11 Badgers – outlier setts have been found to be active during the most recent survey work. It is noted that as badgers move around quite freely, further survey work ahead of development would be necessary to record an up to date picture. Currently the badger population is considered to be of local importance and while some local foraging opportunity would be lost the delivery of SANGS has the potential to increase and diversify the foraging opportunity and sett building potential. On balance and provided care is taken during the construction phase no objections should be sustained.
- 3.16.12 Bats – Existing buildings on site present little potential to support roosting bats given their construction and lack of suitable features. Nine trees were identified as having some potential and these were predominantly located within hedgerows and around the site boundaries although one in-field tree was considered to have low potential. While further survey work is recommended it is not considered that the roost potential exceeds more than local importance.
- 3.16.13 Bats – foraging opportunities are significant and a number of species have been recorded within 4km of the site. Transect surveys have been undertaken at various times over the site and a number of bat passes have been recorded) across a number of species although most frequent were

made by the common pipistrelle. Bat activity was recorded across the site with higher numbers recorded towards the east where there is good connectivity with Ford Stream. Overall the site was assessed as being of District value to commuting and foraging bats.

- 3.16.14 In terms of both roost potential and foraging, there is the potential for disturbance during construction (noise), light spill (once the site is developed) and more general fragmentation of habitat through disruption of commuting corridors. This would have an adverse effect on bats using the site.
- 3.16.15 In mitigation and as has already been discussed most mature trees are to be retained and to supplement this, artificial roosts are proposed on at least 50% of dwellings with additional roosts added to other retained trees. A sensitive lighting strategy is proposed to further ensure that adequate mitigation is proposed for roosting and foraging bats. To improve foraging opportunities, strong green links have been retained across the site - a feature that has been notably strengthened following the revised plans submitted after the initial consultation. These are welcomed and in general provide an important role in biodiversity and Green infrastructure but more particularly for bat foraging.
- 3.16.16 Breeding birds – good opportunities are present within and around the site and a number of notable records of birds in and around the site were recorded. Notably there is the potential for a breeding tawny owl identified in 2021. Overall and with the results taken as a whole and based on the species assemblages the site is considered to be of local importance. Impacts could arise from vegetation clearance and more generally the change in land use. This would particularly affect ground nesting birds such as skylarks. To help avoid potential effects, clearance works must be taken outside of the nesting season. In addition nest boxes/nesting opportunities in hedgerows and in dwellings are recommended in the ES and supported here.
- 3.16.17 Wintering birds – were assessed as part of the bird survey that were undertaken and overall small assemblages were identified. More notably there were two flocks of linnet identified in one field visit and a moderate number of skylarks foraging predominantly within the stubble fields. The site was considered to be of local importance. Effects during construction are again likely to result from vegetation clearance, soil stripping and once built from an increase in domestic pets and more general disturbance. Provision of SANGS and management of the mosaic of habitats to be created would help to further mitigate any effects.
- 3.16.18 Dormice – have historically been found at Cranbrook and this expansion area is no exception with nests widely distributed across the site in 2021. The developer's ecological report considers there to be a breeding population and that all hedgerows and woodland provide suitable habitat for foraging dispersal and hibernation. The site is considered to be of District level importance for the species. The risk of harm would occur through hedgerow removal, which would have to be undertaken under licence and at the correct

time of year, while once developed, appropriate hedgerow and woodland management would be required to ensure populations were maintained and supported. The installation of additional dormice nest boxes would further support appropriate mitigation and would be secured as part of the Natural England licence that will be required.

- 3.16.19 Invertebrates - habitat is suboptimal across most of the site given its intensive agricultural use but the Ford stream corridor provides greater potential to support invertebrates of interest resulting in the site being identified as of Local importance. Any harm during construction is not considered to be significant while potential greater harm could occur once development is built and occupied due to the potential for inappropriate habitat management (e.g. intensive mowing hedge trimming or removal of deadwood features).
- 3.16.20 Reptiles – with potential confined to the hedgerows and stream corridor the site is of only local importance. No records of such species have previously been advised/found. Short term loss of habitat would occur during construction which could lead to local significant effects while with replacement habitat being provided post development, impacts would not be significant.
- 3.16.21 Riparian Mammals – Previous evidence of otter has been recorded along the Ford Stream corridor and further evidence was noted during the 2021 field surveys. Due to generally shallow water levels it was considered that this stream formed part of a wider home range for Otter and is of District level importance for the species. Margins would help to prevent harm but mitigation is also considered necessary to ensure that adverse effects do not occur during construction as a result of new connections that would be made to the water course (associated with attenuation basins and outfalls). Post construction, recreational activity associated with the SANGS could lead to local disturbance although this can be limited with the planting of dense scrub along the embankments.
- 3.16.22 Hedgehog - the site offers suitable shelter foraging and commuting habitat and therefore despite no on site records being found, is nevertheless considered to be of up to local importance. Impacts could occur during construction although are not considered to be significant. However post development with new barriers having been formed (e.g. roads, garden fences and walls) access movement and foraging opportunities are likely to be significantly reduced and have an adverse effect unless amongst other measures, holes can be provided in all gravel boards – something that the LBDS advocates and can be secured by condition.
- 3.16.23 Cumulative effects are properly considered within the ES which records the potential for exacerbated effects during construction. However it also notes that with the implementation of standard construction stage pollution prevention and best practice, impacts are not considered significant. This is a finding that is supported by Officers and is considered to be in compliance with Policy EN5 (Wildlife habitats and features). Once operational, mitigation proposed for the development taken together with likely mitigation similarly

required for others, is considered to limit or offset potential cumulative effects.

- 3.16.24 A BNG assessment using the latest metric (v3.1) has been undertaken by the developers and seeks to demonstrate that in excess of 10% onsite BNG can be achieved and has been reviewed in detail by the District Ecologist. The assessment is considered to comply with Policy CB26 (Landscape Biodiversity and Drainage) and is achieved having regard to the habitat, hedgerow/linear features and river/stream corridor found on site. It also employs the approach to additionality supported by Officers and Natural England – that BNG can be delivered on SANGS land but only where this is above any improvements necessary to achieve a baseline SANGS environment; it is an approach to prevent double counting. Such BNG needs to be evidenced in the subsequent reserved matters but also secured through the s106 to ensure long term retention and maintenance of the resource that is being provided.
- 3.16.25 The Landscape Biodiversity and Drainage Strategy (LBDS) is a multi-disciplinary document that pulls together all the recommendations and mitigations that each of the three headlined topics address within their respective sections and evidences how these can work together. When looked at as a whole they can be mutually beneficial. Cranbrook phase 1 had a similar document that was successful in integrating the different approaches and trying to secure the optimum level of integration between the disciplines.
- 3.16.26 In this instance the LBDS proposed for the Treasbeare development presents itself as an overarching document that can be secured by condition. It addresses each discipline in a way that allows a simple checklist style review at reserved matters stage and expects a detailed Landscape Environmental Plan (LEMP) to also be prepared at the RM stage to document the proposed management of the features. Although it has been written without the expectation of further change, the Policy specifically requires that it is reviewed and updated every 5 years. Such an update can be secured as part of the condition.
- 3.16.27 Each strategy within the LBDS addresses its own discipline and picks up the majority of the mitigation noted within the ES. There are however a few minor anomalies identified (e.g. the number of bird boxes proposed and their proposed locations that should be tidied up). In addition it proposes various phasing/delivery options that run contrary to the proposed heads of terms and more particularly the phasing that East Devon wish to see secured. None of these are fundamental but in order for a clear and robust document to be available from the outset it is recommended that prior to the first Reserved Matters application being submitted a first revision of the LBDS should be submitted and agreed in writing by the Authority. This can tidy the minor anomalies and capture the negotiations on phasing and delivery that fall out from the 106 negotiations that will be required in the event of a resolution to approve.

3.17 Climate change

- 3.17.1 Specifically addressed as a discrete chapter, climate change is directly tackled within the ES. It acknowledges that there is an overarching Carbon Reduction target for the government of 100% (net zero) by 2050 and demonstrates the need for commitment at every level to addressing this issue.
- 3.17.2 A key component of this is the clean growth strategy originally set out in 2017 which sets out a range of policies including how investment in green energy can link neatly with economic growth and industrial commercial and residential strategies. While the strategy is at a very high level, policies that stem from the strategy have already filtered down into the NPPF and at a local level the Cranbrook Plan – specifically Policy CB12 (Delivering Zero Carbon).
- 3.17.3 In terms of EIA, guidance published in February 2022 by the Institute of Environmental Management and Assessment (IEMA), assists with the topic of how to address greenhouse gas emissions within EIA documents. Importantly it places a significant emphasis on mitigation from the outset and recognises how the ES must give proportionate consideration to whether and how a development will contribute to the 2050 target. Ultimately the main issue considered is whether there would be a reduction in greenhouse gas emissions relative to a comparable baseline and obviously consistent with the trajectory towards net zero by 2050.
- 3.17.4 For this relatively high level assessment climate change and adaptation has been scoped out of the construction phase of development with the submitted report recognising that a limited window exists between submission of the application and the first completions – a period of between 1-3 years during which climate (as opposed to weather) is unlikely to change significantly i.e. the baseline compared to the start of the operational phase will show virtually no change.
- 3.17.5 Baseline conditions shows that between 2005 and 2019 and despite an increase in local population, per capita emissions have declined from nearly 7t to 4.3t. This is lower than the southwest average and lower than that for England. However using central estimates it is indicated that the south west will typically experience hotter drier summers and milder wetter winters.
- 3.17.6 During construction emissions from vehicle movement are considered to be infrequent and temporary, and whilst occurring over the full period of construction are still considered to result in an insignificant effect due to the short term nature of the operations.
- 3.17.7 On the other hand carbon emissions from the operational stage of the development are identified as having a contribution to climate change with an anticipated increase of 12,505t of CO₂ per year as a result of vehicular emissions and represents nearly 4% of the annual traffic emissions for East

Devon – nationally a very limited effect but locally one that has to be seen as moderate.

- 3.17.8 Care has been taken within the submitted documents that accompany the application, to consider the energy demand and likely CO₂ emissions from the operational development (separate from vehicle emissions). Regulated CO₂ emissions are expected to be in the order of 1.25m Kg of CO₂ per year and while high this represents a 39.5% reduction beyond the Building Regulations Part L (2013) baseline.
- 3.17.9 This is achieved through minimising energy demand, and maximising the proportion of energy that is derived from renewable or low carbon sources – something that is required by Policy CB12 (Delivering Zero Carbon). In terms of the development energy demand it is predicted that reductions of 57% can be achieved when measured against the Part L (2013) Buildings Regs (the policy requires a minimum of 19% reduction). The reduction can be captured and required through the proposed Section 106 in the event of a resolution to approve.
- 3.17.10 Significantly the ES at the time it was written did not make a commitment to necessarily use the District Heat (DH) as required by policy CB12 but was balanced in the value between DH and air source heat pumps. With the Council proceeding with the interconnector project to decarbonise the existing DH network serving Cranbrook and the Skypark, further work has been on going in recent months to reassure developers that DH can be delivered in time for their respective developments, produces the emission savings that are required by building regulations and is a cost effective way of delivering a policy compliant scheme. Significantly DH also has the advantage that it can be done at scale, can benefit from further carbon reductions (at scale) when technologies allows and doesn't load additional pressures on to an already constrained local electrical supply, the latter of which would be the case were air source heat pumps utilised. For these reasons it is clear that DH must continue to be promoted and secured through the Section 106 route.
- 3.17.11 The effects of changes to climate are considered in respect of biodiversity, noise and vibration and air quality. Generally effects on these areas are not considered to be significant as a result of climate change although a caution is noted in terms of noise sensitive receptors such as homes who ventilate their home naturally suffering from increased noise locally as a result of the further use of mechanical ventilation and cooling. This aspect is considered notable but of limited significance.
- 3.17.12 While some of the headlines extracted and set out in the preceding paragraphs are alarming, mitigation is available to reduce the effects of climate change. In addition to minimising energy demand and maximising the proportion of energy from renewable or low carbon sources, such tools as the CEMP can be used to secure best practice during construction. This approach can minimise the risk of increased dust and particulate matter from entering the atmosphere while an associated Construction Traffic

Management Plan can control movement of construction traffic and reduce risk of excess emissions.

- 3.17.13 Operationally tools such as the travel plan, a legible layout with good permeability, and use of shared bike facilities can all reduce the reliance on the private car and therefore the emissions potential.
- 3.17.14 It is recognised that since writing CB12 a number of requirements have been set into Building Regs which meet or exceed the policy position. While parts of the policy could be argued as now being superfluous, it is nevertheless helpful to have a robust policy to underpin all aspects of Carbon reduction across the full range of activities that take place in creating the expanded town. In particular the roll out of District Heating and the expectation that it is to play a key role in achieving Carbon savings for Cranbrook is a key policy requirement. Through Section 106 obligations, it is possible to ensure that the development complies with Policy CB12.

3.18 Lighting

- 3.18.1 Lighting impacts have already been considered in respect of the sports hub land use, and aspects identified within that section will not be repeated here. However there are a few areas which need further consideration - most notably in respect of aspects such as glow and glare – particularly noting the proximity to Exeter airport which is in close proximity and more generally the risk of effect on ecology, residential properties and their occupiers, and historical designations.
- 3.18.2 Although predominantly unlit farmland, the site is in proximity to a number of local sites which deliver lighting and affect the development site – namely Exeter airport and the surrounding facilities as well as highway lighting from the London Road. While airports are exempt from consideration as a statutory nuisance, it nevertheless provides a notable lighting presence within the baseline assessment.
- 3.18.3 The ES stresses the importance of a night-time curfew in respect of sports lighting (a time at which non-essential lighting is turned off) and suggests that this is fixed at 10pm. This is considered an appropriate and proportionate point to draw such a distinction and assessments of pre and post curfew have been made within the submitted report. It is also a requirement that could be secured by condition in the event of approval.
- 3.18.4 In addition to the sports lighting separately addressed, the report recognises that light spill and glare from poorly aimed construction luminaires has the potential to cause harm to the amenity of the most local residential properties – namely Treasbeare Farm and Treasbeare Cottages. To a large extent much of the harm that is identified from this source could be managed through the CEMP (to be required by condition). This would have to give regard to not only residential properties identified but also the nearby airport which must not be adversely affected. Both can be addressed by the single document. Residual lighting effects would be limited and while noticeable

and change the current status quo are an inevitable consequence of delivering a large urban extension in this environment.

- 3.18.5 In the operational phase and therefore once constructed, non-compliant light spill from junctions has the potential to adversely affect Treasbeare Cottages and Treasbeare Farm. Placement of lighting columns, use of glare shields, height and orientation (as well as the retention of natural screening) could all help to mitigate the potential effects to not only the key identified properties, but also those who are more generally affected (albeit less severely). However this mitigation cannot properly be assessed until the detailed design stage where it's most advantageous deployment would be determined.
- 3.18.6 In a similar manner to the assessment in respect of construction effects, some effects from additional lighting are inevitable from a development of this scale. Overall however it is considered that lighting effects would be manageable with mitigation likely to play a key role in ensuring effects are limited.
- 3.18.7 Cumulative effects are also considered within the ES, recognising the wider development that is set to take place around Cranbrook and the more extensive, western parts of East Devon. As a result of the total development that is planned, the ES considers that cumulative effects are possible with the potential for increased obtrusive light effects – particularly along the London Road, the Cranbrook residential edge and on ecology. To help minimise this, it is incumbent on all schemes to properly implement mitigation and in this regard the application properly demonstrates that it can play its part. Overall effects from lighting are considered acceptable recognising the need for the expansion, the uses proposed and the mitigation (including curfew) that can be deployed and at this stage are in accordance with policy EN14 of the Local Plan and CB16 of the Cranbrook Plan.

3.19 Retail

- 3.19.1 Policy CB3 of the Cranbrook Plan is specific in accommodating a range of E class uses within a new neighbourhood centre as well as other supporting sui generis and other employment related uses that would support the proper functioning of the neighbourhood centre. The policy sets out a policy requirement for a minimum of 1500sqm while the application has proposed up to 3000sqm.
- 3.19.2 In many ways this potential excess delivery has the scope to deliver a more meaningful neighbourhood centre that would help support the community based approach that is being sought by this development and the high internalisation that is predicted in terms of highway traffic modelling.
- 3.19.3 The challenge that results however is the impact on the emerging town centre which is only now under construction and therefore at a more vulnerable stage of its development. Policy in each of the allocations, including CB3 for Treasbeare, makes it clear that while planned for,

neighbourhood centres and their uses should not undermine the proper role of the town centre or its functioning. At face value the doubling of the gross floor space is a risk and needs careful consideration.

- 3.19.4 In support of the increase the applicants have provided a retail study which using published data considers that a fully built out scheme (based on 1035 dwellings) would generate a local annual spend of up to £15.7m with a supporting gross floor area across convenience, comparison and leisure and service uses of 4500sqm – 50% higher than is being sought by the application. This appears to support the notion that it can coexist alongside the town centre and its uses (without harming the town centre) particularly when it is noted that the Treasbeare scheme also proposes up to 10ha of employment uses which would have a local spend not factored in to the above calculation.
- 3.19.5 Policy also sets a threshold of 280sqm of net floor area for individual retail units above which a retail impact assessment is required. This is an important safeguard and ensures that single larger units would not be able to be developed within the centre without first demonstrating their impact on the town centre. Longer term the importance of this test diminishes, as shopping patterns will become established and the function and role of the town centre will become stronger, but for the next few years it is imperative that this test for individual units above 280sqm (net floor space) is robustly evidenced. In the event of permission being granted it is considered necessary to impose a restrictive condition that secures an assessment for any individual unit above 280sqm (net) to be accompanied by a detailed study at the RM stage to understand its potential impact on the town centre.
- 3.19.6 In considering the actual composition of the E class uses within the centre, Policy CB3 includes policy wording (as is found in other area allocations) which limits the number of fast food take-away's in the recognition that proliferation of these can have a harmful effect on people's health and wellbeing. The policy's stipulations don't need to be further repeated within the condition on this application as compliance with the policy can be assessed at the reserved matters and subsequent application stage.
- 3.19.7 The proposed introduction of betting shops had been identified as a sui generis use that the applicant wished to include within the range of uses that could be accommodated within the centre. It was also a use that had been particularly criticised within the neighbour comments received as being inappropriate owing to the young demographic of the town and the importance of focussing on the towns health and wellbeing – something that is well grounded in policy CB1. The risk of problems associated with gambling and people's challenge to gamble responsibly is well recognised. On the basis of policy CB1 (Health and Wellbeing at Cranbrook) and in recognition of the local concern to this aspect of the proposal, the applicant agreed to vary the description and remove this element from the proposal.

3.20 Airport Safeguarding and Wildlife hazard Management

- 3.20.1 Exeter airport is an important business for the south west and therefore it is important that development that takes place around it does not adversely impact its ability to operate successfully. There are a number of aspects to this comprising noise (already discussed) but crucially safety – both in terms of the technical equipment that helps particularly with landing, but also wildlife hazard management and the need to minimise the risk of bird strike.
- 3.20.2 Policy TC12 of the Local Plan seeks to ensure that development proposals in locations such as that with this application do not prejudice the safe operation of the airport, including interference with flight paths and navigational aids. The Instrument Landing System comprising the Localiser and DME (Distance measuring equipment) have been modelled with the proposed development in place which the Airport have confirmed is not considered to cause technical difficulties for planes landing at Exeter. Separate analysis of the Primary Surveillance on Radar has also taken place and it is considered that radar coverage is not expected to be an issue and that the probability of the development creating “false targets” is low.
- 3.20.3 This leaves the risk of bird strike to be assessed which represents a real threat to all airports and more particularly planes during the take-off and landing phase. The key message here is that the introduction of new development into an environment which is close to an airport should not make the risk of bird strike greater than is already recognised and managed by the individual airport.
- 3.20.4 Great care has therefore been undertaken by the developers who have worked closely with consultants who specialise in advising on this risk, to provide a set of plans which do not inherently make the situation more risky. This has meant a careful detailing of tree and shrub species and clear guidance notes on the density of key plants/species. The aim being to limit the attractiveness of the new development to particular species of bird which pose the greatest risk. In addition it must be acknowledged that attenuation basins closest to the airport would not be designed to have permanent standing water but would instead drain down after they have performed their primary function of attenuating particular rainfall events. Permanent water in some of the basins that are further away from the airport is considered possible provided careful attention is given to the design – e.g. there is no easy access to the water for wading birds, while any reeds are managed to reduce their attractiveness to large flocks of birds such as starlings.
- 3.20.5 At this stage the applicant demonstrates that the scheme can successfully marry the need for careful design planting and management (to accommodate the operation of the airport) while still delivering an attractive and locally distinctive environment which is beneficial for biodiversity and therefore policy TC12 is complied with. To take this matter into the reserved matters stage, future Reserved Matters applications will need to adhere to a bespoke wildlife hazard management plan which can be secured by condition.

3.21 Health

- 3.21.1 As an overriding theme within the Cranbrook Plan, Health and healthy outcomes is fundamental. It is a theme running through the objectives and policies of the plan and has been addressed at several stages of this report – not least in the discussion of both the location of the school site and in the more general consideration on connectivity and legibility associated with the highway network and general layout of the scheme. In so doing the scheme is trying to address the requirements of the first policy of the plan CB1.
- 3.21.2 However before this is considered through the conclusions to this report, there is an important discussion required concerning the funding available for tangible health related activity. Although the Plan aims for a more healthy community which is inherently less dependent upon various health related services, need for them will inevitably arise.
- 3.21.3 As part of the consultation for this application, the Royal Devon University Healthcare Foundation Trust (RDUH) have submitted a request for a contribution of ca. £624,000 for acute and community care – principally aimed at addressing gap funding for the first year of occupation of each dwelling. The RDUH identified these contributions as being necessary because the funding of its services is based on service demand and the population within its catchment but is calculated around 12 months in arrears. It is noted that in principle this Council has previously given an acceptance that it will support such requests where possible.
- 3.21.4 In terms of the Cranbrook expansion applications, the challenge that has arisen over this requested contribution is in part the timeline over which events have taken place, and in part its financial viability.
- 3.21.5 The Cranbrook Plan, its policies and IDP were submitted for examination in August 2019 with hearings held in January, February and November 2020. Subsequently the examination then continued through an exchange of letters with the Inspector, rather than any further in person/virtual hearing sessions. Importantly this dialogue was not to open up new issues in respect of the plan, but to clarify and work through issues that had already/previously been raised in respect of the submitted plan. The RDUH (or the RD&E NHS Foundation Trust as they were) did not make a request for these contributions at the various consultation stages of the Plan prior to its submission.
- 3.21.6 The point at which the Council through a meeting of the Strategic Planning Committee agreed to support the principle of financial requests from the RDUH on major housing schemes in the District more widely, was in July 2021 – almost 2 years after the plan and all viability information pertaining to the plan was submitted.
- 3.21.7 The second aspect of the challenge that arises from the request is viability. Members will recall the viability challenges that the Cranbrook Plan faced

and the great lengths that East Devon had to go to in reducing the infrastructure burden to ensure that the plan was deemed to be viable and ultimately found sound. It is no surprise therefore that the applicant for this proposal is deeply uncomfortable with the additional request which if supported, risks a reduction elsewhere within the infrastructure package that the plan secures or more generally the affordable housing which is set through the plan at 15% - this is already 10% lower than the level sought in other towns in the District. Whilst representing a material consideration, this late request doesn't fit with the adopted Cranbrook Plan or the infrastructure that is expected to be secured and which is set out in policy.

- 3.21.8 As an aside from the principal arguments here, caution must also be expressed as to the weight given in respect of East Devon's previously agreed position with the RDUH Foundation Trust. This is because on the 13 February 2023, the High Court handed down a judgement on a legal challenge brought by the University Hospitals of Leicester NHS Trust in respect of a decision by Harborough District Council not to secure gap funding for health related services.
- 3.21.9 The Trust challenged this position and lost – principally on the grounds that it had not established that a gap existed. The judgement goes further and is clear in identifying that funding for “services” (which is different to an infrastructure project) could be viewed as a National issue. It recognises that as the CCG funding formula recognises at least in part projected population migration, it can be argued that people moving into an area are already considered within the health funding provision even if not at a local level.
- 3.21.10 Clearly more work needs to be undertaken within East Devon and between this Council and the RDUH to understand the implications of this decision but as a material consideration in itself, it does act as a caution to the weight that should be given to East Devon's previously agreed approach.
- 3.21.11 In any event, and to help reconcile this issue for this application, it is necessary to consider the list of infrastructure items that the adopted Policy covers and the level of contributions that are anticipated on being secured. Policy CB6 (Cranbrook Infrastructure Delivery) and Policy CB21 (Cranbrook Town Centre) indicate that a health and wellbeing hub (HWH) is to be delivered. While not fully funded, the IDP indicates that taken together the 4 policy compliant expansion area allocations can secure £7m to the facility through the equalised funding available (figures based on 1 Q2020). It is equivalent to £1679 per dwelling or when inflation is taken into account and indexation applied, £1859 per dwelling (correct to 4Q2022).
- 3.21.12 The final mix of uses and services that are provided from the HWH are not yet fixed and are currently being explored by the Council with the various parts of the NHS. It is therefore possible that the HWH may provide both primary, acute and community care or be more focussed towards primary care. As such it is possible that the RDUH may benefit directly from the hub if some of their services are housed within the new facility. Even if their services are not provided through the Hub, it is still likely that they would

benefit (albeit indirectly) through reduced pressure on the services that it delivers.

- 3.21.13 In financial terms the size of the contribution, that would be secured for the HWH are around 50% higher than the sum that the combined NHS bodies are seeking as a contribution in their recent consultation response to the emerging New East Devon Local Plan. This is set as £1241 per dwelling for primary care, acute and community need combined and therefore demonstrates how meaningful the Cranbrook HWH contribution (at £1859) should be considered. Having regard to the discussion above and the tight financial viability position of the Plan, it is recommended that East Devon do not seek to secure the additional financial contributions requested by the RDUH which would be used essentially as gap funding. Instead it is recommended that East Devon maintain the level of affordable housing identified in policy and use the monies identified through the IDP for the delivery of permanent facilities and infrastructure in the town as originally envisaged – not least the Health and Wellbeing Hub.

3.22 Sustainability

- 3.22.1 The application is supported by a sustainability statement which establishes a number of key themes – making space for nature; mobility connectivity and active travel; waste and the circular economy; transitioning to decarbonisation; climate change and resilience; social value and human health; economy and skills; and valuing the historic environment. Many of these have already been addressed within the sections above and will not be repeated here. Nonetheless it is important and encouraging that the application has been considered in this holistic manner with key themes drawn out and the scheme critiqued against them.
- 3.22.2 Of particular importance and of merit to draw out is the identification that the scheme provides for over 19ha of SANGS and 15ha of open space, and together these spaces and facilities “will help support mental and physical wellbeing of new and existing residents”. This message is one that is at the heart of the policies of the plan and in this sense the proposal embraces the approach that is advocated.
- 3.22.3 Spin off benefits are also worth highlighting. The report recognises that the development would not only help the local economy but also provides an opportunity for work placements, training and the acquisition of skills during the 10 plus years of construction. Such benefits are rightly recognised and are an added benefit (in addition to the actually proposed employment development – up to 10.26ha) that is proposed.
- 3.22.4 Taken together these measures and approach help demonstrate that the scheme can be considered as sustainable development in accordance with the NPPF, supporting the environment, the economy and the community and as such and in this sense at least makes the scheme policy compliant.

3.23 Infrastructure obligations and Section 106 requirements

- 3.23.1 Referenced at various stages within the report are some of the expected infrastructure and other section 106 requirements that would form part of the package that is secured and delivered by this application. For clarity this part of the report will explain how Policy CB6 (Infrastructure Delivery) operates before briefly setting out the full range of obligations that should be secured from this application having regard to the governing policy.
- 3.23.2 Unlike with Cranbrook Phase 1, there is no consortium of developers in place for the expansion areas. Instead there are a range of developers and land promoters looking to bring forward development parcels of varying sizes, across the four expansion areas but who have no common agreement to work together. The Council have therefore had to find a way of equalising costs amongst all developers which as far as it reasonably can, ensures that costs are properly shared. Whilst it might have been possible to simply take the same direct financial contribution from each, this approach risks the scenario of infrastructure only being delivered when all have paid their fair share to a particular item. In reality therefore it is possible that infrastructure delivery would be beholden upon the rate of the slowest developer with the result that there would be delayed infrastructure delivery.
- 3.23.3 Instead it was considered appropriate to establish the basic principle that if a particular item of infrastructure is identified on a particular developer's land – then that developer delivers that item. Policy CB6 then ensures that developers who have high on site cost burdens are not unduly penalised, while those with very little on site infrastructure do not get away without paying their fair share of the infrastructure burden. To achieve this the IDP and Policy CB6 recognises four categories of infrastructure
1. Physical infrastructure to be provided by all development
 2. Contributions necessary from all development
 3. Infrastructure which is site specific and must be delivered in full by developers of the relevant expansion area
 4. Infrastructure for which contributions are necessary for the proper functioning of the Cranbrook expansions
- 3.23.4 While categories 1 & 2 are in effect fixed for all, 3 and 4 act to balance each other out – developers who have a higher cost in category 3 pay less through category 4 and vice versa.
- 3.23.5 In the case of the Treasbeare expansion area, which is the simplest of the expansion areas being under the control of a single master developer, it has already been discussed that they should deliver category 3 infrastructure comprising:
- 2 Form Entry (2FE) primary school unless this goes onto the Bluehayes site
 - Sports hub including AGP and pitches and serviced land for the tennis courts and pavilion (the latter two being funded by other development across the expansion areas)

- 2ha for energy expansion land
- 3.23.6 Assuming that the school is located on the Treasbeare land (as is DCC's preference) taken together these result in the highest proportion of costs on a per-dwelling basis of any of the four expansion areas and therefore the lowest proportion of category 4 contributions – in total and for allocated housing of 915 dwellings, the expected contribution is as a result, £712,974 (or £779 per dwelling) based on 1Q2020 figures. While the use for this doesn't need to be fixed at this stage and could be directed towards any of the category 4 projects, it makes sense that it is used towards delivery of the sports hub pavilion. This is a key asset that needs to be delivered on the Treasbeare land but sits as a category 4 project as there was insufficient headroom within the equalised "pot" to secure its delivery in full from the Treasbeare developers. It is considered that the delivery of the pavilion is important to ensure the proper functioning of the sports hub and by putting their own category 4 contributions towards its delivery, means that there is a much smaller residual balance to be obtained from other developer's category 4 contributions.
- 3.23.7 As discussed earlier, the scheme seeks to deliver up to 120 dwellings in excess of the allocation. Based on Policy CB6, these are expected to make proportionate contributions to unfunded or not fully funded infrastructure. In summary this expects £14,948 towards category 3 and 4 projects including education and other town centre infrastructure. The only anomaly here is that the full delivery of the AGP on site takes the developer over their originally expected category 3 costs. The excess expenditure that is borne as a result of that offer would in fairness need to be off set against these excess contributions in order to maintain a principle of cost equalisation across the expansion areas.
- 3.23.8 It is noted that within the Devon County Council response they indicate contributions towards a range of DCC projects including the Extra care facility and children's and youth services. These projects will be funded but arising from the equalisation method would be most likely funded from other expansion area development rather than this particular scheme.
- 3.23.9 In summary this proposal is expected to deliver:
- Category 1 infrastructure (delivered on site)
- Biodiversity net gains (10% on site)
 - SANGS establishment and enhancement (set up costs)
 - Formal open space
 - Play provision (3 LEAPS and 1 NEAP)
 - Allotments
 - Amenity Open space
 - Improved fabric first measures to buildings
 - Connection to the District Heat network
 - EV charging

Category 2 infrastructure (off site contributions)

- SANGS management and maintenance contributions
- Offsite habitat mitigation
- Travel planning

Category 3 infrastructure (on site direct delivery)

- 2FE primary school (unless delivered at Bluehayes)
- Sports pitches comprising
 - 3 adult football pitches
 - 2 senior rugby pitches including one with flood lighting
 - Flood lit AGP with rugby shock pad
 - Car parking
 - Serviced land for tennis courts
 - Serviced land for pavilion
- Energy centre land

Category 4 infrastructure (off site contributions)

- £712,974 – expected to be directed towards the delivery of the pavilion (This contribution is calculated on the basis of the school delivery at Treasbeare. If the school is delivered at Bluehayes then this contribution would be proportionately increased).

3.23.10 Contributions towards infrastructure covering categories 1-4 on a proportionate and per dwelling basis (except for an offset against the fully funded AGP listed in category 3 above. In the first instance contributions from excess housing will have to be used to deliver habitat mitigation to fulfil the habitat regulation and for education purposes.

4 Assessment against Policy CB1 and summary

4.1 This section works through the checklist of Policy CB1 to bring the considerations of the proposal together and to inform the final recommendation. The relevance of CB1 is that it is an overarching strategic policy which all development proposals must accord with.

4.2 *Point 1 – Develop an attractive and legible built and natural environment that links into its surroundings including the wider West End of East Devon and Exeter Airport and the Clyst Valley Regional Park*

4.2.1 The scheme as a whole is considered to respond well to this requirement. It demonstrates a good framework through the parameter plans which are set with well-defined green corridors. It is a landscape led approach which in this location is important. The scheme demonstrates links into Cranbrook phase 1 with well-placed pedestrian and cycle crossing points over the London Road and which have been considered safe (or can be made safe)

through both their independent safety audit assessment (RSA stage 1) and in principle by Devon County Council.

4.2.2 The scheme also makes provision for bus links into the neighbouring Skypark and pedestrian links into the existing Cranbrook country park. Taken as a whole it is considered to demonstrate the broad framework for delivering an attractive and legible community.

4.3 *Point 2 – Ensure that the community has and is able to have the infrastructure to support their needs and aspirations both now and into the future.*

4.3.1 While some of the identified Cranbrook expansion funded infrastructure is in the town centre and therefore delivered by offsite contributions from other areas, this particular scheme is more focussed on delivery of actual infrastructure within its own parameters. This is fully dealt with through Policy CB6 which equalises costs across the four areas and in doing so ensures that infrastructure is delivered in a fair way. Taking this holistic view it can be seen that the infrastructure required by the community would be delivered – from leisure and health and wellbeing based provision to on site allotments, playing pitches and potentially a new school. The site helps to deliver a range of infrastructure meeting the needs of its community now and in the future.

4.4 *Point 3 Ensure that all designs, proposals and decisions are coordinated to address the wider determinants of ill health*

4.4.1 Legibility and connections play a role here and these are already recognised as being good based on the parameter plans. Beyond this the policy point discussed here requires a level of detail that is beyond the scope of the outline application. Nonetheless based on the Design and Access statement, it is possible to see that there is a framework that should allow future designs and proposals (and therefore decisions) to address the wider determinants of ill health in accordance with this policy.

4.4.2 Uses such as hot food takeaways in the neighbourhood centre have the potential to have a detrimental impact upon health. As the neighbourhood centre will be in excess of 400m from a school then the principle of hot food takeaways is acceptable as per policy CB3. That said, the level of the use can be controlled at the Reserved Matters stage in accordance with Policy and in the interests of public health and wellbeing.

4.5 *Point 4 – Ensure that locations of services and land uses in Cranbrook integrate well with the community and are within easy reach on foot and bicycle whenever possible.*

4.5.1 This aspect picks up the need for services and land uses to be accessible. In the main body of the report, some concern was raised that the school proposed in Treasbeare was further east than would be the optimum location for it, resulting in a longer walk and cycle from houses in the far west of the

scheme and more particularly for residents of Bluehayes development where access is both further away or residents would have a more convoluted and equally lengthy route to gain access to the existing St Martins Primary. While sub-optimal in terms of creating walkable neighbourhoods, there are overall considered to be some benefits to the location proposed and therefore taken in the round the location is considered both acceptable and still accords with this limb of the policy. The scheme delivers a second sports pitch hub for the wider town, with the first being located at Ingrams to the east. This gives a good distribution of sports land within the expanded community.

4.6 *Point 5 – Create well designed streets and spaces using healthy streets approach to encourage walking cycling and social activity.*

4.6.1 Focussing on the actual streets as places, this policy limb seeks to enhance the quality of the corridors along which people would move. Attractive streets helps to encourage people out of cars and in doing so makes the environment both healthier and safer. With strong green tree lined routes, Bi-directional cycle lanes (following LTN1/20 guidance), and clear and legible walking routes that together make up the basic framework of the scheme, it is considered to be well placed to meet this policy requirement.

4.7 *Point 6 Ensure that civic and community buildings are accessible to all and provide facilities to meet the needs of individual and the community.*

4.7.1 Treasbeare will ultimately have two key civic/community buildings – the sports pavilion and in all likelihood the school. Both require detailed design to be fully considered against this policy, but both are reasonably accessible locations and can be designed to meet the expectations of the policy. This would partly be captured through the design code and partly through the subsequent reserved matters application.

4.8 *Point 7 – Ensure that housing is designed around spaces that encourage social activity*

4.8.1 This policy expectation is all about the finer grained neighbourhoods that set up the situation where people want to get out of their cars, walk across the street, meet and get to know the neighbours. Spatially this is about creating attractive outside spaces within housing developments which are logical and placed so that they provide a sense of purpose to go to, or through but also allow people to pause or sit and watch the world go by and pass the time of day with friends. It is a situation that needs to be captured within the design code and then assessed at the detailed design stage.

4.9 *Point 8 – Ensure that housing typologies and resulting densities are appropriate to their locations to support vibrant economic activity and public services.*

4.9.1 Point 8 focuses on the spatial distribution of housing and their typologies. It is essentially seeking to drive densities up in areas where economic activity is likely to be greatest but also allow for lower densities on the fringe of

development. The typical softening of built form as it moves away from core areas, provides a fringe/transition with and to the countryside beyond.

- 4.9.2 Treasbeare is a little odd in this context as it bounded by Cranbrook phase 1 and the London Road to the north, Skypark to the west, and Exeter Airport to the south. It also provides its own buffer between the countryside beyond and the residential development on site with playing fields to the east. Save for the elevated area of proposed housing above the 40m contour, therefore, its main area of “junction” with the countryside is on land to the east of Parsons Lane. Here care will need to be taken to ensure that housing densities and typologies suitably reflect this location – a matter that can be considered in more detail at the Reserved Matters stage. A variety of typologies can also be further explored at the detailed stage of development proposals.

5 Recommendation

1. To adopt the Appropriate assessment set out in appendix 2 of this report; and
2. To approve the application subject to a section 106 agreement to secure the requirements set out below and the conditions that follow.

S106 agreement requirements:

- a. Delivery of 15% affordable housing
- b. Delivery of 4% custom and self-build (released in phases)
- c. Design standards including Nationally described space standards
- d. 5 fully serviced pitches for gypsy and traveller provision
- e. Delivery (including phasing) of the neighbourhood centre
- f. Delivery (including phasing) of employment land
- g. Provision of a footbridge over Rockbeare (Ford) Stream from the SANGS land
- h. Timing of the delivery of traffic calming proposals, vehicular access points (including primary connecting internal accesses), Non-motorised user (NMU) access points, signalised junctions, roundabouts, controlled crossing points and full and appropriate NMU access thereto on London Road and Younghayes Road
- i. To commit through dedication of land to providing a bus, pedestrian and cycle access that will enable a tie into the adjacent Skypark site to the west. The location, safeguarding, detailed design, and timing of its delivery in its entirety
- j. To submit and secure a TRO for the required posted speed limit, the extents, to be agreed in writing with the Highway Authority
- k. To submit and secure a TRO application to reclassify the Treasbeare Lane access for non-motorised use
- l. To pay a commuted sum for the maintenance of the consented signalised employment junction on London Road (including any potential alterations to accommodate the prohibition of a right turn onto Station Road) and any other signalised crossings delivered as part of

this application. The costing and detail of which, to be agreed in conjunction with the Highway Authority

- m. Provision of safe and suitable NMU access to bus stops on London Road
- n. SUDS and open space delivery and management
- o. Monitoring fees
- p. Proportionate contributions for dwellings in excess of the allocation of 915 units (off set by the extra costs for the full delivery of the AGP)
- q. Infrastructure in accordance with the Cranbrook IDP and Policy CB6 – namely:

Category 1 infrastructure (delivered on site)

- Biodiversity net gains (10% on site)
- SANGS establishment and enhancement
- Formal open space
- Play provision (anticipated to be 3 LEAPs and 1 NEAP)
- Allotments
- Amenity Open space
- Improved fabric first measures
- Connection to the District Heat network
- EV charging

Category 2 infrastructure (off site contributions)

- SANGS maintenance contributions
- Off-site habitat mitigation
- Travel planning (to secure an appropriate Travel Plan including details of delivery)

Category 3 infrastructure (on site direct delivery)

- 2FE primary school (unless delivered at Bluehayes)
- Sports hub and pitches comprising
 - 3 adult football pitches
 - 2 senior rugby pitches including one with flood lighting
 - Flood lit AGP with rugby shock pad
 - Car parking
 - Serviced and for tennis courts
 - Serviced land for pavilion
- Energy centre land

Category 4 infrastructure (off site contributions)

- £712,974 – index linked from 1Q2020 unless the school is delivered at Bluehayes. In that scenario the contribution is proportionally higher

Proposed conditions:

Timescales and parameters

1) Reserved Matters

Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each phase or sub phase of the development including those for the relevant part of the primary access route and related engineering works, shall be obtained from the Local Planning Authority in writing before the development within that phase, sub phase or relevant part of the access route is commenced. Development shall be carried out in accordance with the approved details and any subsequent non material amendments as shall be approved in writing by the Local Planning Authority.

Reason - The application is in outline with all matters reserved, except in respect of main accesses. Development will progress in phases and approval of reserved matters applications will be necessary on a phased basis to allow development of the relevant phase or access route to progress without approval of reserved matters across the whole of the site.

2) Time period for submission

Application for approval of reserved matters for the first phase, sub phase or relevant part of the main access route, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Development for the first phase, sub phase or relevant part of the main access permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters for that relevant phase or part.

All subsequent applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of eight years from the date of this permission.

Reason - To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to recognise the scale of development and the need to develop the site in phases.

3) The development hereby permitted shall be undertaken in accordance with the location plan and parameter plans set out in the following schedule which are hereby approved:

32463 BL-M-28C Site location plan

32463 BL-M-41M Land Use and Access

32463 BL-M-42J Building Heights

32463 BL-M-43O Green Infrastructure

In addition main access junctions shall be delivered in accordance with the following approved plans (save for materials, final landscaping and the position of the toucan crossing adjacent to Parsons Lane) which together with any consequential revisions are subject of separate conditions):

20-429-20 103D Double mini Roundabout layout
20-429-20 132A Permanent components of the Gypsy and Traveller access
20-429-20 133A Proposed employment access final arrangement
20-429-20 14 London Road/Parsons Lane roundabout improvements

Reason – To clarify the terms of the planning permission and in accordance with Policy CB3 (Treasbeare expansion area) of the adopted Cranbrook Plan 2013 – 2031.

To be agreed prior to Reserved Matters being submitted

4) Strategic Design Code

Prior to the submission of the first reserved matters application, a strategic design code which addresses site wide components of design and sets the parameters and specific character for each phase shall have been submitted to and agreed in writing by the Local Planning Authority.

The design code must reference the parameter plans hereby approved (by condition 3) and build upon both these and the supporting masterplan which accompanied the outline planning application with plan reference BL-M-39 Rev Y. The design code must also have regard to the National design guide, and meet with the adapted principles from Building for a Healthy Life set out in Policy CB15 of the Cranbrook Plan.

Amongst other aspects, the design code shall also address principles (as far as practically possible) for the location, cladding and installation of substations and similar utility buildings required by statutory undertakers. It shall also establish general principles for the installation of plant and equipment and the need for pollution prevention measures from commercial buildings.

Subsequent Reserved matters applications must each include a statement of compliance setting out how they meet with the terms of the Approved Strategic design code

Reason - To ensure that a well-designed, coordinated and legible urban expansion is delivered and to comply with the policy requirement of the Cranbrook Plan (Policy CB15 Design Codes and Place Making), Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and the NPPF.

5) Design Code

Prior to the submission of the first reserved matters application in each phase, a detailed design code which addresses detailed components of design and

character within the respective phase shall have been submitted to and agreed in writing by the Local Planning Authority.

The design code must reference and have regard to the agreed Strategic design code and must also have regard to the National design guide and meet with the adapted principles from Building for a Healthy Life set out in Policy CB15 of the Cranbrook Plan.

All Reserved matters applications within the relevant phase must each include a statement of compliance setting out how they meet with the terms of the Strategic Design Code and Detailed (phase wide) Design Code.

Reason - To ensure that a well-designed, coordinated and legible urban expansion is delivered and to comply with the policy requirement of the Cranbrook Plan (Policy CB15 Design Codes and Place Making), Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and the NPPF.

6) LBDS

To be incorporated within a revised and updated Landscape Biodiversity and Drainage Strategy (LBDS) which shall be submitted to and approved in writing by the Local Planning Authority in advance of the first Reserved Matters application, the following shall be addressed over and above the content of the LBDS Rev B (dated 9th November 2022):

- a comprehensive scheme for the provision and management for an 8-metre-wide maintenance and wildlife corridor alongside all stream corridors which must be free from built development including lighting, domestic gardens and formal landscaping (with the exception of otherwise approved river crossings).
- Retained pond water level monitoring and the means by which its level and function can at least be mirrored (or bettered) in a post development scenario when surface water drainage and catchments will be different.
- During construction measures to deal with surface water (exceedance) flows and other pollution pathways to safeguard water quality, ditches and other aquatic features

The development shall be fully implemented and subsequently maintained in accordance with the agreed strategy which shall be reviewed and updated as necessary so that at no time, is it more than 5 years old..

Reason – To ensure that the LBDS is up-to-date, comprehensive and amongst other things, allows access to the watercourses for maintenance and to protect the land adjacent to watercourses which is particularly valuable for wildlife, in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 – 2031.

7) Wildlife Hazard Management Plan

Prior to the submission of the first reserved matter application, a detailed Wildlife Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This must document key risks associated with the development and their relationship with aviation operations. The Plan must set out detailed mitigation and management for the identified risks and a mechanism for its regular review. Subsequent applications and management shall comply with the details agreed or those agreed through the plan's review.

Reason – To ensure that a robust understanding of the potential aviation risks that could arise from the development are understood and mitigation and management is provided for these, in accordance with the NPPF and Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the adopted East Devon Local Plan.

8) Movement Framework Plan

Prior to the submission of the first reserved matters application and notwithstanding the parameter plans hereby approved (by condition 3), a movement framework plan shall be submitted to and agreed in writing by the Local Planning Authority which identifies the main vehicle route, cycle and pedestrian links identified on the masterplan (with plan reference BL-M-39 Rev Y) and how these connect to the access points shown on the approved access and use parameter plan (with plan reference 32463 BL-M-41M).

In addition and for the avoidance of doubt a footway and cycle connection shall also be shown connecting the Parsons Lane junction and the north east corner of the site and which runs south of the retained boundary hedgerow.

Subsequent reserved matters applications shall recognise this movement framework and make provision for the links and connections as broadly identified.

Reason – To ensure there is clarity over the basic movement patterns that must be facilitated within the site and to add in an important strategic link between Parsons lane and the north east corner, in accordance with Policies CB3 (Treasbeare expansion area), and CB15 (Design Codes and Place making) of the adopted Cranbrook Plan 2013 – 2031.

9) Flood modelling (Flood Resilient Design and Layout)

In advance of the first reserved matters being submitted and to ensure that the development is flood resilient, a plan which documents the extent of the flood zones associated with Rockbeare (Ford) Stream located along the north east boundary of the site and the tributary of the Cranny Brook which runs in proximity to the south west boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority.

The plan shall be fully evidenced by detailed hydraulic modelling, which must accompany the submission and shall demonstrate that finished floor levels will be a minimum of 600mm above the design flood level;

For the avoidance of doubt all areas modelled as being located within the Q100 plus climate change flood extents shall not be developed (except where essential infrastructure is proposed) and shall instead form part of the public open space.

Where it can be demonstrated that essential infrastructure is required in such a location, a detailed flood mitigation/compensation scheme shall also be set out in any relevant reserved matters applications.

The development shall be fully implemented and subsequently maintained in accordance with the agreed scheme.

Reason - To reduce the risk of flooding to the proposed development and its future users in accordance with guidance in the NPPF

To accompany all or relevant Reserved matters applications

10) Landscape Ecological Management Plan

A detailed Landscape Ecological Management Plan (LEMP) shall accompany each reserved matter application setting out how landscape and ecological protection, mitigation, compensation and enhancement measures relating to the proposal will be implemented, managed and monitored.

Development and the sites future management shall be undertaken in accordance with the agreed details.

Reason - To ensure that the landscape and ecological measures provided as part of the proposal are fully delivered and managed in accordance with the agreed details, in accordance with Policy EN5 (Wildlife habitats and features) of the adopted East Devon Local Plan 2013 2031.

11) Finished floor levels

Details in relation to the reserved matters submitted for any phase, sub phase or relevant part of the access route in compliance with Condition 1, shall include finished floor levels where relevant and in all cases existing and proposed ground levels in relation to a fixed datum for that phase, sub-phase or relevant part of the access route. Development must be carried out in accordance with those approved details.

Reason - To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan

and Policy CB15 (Design Cods and Place making) of the adopted Cranbrook Plan 2013-2031.

12) Surface water drainage

Accompanying each reserved matters application shall be a detailed drainage scheme which evidences how the scheme conforms to the approved Flood Risk Assessment (FRA) and Drainage Strategy with project reference number 540 Rev F.

The detailed scheme shall evidence how surface water is managed and conveyed through at least 2 above ground SUDS features before discharge as well as evidence of an appropriate exceedance routing plan.

Details for the management, maintenance and adoption of the SUDS features to be deployed within the scheme shall also be provided and agreed in writing.

Development shall only take place in accordance with the agreed scheme

Reason: To effectively manage the surface water drainage that is generated by the scheme, to ensure treatment of the water, to improve quality and to minimise the risk of downstream flooding all in accordance with Policy CB26 (Landscape Biodiversity and drainage) of the Cranbrook Plan 2013 – 2031, and Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013 – 2031

13) LBDS compliance

Accompanying each reserved matters application and to be approved in writing by the Local Planning Authority, shall be an LBDS compliance statement, which demonstrates the proposal's conformity with an up to date LBDS (in accordance with Condition 6).

The development and sites management shall be undertaken in accordance with the agreed statement.

Reason – To ensure that the stipulations and requirements of the LBDS are carried through into the detailed design and delivered on site in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 – 2031.

14) Tree Protection

Accompanying each reserved matters application and to be approved in writing by the Local Planning Authority, shall be details of, and a timetable for, the protection of retained trees and hedges during construction that are in or in proximity to the application area

The development and site management shall be undertaken in strict accordance with the agreed details.

In addition and any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

Reason - The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.

15) Retail assessment

Notwithstanding the terms of the permission hereby granted, a retail assessment considering the likely retail impact of the proposed development on the vitality and viability of the town centre shall accompany any reserved matters application which seeks to make provision for an individual retail unit where the net floor area proposed is 280sqm or greater. Through the assessment, the Local Planning Authority will need to be satisfied that the proposal does not undermine the vitality and viability of the emergent town centre.

Reason – To allow for further assessment of the likely impact from retail units with a net floor area of 280sqm or greater on the vitality and viability of the town centre in accordance with Policy CB3 (Treasbeare expansion area) of the adopted Cranbrook Plan 2013 – 2031.

16) Transfer plans

Accompanying each reserved matters application shall be a plan(s) depicting to whom the following assets are proposed for transfer of ownership and/or maintenance:

- Highways
- Pedestrian and/or cycle paths
- Public Open Spaces (hard and soft landscaped)
- Play areas

- Community facilities
- Verges
- Drainage features

The plan shall be kept up to date and reflect any proposed changes made to the application during its period of determination.

Subsequent transfers of ownership and/or maintenance must be undertaken in accordance with the agreed plan or any subsequent plan submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure that there is clarity at all stages of place making as to whom is likely to take on which asset and to help minimise the risk of the private disposal of key assets and connecting routes, in accordance with Policy CB15 (Design Codes and Place making) of the adopted Cranbrook Plan 2013 – 2031.

17) Tree Rooting volume

All reserved matters applications proposing tree planting shall, as well as listing the number, species, and planting size of each tree, clearly identify the available and achievable soil rooting volume and demonstrate to the satisfaction of the Local Planning Authority that such volume is appropriate for the relevant tree. Where necessary for place making purposes, the development shall make use of tree root cells or other means by which the useable volume can be increased. Where tree root cells or other similar means are used the method, design and construction of the proposed infrastructure shall be specifically set out within the reserved matters submission.

Development must be undertaken in accordance with the agreed details.

Reason – to maximise the growth of trees and the potential that these can contribute to the character and identity of a particularly environment in accordance with Policy CB1 (Health and wellbeing at Cranbrook), Policy CB15 (Design Codes and Place making) and Policy CB27 (Landscape biodiversity and Drainage) of the adopted Cranbrook Place 2013 – 2031.

18) Pill box in employment area

Accompanying any reserved matters application within which the WWII Pill box falls, details for the means of its protection during construction shall be submitted to and approved in writing by the Local Planning Authority.

In addition and at the same time, a scheme for the building's long term safeguarding and preservation together with its interpretation for the wider public interest shall also be submitted and agreed. The scheme shall include a timetable for its implementation.

Development must take place in accordance with the agreed details.

Reason – to safeguard the heritage value that is ascribed to this asset in the interest of the character of the area, in accordance with Strategy 49 (The historic Environment) and Policy EN8 (Significance of heritage assets and their setting) of the adopted East Devon Local Plan 2013 – 2031.

To be agreed before first commencement

19) Junction design

No development shall take place in respect of any individual junction hereby approved, until detailed plans for the respective junctions have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to lines, levels, layouts and any necessary visibility splays, as generally shown on the following drawings, to also include full and appropriate pedestrian access:

- 20-103 Rev D Proposed Double Mini-Roundabout Layout – Final Solution
- 20-125 Rev B - Gypsy and Traveller Access with Temporary Traffic Calming
- 20-128 Rev A - Interim Traffic Calming – Parsons Lane to Primary Access Junction
- 20-130 Rev A - Interim Traffic Calming – London Road
- 20-132 Rev A - Permanent Components of G&T Access
- 20-133 Rev A - Proposed Employment Access – Bus Lane Retained With Lane Merge
- 20-134 - Interim Traffic Calming Between G&T Access And Court Royal Rbt

The approved accesses and crossings shall be laid out and constructed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason – to ensure that full details of the final junction design are agreed before the start of the respective junction, to ensure that the junction is safe and to prevent abortive work, in accordance with Policy TC2 (Accessibility of new development) and TC7 (Adequacy of road network and site access) of the adopted East Devon Local Plan 2013-2031.

20) Junction materials and landscaping

Notwithstanding the plans hereby approved and before any development first begins, a revised material palette and landscaping scheme for each of the junctions listed below shall first have been submitted to and agreed in writing by the Local Planning Authority.

To support the materials palette, samples of each of the materials to be used shall be also be submitted and agreed in writing by the Local Planning Authority.

1. Junction onto the B3174 (London Road) to serve the proposed employment area (20-133 Rev A - Proposed Employment Access – Bus Lane Retained With Lane Merge)
2. Alterations to the existing roundabout at the junction of the B3174 (London Road) and Younghayes Road, realignment of the B3174 (London Road) and construction of a second mini-roundabout; (20-103 Rev D Proposed Double Mini-Roundabout Layout – Final Solution)
3. Alterations to the roundabout and junction at the junction of the B3174 (London Road) and Parsons Lane (subject to any revisions required by Condition 21) (20-429-20 14 London Road/Parsons Lane roundabout improvements)
4. Junction onto the B3174 (London Road) to serve the proposed gypsy and traveller pitches. (20-132 Rev A - Permanent Components of G&T Access)

Development must take place only in accordance with the agreed materials and landscaping plans and samples.

Reason – to ensure that an attractive and legible built environment is delivered. Details are required before the start of development to ensure that the construction can be tailored to the agreed landscaping and materials. All in accordance with Policy CB15 (Design Codes and Place making) of the adopted Cranbrook Plan 2013 – 2031 and Policies D1 (Design and local distinctiveness) and D2 (Landscape requirements of the adopted East Devon Local Plan.

21) Parsons Lane Toucan crossing

No development shall take place in respect of the London Road/Parsons Lane Roundabout improvements until full details for a revised location of a non-motorised user (NMU) crossing point (toucan crossing) on the B3174 (London Road) have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority)

Detailed plans shall also evidence any consequential changes required to the roundabout improvements as a direct result of the revised NMU crossing location as well as the line, level, and layout details for the full London Road/Parsons Lane roundabout improvements and which shall in all other respects be in accordance with drawing reference 20-429-20 14 London Road/Parsons Lane roundabout improvements

The approved access and crossing shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.

Reason – to ensure that full details of the final junction design are agreed before the start development, to ensure that the junction is safe and to prevent abortive work, in accordance with Policy TC2 (Accessibility of new

development) and TC7 (Adequacy of road network and site uses) of the adopted East Devon Local Plan 2013-2031.

22) Noise

- (i) No construction shall take place of any individual dwelling within any of the zones B, C and D within figure 2 of adopted Cranbrook Plan, until a scheme(s) for noise mitigation in the respective zones (or subzones) has been submitted to and agreed in writing by the Local Planning Authority. The scheme(s) shall ensure that internal noise levels within residential dwellings due to aircraft engine ground running do not exceed 35 dB LAeq 1-hour with windows closed and whole dwelling ventilation provided, or 45 dB LAeq 1-hour with increased ventilation provided (via partially open windows or other means).

To help inform the scheme for noise mitigation required by this part of the condition, and in the event that a scheme is being designed and submitted for approval after an engine ground running enclosure has been delivered at Exeter Airport, then an up to date baseline assessment shall have been obtained with the enclosure in use and accompany the scheme submitted for approval.

- (ii) Zone D implementation requirements

In respect of the mitigation scheme for zone D and in addition to the requirements of part (i) of this condition, implementation and compliance with the following component is also required prior to occupation of any dwelling within this zone:

- a) Specifications for an engine ground running enclosure at Exeter Airport to be submitted to and agreed in writing by the Local Planning Authority; and
 - b) Construction of the engine ground running enclosure in full accordance with the specification in part (a); and
 - c) Inspection of the completed ground running enclosure by a suitably qualified acoustician, with a final report to be submitted and agreed in writing by the Local Planning Authority, confirming that it has been built in accordance with the specification in part (a).
- (iii) No individual dwellings located within Zones B, C and D shall first be occupied until all identified measures for the respective dwelling/s have been completed in accordance with the agreed scheme for that zone. Thereafter, the identified mitigation measures must be retained.

Reason – to ensure that adequate safeguards are in place to protect to protect the health of future occupiers of residential development from all unacceptable airport noise including excessive noise arising from the engine ground running

at Exeter Airport, and to ensure that a comprehensive approach is taken to noise mitigation in respect of airport noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and Policy CB3 (Treasbeare expansion area) of the adopted Cranbrook Plan 2013 – 2031.

23) Archaeology

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.

24) Advance planting

No development shall take place until a scheme of advance planting together with a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Planting must then take place in accordance with the agreed details and timetable set out.

Reason - To allow planting in key areas to become established earlier and provide a greater contribution to the setting and landscape mitigation that is proposed within the application in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan and Policies CB3 (Treasbeare expansion area) and C15 Design Codes and Place making of the adopted Cranbrook Plan 2013- 2031.

25) Phasing of Road, Services and Facilities

No development shall take place within a sub-phase of the site (save such preliminary or minor works as the Local Planning Authority may approve in writing) until the relevant details of the following works in respect of that sub-phase have been submitted to and approved by the Local Planning Authority:-

Details of the proposed estate roads, footways, footpaths, junctions, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture,

The required details shall be provided by way of plans and sections indicating as appropriate the design, layout, levels, gradients, materials and methods of construction.

The works shall thereafter be provided and retained in accordance with the approved details and any subsequent amendments as shall be approved in writing by the Local Planning Authority.

Reason – To ensure adequate information is available for the proper consideration of the detailed proposals, the site is developed in a proper manner, adequate access and associated facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining and future residents, in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and Policies CB1 (Health and wellbeing) and CB15(Design Codes and place making) of the Cranbrook Plan 2013 – 2031.

Prior to commencement of development in each phase

26) Construction Environment Management Plan (CEMP)

No development within each respective phase of development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. Unless otherwise agreed through the submission of separate Plans, the Plan shall apply to the whole of that phase of development and include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. The CEMP shall also include:

- a detailed soil resources management plan.
- Details of the construction access and contractors' parking/compound
 - Where this shall be provided,
 - How it will be surfaced and drained
 - How the area will be remediated and
 - its finally intended use

The development shall be carried out in accordance with the approved details and any subsequent amendments which shall be agreed in writing with the Local Planning Authority.

Reason - To ensure that adequate measures are in place from the outset of development to avoid or manage the risk of pollution or waste production during the course of the development works in accordance with Policy D1 (Design and Local Distinctiveness) and E14 (Control of Pollution in New Development) of the adopted East Devon Local Plan.

27) Construction Traffic Management Plan (CTMP)

No development within each respective phase of development shall take place until a detailed a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP which may be included within the CEMP, shall detail:

- a) the timetable of the works;
- b) daily hours of construction;
- c) any road closure required (and a time table for this);
- d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays Inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed in writing by the Local planning Authority in advance;
- e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- h) hours during which no construction traffic will be present at the site;
- i) the means of enclosure of the site during construction works; and
- j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- k) details of wheel washing facilities and obligations
- l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- m) Details of the amount and location of construction worker parking.
- n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The development shall be carried out in accordance with the approved details and any subsequent amendments as shall be agreed in writing with the Local Planning Authority.

Reason - To ensure that adequate measures are put in place to manage construction traffic during the development in accordance with Policy D1 (Design and Local Distinctiveness) and E14 (Control of Pollution in New Development) of the adopted East Devon Local Plan.

Prior to first occupation

28)Way-finding Strategy

The development hereby permitted shall not be first occupied until a way-finding strategy for pedestrians and cyclists has been submitted to and agreed in writing by the Local Planning Authority. It shall include details of materials and any signage necessary, together with a detailed phasing plan setting out how and when the strategy will be deployed as each phase develops.

For the avoidance of doubt the strategy must be delivered on site in accordance with the approved details and phasing.

Reason - to assist with place making, legibility and travel planning in accordance with the Policies CB15 (Design codes and place making) and CB18 (Coordinated sustainable travel) of the adopted Cranbrook Plan 2013 – 2031.

29) Street Furniture

The development hereby permitted shall not be first occupied until a street furniture design guide has been submitted to and agreed in writing by the Local Planning Authority. It shall include details of materials and any signage necessary, together with a detailed phasing plan setting out how and when the strategy will be deployed as each phase develops.

For the avoidance of doubt the strategy must be delivered on site in accordance with the approved details and phasing.

Reason - to assist with place making, and legibility in accordance with the Policy CB15 (Design codes and place making) of the adopted Cranbrook Plan 2013 – 2031.

Prior to occupation/first use of a particular phase

30) Archaeology

The development in each individual /discrete phase (applying to both residential and commercial phases), shall not be occupied until:

- (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and
- (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason - To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

31) Travel Plans

Each phase (applying to both residential and commercial phases) shall not be first occupied until detailed travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the agreed details.

Reason – To ensure that the travel plan is reviewed ahead of the first occupation of each phase, that it is up to date and maximises the opportunity for ensuring that new residents establish sustainable travel habits in accordance with policy CB18 (Coordinate sustainable travel) of the adopted Cranbrook Plan 2013 – 2031.

32) Historic environment mitigation

Prior to first occupation of dwellings in the phase of development that is delivered to the immediate north of Treasbeare Cottages, details of local heritage interpretation boards including their siting, design, content and timescale for delivery shall be submitted to and approved in writing by the Local Planning Authority.

The boards shall be delivered in accordance with the agreed details and timescale.

Reason – To ensure that adequate recognition of the local history and heritage is provided within the site for the understanding and appreciation of future occupiers in accordance with Policy CB3 (Treasbeare expansion area) of the adopted Cranbrook Plan and Strategy 49 (The historic environment) of the adopted East Devon Local Plan 2013 – 2031.

General stipulations/compliance requirements

33) Foul drainage

First occupation of any dwelling or commercial unit in a relevant phase shall not take place until that phase's foul drainage is connected to the foul mains sewer.

All subsequent development within that phase shall similarly be connected to the mains foul network. In addition no surface water connection shall be made to a combined sewer.

Reason – To help maximise capacity within the foul network in the interest of sustainability pollution control and amenity, and in accordance with Policy EN14 (Control of pollution) of the adopted East Devon Local Plan 2013-2031.

34) Lighting

In accordance with the findings of the Environmental statement (ES), lighting where used shall be designed, installed and maintained in accordance with the recommendations and stipulations set out in Appendix 16.2 – Lighting parameters, of the update to the ES submitted November 2022.

In particular it is expected that unless wholly impractical, all external lighting including street columns (but excluding private domestic lighting) shall only be fitted with luminaires that emit a warm light of between 2700k-3000k in the interests of biodiversity and landscape impact

Reason – The use of warm light is less disruptive to a variety of species and less in congruent in the landscape in accordance with Policies D1 (Design and Local Distinctiveness of the East Devon Local Plan 2012 – 2031, and Policy CB26 (Landscape, biodiversity and drainage) of the adopted Cranbrook Plan 2013- 2031.

35) Lighting – hours of use

Lighting used for the illumination of pitches, courts and any other playing surfaces shall only be used until 10pm on any given day at which time they must be turned off. Such lights must thereafter remain extinguished until at least 10am the following day.

Reason – The location of pitches courts and other playing surfaces are set on elevated land within the Treasbeare expansion area where careful control of the hours of lighting use is required in accordance with Strategy 46 (Landscape conservation and enhancement and AONBs of the adopted East Devon Local Plan and Policies CB1 (Health and wellbeing at Cranbrook) and CB15 (Design Codes and Place making of the adopted Cranbrook Plan 2013 – 2031.

36) Retail units (restriction to below 280sqm net floor area)

Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent Order revoking and reacting that Order with or without modification), no retail unit (Class E(a)) shall be formed through internal works or a change of use, which results in the forming of a single retail unit whose net floor area is 280sqm or greater, without the express consent of the Local Planning Authority.

Reason – To prevent (without further assessment) the formation of individual retail units with a net floor area of 280sqm (or greater) through internal changes or through a change of use in the interest of the vitality and viability of the town centre and in accordance with Policy CB3 (Treasbeare expansion area) of the adopted Cranbrook Plan 2013 – 2031.

37) Employment area restrictions

Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent Order revoking and reacting that Order with or without modification), there shall be no change of use away from the identified uses comprising Classes E(g), B2, B8 and energy related development (where this is associated with the distribution of heat and hot water to Cranbrook) without the express consent of the Local Planning Authority

Reason – To ensure that there are proper controls in place for the retention of employment uses which support the growth of the town and in recognising

that the identified land is in a noise sensitive area where uses need to be carefully managed to ensure that amenity of users is maintained – all in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policies CB1 (Health and Wellbeing at Cranbrook), CB3 (Treasbeare expansion area) and CB17 (Amenity of future occupiers) of the adopted Cranbrook Plan 2013 – 2031.

- 38) Notwithstanding the provisions of the Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent Order revoking and reacting that Order with or without modification), any domestic garages provided as part of the development hereby approved must be kept free for the parking of motor vehicles and/or bicycles and must not be used for any other purpose.

Reason: to ensure that adequate space is made available for the storage of vehicles and bicycles in accordance with policy CB20

- 39) Land contamination

In the event that any contamination of soil or groundwater is discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that phase or part thereof, shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.

Reason - To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy EN16 (Contaminated Land) of the adopted East Devon Local Plan 2013 – 2031.

- 40) Landscape replacement

The landscaping works approved as part of each reserved matters application for a particular phase or sub-phase shall be undertaken in accordance with the approved scheme within 12 months of completion of development or during the next planting season following completion of the sub-phase whichever is the sooner.

If within a period of 10 years from the date planted any tree, plant or shrub dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with other(s) of similar size and species.

If within a period of 10 years of the commencement of development of a relevant phase/sub phase, any part of any retained/translocated hedgerow dies or becomes diseased, it shall be replaced before the end of the next available planting season in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of enhancing and preserving the amenity of the area in accordance with Policy D2 (Landscape requirements) of the East Devon Local Plan and Policies CB15 (Design codes and place making) and CB26 (Landscape biodiversity and drainage) of the adopted Cranbrook Plan 2013-2031.

- 41) No existing tree or hedgerow shown as being retained on site in the Landscape, Biodiversity and Drainage Strategy or the parameters plans, (including any amendments as shall be agreed in writing by the Local Planning Authority), shall be felled, destroyed or wilfully damaged including any damage to root(s), other than in accordance with the LBDS or approved management plan, without the prior written consent of the Local Planning Authority.

In addition there shall be no burning of materials where it could cause damage to any tree or tree group on the site or land adjoining.

Reason - To protect trees on the site in the interests of preserving and enhancing the amenity of the area in accordance with Policy D3 (Trees on development sites) of the adopted East Devon Local Plan 2013 – 2031.

Informative

Advice - Flood Risk

Any modelling used to inform detailed design required by condition must be reviewed and approved by the Environment Agency. The Environment Agency can provide advice on the model requirements under the cost recovery Planning Advice Service prior to submission to the LPA should this be required. Please contact for details of the Planning Advice Service and to obtain a quote for advice.

Appendix 1 – Technical Consultation responses received (set out in full)

Arboricultural officer (EDDC)

Following our site visit to Treasbeare, please find my comments below and attached photographs:

I have a number of concerns regarding the outline proposals, namely the removal of hedges and loss of trees due to the low number of each on site. It is considered that these are important established features, helping to maintain a link to the past, maintaining important wildlife corridors and playing an important role in the green infrastructure of the new development. Whilst, new landscape planting is vital, existing trees and hedges should be retained as much as possible as once they are gone it is very difficult to replace them. Therefore I would support alternative plans which include the retention of the trees and hedges:

- Location one: The removal of one Ash tree within the hedge is understandable due to its poor condition, but it's considered appropriate to retain this hedge and trees and include replacement planting of individual standard trees within the hedgerow to increase canopy cover. The adjoining hedge to the east contains a number of larger trees which are proposed to be retained and together with the location one hedge makes a strong feature.
- Location two: disappointing that the entire length of hedge is proposed for removal.
- Location three: cycle path and attenuation pond needs to be outside of RPA of nearby veteran trees. The cycle path also needs to be outside of the falling distance of the trees to reduce risk. Appropriate design can ensure that public are kept away from the trees to minimise any necessary work to the trees from a safety perspective. I.e. do not introduce targets within falling distance of the tree. The relocation of the old established hedge is also not considered desirable.
- Location four: is an interesting meeting point of old hedgerows including a number of veteran Oak's. The trees at location 3 and 4 are high value trees with many habitat features. The access road should be relocated to the south though unfortunately this would also involve the removal of a section of hedge.
- Location five: retention of the Poplar is consider viable by moving the access road to the west and swinging the road south around the Poplar.

The necessity to widen Parson's Lane is accepted which will include the removal of the hedge and two establish Oak's to the east of the road; however one Oak is of poor form and as long as the western side of the hedge including trees within the hedge are retained this is considered acceptable. Planting of standard trees within the hedge is considered appropriate.

Any questions, please feel free to contact me.

Comments on amended plans

Overall I approve of the amendments made to the original master plan in particular the retention of T166 (B), G176 (A) & H157 (B). Moving of the attenuation basins outside of the RPA of T173 & T174 is also appropriate. However I still have concerns over the following:

- removal of G158 (B) - can the cycle track / footpath be relocated to the west of the group to 'swing' around the trees.

-removal of H171(B - 8m to be removed & H153 (B - 102m to be translocated. The amount of the remaining section to be removed is not noted within the AIA). As stated in my original comments this area ' is an interesting meeting point of old hedgerows including a number of veteran Oak's..... The access road should be relocated to the south....' [through the neighbouring field].

The removal of sections H171(B) & H153(B) although relatively small in scale, and widening of existing gateway to enable an access road to be constructed will completely alter the character and amenity of the immediate area. Due to limited space between G176(A) & T175(A), its likely that construction will have to take place within the RPA of these retained A category trees. This is not appropriate.

Contaminated Land Officer

A targeted ground investigation is required to define the extent of the beryllium impacted ground within the development site. This will allow for the assessment of the risk presented to future residents to be made and to inform design of any required remediation strategy following the finalisation of the development layout.

Devon County Council

Thank you for providing the opportunity to comment on this revised planning application. This response provides the formal views of Devon County Council and is separated into sections covering the following topics. Most of our comments remain unchanged from our previous response of the 6th October 2022 apart from revisions to our flood risk comments, minor changes to our education site specific comments, and also to reflect recent adoption of the Cranbrook Plan:

- Highways and transport
- Local education provision (including early years)
- Children's services
- Youth services
- Library services
- Extra care housing provision
- Gypsy and traveller provision
- Health and wellbeing
- Flood risk management
- Historic environment impacts
- Waste and minerals planning

Please note: a formal Highway Consultation response will follow at a later date, as explained below.

Devon County Council provides the following view on this revised application:

1. The Council maintains a holding objection with regards to flood risk until the additional information requested is submitted to and agreed in writing by the Lead Local Flood Authority.
2. Subject to the imposition of suitable planning conditions, the council raises no objection on matters relating to education, historic environment or waste planning.
3. Subject to the provision of appropriate s106 contributions, DCC does not object relating to the provision of transport, education, children's services, youth services, library services, extra care housing, and health and wellbeing.

Extensive work has been undertaken to inform the policy content of the Cranbrook Plan and the Cranbrook Infrastructure Plan which includes consideration of this site. Devon County Council welcomes the Cranbrook Plan that has now been adopted on 19th October 2022 which provides a robust policy basis to deliver infrastructure necessary to mitigate the impact of development.

Planning contribution calculations within this response have been identified in line with the Cranbrook Plan and its associated Cranbrook Infrastructure Delivery Plan (August 2022). In identifying the planning contributions required for this development, we have considered the number of dwellings which are allocated within the Cranbrook Plan and the number of dwellings which are over allocation (excess dwellings). We understand that this planning application currently comprises 915 allocated dwellings and 120 over-allocation dwellings (915 + 120 = 1035). Following adoption of the Cranbrook Plan, we are therefore requesting planning contributions made up of two elements as follows:

- a. A **basic contribution** for the allocated dwellings comprising the equalised contribution in line with Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus

b. Where it is necessary to mitigate additional impacts from over-allocation dwellings and/or the total infrastructure project cost is not fully funded by the CEA contribution, an **additional contribution** for the over-allocation dwellings within this development based on a per dwelling cost for each additional over-allocation dwelling, calculated at the same per dwelling rate as the basic contribution (1/4170th). For the current number of 120 over-allocation dwellings, this equates to an additional contribution of 2.9% ($120/4170 = 2.9\%$) of the relevant CEA (Cranbrook Expansion Area) contribution.

As explained below, a different approach needs to be used for **education contributions**, which is based on the County Council's education approach for developer contributions and the Cranbrook Infrastructure Delivery Plan as appropriate. If the proposed number of dwellings within this development was to change, these ratios and requirements would need to be updated. The County Council would wish to recover legal costs incurred as a result of the preparation and completion of any legal agreements.

Devon County Council reserves the right to amend its comments should more information become available that justifies this.

HIGHWAYS AND TRANSPORT

The application is continuing to progress on the design proposals for the access points and associated package of measures on the local highway network for the development proposed. The Local Highway Authority (LHA) is hoping to be in a position to make a recommendation to the LPA in the new year once the latest design proposals have been assessed in full and further discussion had with the applicant where deemed necessary.

Amended plans consultation response

Observations:

I refer to the supporting information in relation to the above-mentioned planning application received by the Highway Authority in piecemeal as discussions have progressed and have the following observations for the highway and transportation aspects of this proposal.

The Outline application, with all matters reserved except for access seeks consent for a range of proposals as detailed in the above heading. The proposal site, which is an allocated expansion area set out in the adopted Cranbrook Plan sits south of the London Road, on the south-western peripheries of the settlement. The existing posted speed limit along this location is 40mph, however it is proposed for the posted speed limit to be altered, relocated, and further supported by traffic calming measures in order to fulfil policy requirements and create an environment to cater for both non-motorised users (NMU) and vehicular traffic across and along London Road. Further detail of this is elaborated on below.

Transport Assessment and S106 Contributions for Sustainable Transport

A Transport Assessment (TA) was submitted in support of the application given that the proposal would generate a substantial increase in vehicular movement onto the local highway network.

Since the original supporting information was submitted, the Highway Authority have gathered a firmer understanding of the impact the proposal would have on the local highway network.

The methodology for generation and distribution of anticipated traffic movements from the proposal site has been assessed and weighed up against local and national policies and commitments.

The essential obligations set out within the Cranbrook Infrastructure Delivery Plan (IDP) will act towards a package of measures to help mitigate the impact on the local highway network, detail of which is outlined below:

Devon County Council has previously requested s106 contributions towards sustainable transport from all the expansion area applications (dated 14 June 2018)[1].

Following consideration of the IDP as part of the Cranbrook Plan Examination, the 'Public Transport' section of DCC's 14 June 2018 request was replaced by the revised package of Public Transport s106 contributions detailed in DCC's Cranbrook Plan Examination Statement dated 14 July 2020[2] summarised below:

- Concentrate more on provision of enhanced bus provision to serve the expansion areas (cost of £6,128,000 for 5 years)
- Provide £250,000 to undertake feasibility work for a second station to provide the basis of a potential future bid for Government/third party funding to deliver it.

All other s106 items (walking/cycling, shared mobility and travel planning) remain the same as our existing June 2018 Section 106 transport request.

It is considered that this new combination of measures represents a package of transport improvements that can be delivered with greater certainty, within a shorter timescale and more cheaply in order to mitigate the impact of the Cranbrook expansion area development.

These contributions are still considered **essential** to provide safe and suitable access for active travel to encourage a significant shift to non-car modes and mitigate the impact of the development on the A30 Corridor.

The IDP identifies s106 contributions for the allocated Cranbrook expansion area dwellings towards public transport, off site walking and cycling, shared mobility (car club vehicles and/or ebike docking stations) and travel planning.

As such, the County Council requests provision of s106 contributions towards public transport, off site walking and cycling, shared mobility, and travel planning:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. an **additional contribution** per over-allocation dwelling (on a per dwelling rate of 1/4170th of each CEA infrastructure cost, index linked).

The additional contribution is requested as it is considered necessary to mitigate additional impacts from over-allocation dwellings relating to public transport, shared mobility and travel planning, and the total off site walking and cycling infrastructure project cost is not fully funded by the CEA contribution.

Access

Vehicular and NMU access serving the development proposed would be off several points along the London Road, as detailed further below. Following continued and extensive discussions with the applicant, in conjunction with the LPA, the Highway Authority are satisfied the principal design requirements broadly now meet RSA1 standards with some alterations required outlined in the body of the text. Any design alterations considered necessary by the Highway Authority can be addressed at detailed design stage.

Signalised Junction

This access would serve the employment area of the site whilst creating a four-armed signalised junction that would also incorporate Station Road to the north and NMU crossing points. The existing Bus Lane on London Road is to be retained as part of this proposal, where a commuted sum will apply for the delivery of this access. The option to explore the banning of a right turn manoeuvre, westbound from London Road onto Station Road is reliant on the adjacent Bluehayes expansion area coming forward that would see alterations on Station Road. In the event that the Bluehayes expansion site does come forward (including the associated works on Station Road) prior this access being built out in its entirety, the aforementioned turning restriction can be assessed and implemented (subject to its approval) through the correct channels if deemed necessary where any contributions can be secured as part of the commuted sum.

With reference to the latest supporting Drawing 133a, in principle this arrangement is acceptable subject to detailed design being agreed however the Highway Authority request the applicant explore alterations for betterment as outlined in previous discussions. Should such alterations be deliverable, the final design would need to include any alterations agreed in writing with the Highway Authority.

Double roundabout

Based on the supporting information received this would be the primary access serving the proposal once the development is built out in its entirety, that would see the delivery of a new roundabout on London Road and alterations to the existing Younghayes Roundabout arrangement nearby. A number of NMU crossing points

connecting to the wider area of Cranbrook, north of London Road are also to be included as denoted in the supporting information.

Any signalised crossings agreed or deemed necessary by the Highway Authority as part of this development at detailed design will also require a commuted sum from the applicant. It should be noted however, an element of the Younghayes Roundabout and surrounding footways is currently under private responsibility and maintenance. Whilst there is an existing application to have this stretch of highway formally adopted, it cannot be guaranteed that this will be fulfilled prior to the commencement of the works associated to this access. Therefore, it may be necessary for the applicant to enter into a suitable legal agreement that will need to include a third party/parties to ensure that the works can be delivered in full as per the agreed design.

Parsons Lane

Parsons Lane, which forms the southern spur off an existing roundabout on London Road will be altered as part of this scheme to accommodate and act as the secondary access to the expansion site which would also serve the primary school proposed in the illustrative layout.

The alterations and adjacent pedestrian access, including an NMU crossing will be secured as part of the obligations for works for this access, however and as stated from previous discussion the proposed pedestrian crossing point will need to be relocated further east, away from the roundabout, to a point to be agreed in writing with the Highway Authority.

G&T Access

A Gipsy and Traveller access is proposed at the north-eastern edge of the parcel site, to accommodate 5 pitches in the form of a simple T junction arrangement. To the east, the applicant has proposed a crossing point that will aid connectivity to the wider settlement.

Coupled with the traffic calming measures proposed, careful consideration will need to be given in the detailed design to ensure the crossing affords appropriate visibility for both pedestrians and driver.

Treasbeare Lane

The applicant has proposed to reclassify this private no through road for NMU use only, to also support a focal crossing area on London Road to the east, which would tie into an existing footpath, adjacent to Post Coach Way.

This may also necessitate a suitable legal agreement to include a third party/parties to ensure this crossing point and its delivery in its entirety to tie into the private footpath north of London Road is secured.

Skypark link

The applicant has proposed a bus, pedestrian, and cycle link to tie into the Skypark site to the west to promote permeability and sustainable methods of travel that will be a recognised hybrid route. The Highway Authority welcome the principle of this proposal, which will require the safeguarding of land to ensure its delivery up to the extremities of the applicant's land ownership. Further detail, including the tie-in location, design, and timing of its delivery in its entirety will need to be agreed through a S106.

London Road Traffic Calming

Accompanying the access proposals, also denoted in the supporting information are proposed temporary traffic calming measures along a majority of the sites frontage and extending east beyond the extremities of the site abutting London Road. Whilst these intended interim traffic calming proposals are on the basis that the London Road Improvement Scheme (as detailed in the Cranbrook Adopted Plan) has not commenced, the Highway Authority would require any traffic calming measures consented and constructed on the public highway to be robust and durable. The final designs of which will be agreed in conjunction with the Highway Authority at detailed design stage. In the event such interim proposals are delivered in advance of any future improvements derived from the London Road Improvement Schemes, the Highway Authority reserve the right to incorporate the interim measures as part of the overall scheme given that they will become part of the highway infrastructure on the public network once delivered should we see fit.

London Road Improvements

The continued assessment of London Road and plans for future improvements are ongoing.

As outlined in Policy CB24, obligations include the requirement for all associated expansion areas to commit land for crossing points on opposite sides of the road will need to be identified, coordinated, and safeguarded to ensure that direct and fully connected routes are delivered.

In addition, any development intending to front London Road as part of this development proposed will need to ensure it contributes and plays its part in the delivery of a harmonious interaction between of future occupiers and highway users that include cyclists and pedestrians. Given the topographical challenges along elements of London Road coupled with policy requirements in the Cranbrook Plan, it may be necessary at future reserved matters stage(s) that the continuation of the infrastructure delivery for pedestrians and cyclists are incorporated in its future design within the site, where the detail and its design would need to be agreed in conjunction with the Highway Authority.

Phasing

Should the application be approved, the Highway Authority would need to understand how the applicant/developer will ensure all occupants during the construction phase will have safe and suitable access to local transportation and amenities that will also help meet the intended trip rate targets. In time, bus service(s) will travel through the site to provide a service for local residents, with the longer-term intention which would see routes link through to the adjacent Skypark. A collective approach will be needed to ensure appropriate access to nearby bus stops, including on London Road are made available prior to first occupation. As the scheme evolves longer term, bus routes will be determined by Devon County Council as seen fit and exercise the monies obtained from consented expansion areas set out in the IDP. However, the timing of which will be influenced by the phasing of the development at Reserved Matters stage. As such a phasing plan and trigger points for their delivery for the relevant points of access and associated crossing points on London Road will need to be agreed in writing and secured accordingly.

Travel Plan

The applicant has provided a supporting Travel Plan as part of the application submission. Whilst the Highway Authority are not yet in a position to recommend if the document is considered as acceptable, we do not see this as a reason in its isolation for the application to not be determined. In the event of the application being granted permission the delivery of a robust, appropriate Travel Plan for this application will need to be secured in writing through a S106 in conjunction with the Highway Authority.

Summary

Based on the information submitted to date, the Highway Authority considers the package of mitigation measures put forward and the obligations set out in the relevant policy documents for the applicant to fulfil.

It is accepted that sufficient information is available to be able to have a reasonable understanding of the likely traffic impact from the development. Whilst the Highway Authority acknowledges that the development will add incrementally to additional vehicular movements on the local highway network, it is considered unreasonable to form a view that such impacts will be 'severe' given the above. The policy obligations, Travel Plan delivery and the careful design of the development throughout, will help offer genuine opportunities to promote and improve sustainable means of travel in the locality with the potential of a longer-term modal shift for future residents.

The latest supporting drawings set out below that have evolved through discussion with the Highway Authority in conjunction with LPA are now generally suitable to enter into an agreement with.

Recommendation

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON
BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY**

Should the LPA be minded approving the application then the Highway Authority would seek that the following matters to also be secured (as well as the requirements under the heading 'Transport Assessment and S106 Contributions' as above) by an appropriate S106 agreement:

- The timing of the delivery of all consented traffic calming proposals, vehicular access points (including primary connecting internal accesses), NMU access points, signalised junctions, roundabouts, controlled crossing points and full and appropriate NMU access thereto on London Road and Younghayes Road to be secured through a S106, in a written agreement with the Highway Authority.
- To secure an appropriate Travel Plan, detail, and delivery to agreed and finalised at S106 stage.
- To commit through dedication of land to providing a bus, pedestrian and cycle access that will enable a tie into the adjacent Skypark site to the west. The location, safeguarding, detailed design, and timing of its delivery in its entirety to be agreed with the Highway Authority at S106 stage.
- To submit and secure a TRO for the required posted speed limit, the extents, to be agreed in writing with the Highway Authority. The TRO shall then be advertised and, if successful implemented at the developer's expense prior to first occupation to the satisfaction of the Local Planning Authority prior to commencement of works.
- To submit and secure a TRO application to reclassify the Treasbeare Lane access for non-motorised use. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to commencement of works.
- To pay a commuted sum for the maintenance of the consented signalised employment junction on London Road (including any potential alterations to accommodate the prohibition of a right turn onto Station Road) and any other signalised crossings delivered as part of this application. The costing and detail of which, to be agreed in conjunction with the Highway Authority
- Prior to first occupation, to provide safe and suitable NMU access to bus stops on London Road. Detail to be agreed at S106 stage.

The Highway Authority also recommend that the following conditions are attached to any favourable decision notice:

- No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to lines, levels, layouts and any necessary visibility splays, as generally shown on the following drawings, to also include full and appropriate pedestrian access:
 - 20-103 Rev D Proposed Double Mini-Roundabout Layout – Final solution
 - 20-133 Rev A - Proposed Employment Access – Bus Lane Retained With Lane Merge
 - 20-132 Rev A - Permanent Components of G&T Access
 - 20-125 Rev B - Gypsy and Traveller Access with Temporary Traffic Calming
 - 20-128 Rev A - Interim Traffic Calming – Parsons Lane to Primary Access Junction

20-130 Rev A - Interim Traffic Calming – London Road
20-134 - Interim Traffic Calming Between G&T Access And Court
Royal Rbt

The approved accesses and crossings shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 unless otherwise agreed in writing by the Highway Authority.

- No development shall take place until detailed plans for the London Road/Parsons Lane Roundabout improvements have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to line, level, layout, to also include the full pedestrian access and the location of a NMU crossing point on London Road. The approved access and crossing shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.
- The existing access of Treasbeare Lane shall be effectively and permanently closed to vehicular traffic. Details which shall previously have been submitted to and approved by the Local Planning Authority.
- Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Note

The applicant/developer is advised to contact the Highway Authority at earliest opportunity prior to making any TRO application.

The applicant will be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary associated to this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and readdress where deemed necessary. Where planning permission has already been granted, any inaccuracies which come to light may seriously affect the deliverability of the permission. If this includes highway works either on or adjacent to the existing public highway that may be the subject of a specific planning condition and/or legal agreement attached to the aforementioned consent, it may result in a situation whereby that condition and/or legal agreement cannot then be discharged/secured.

Section 106 contributions for sustainable transport

Devon County Council has previously requested s106 contributions towards sustainable transport from all the expansion area applications (dated 14 June 2018)

(<https://eastdevon.gov.uk/media/2760809/dcc-cranbrook-s106-transport-request-june-2018.pdf>)

Following consideration of the Cranbrook Infrastructure Delivery Plan (Cranbrook IDP) as part of the Cranbrook Plan Examination, the 'Public Transport' section of DCC's 14 June 2018 request was replaced by the revised package of Public Transport s106 contributions detailed in DCC's Cranbrook Plan Examination Statement dated 14 July 2020 (*Available as document PSD26 at <https://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/cranbrook-plan-examination/#article-content>*) summarised below:

- concentrate more on provision of enhanced bus provision to serve the expansion areas (cost of £6,128,000 for 5 years)
- provide £250,000 to undertake feasibility work for a second station to provide the basis of a potential future bid for Government/third party funding to deliver it.
- S106 provisions to secure the land for a future second Cranbrook rail station in perpetuity.

All other s106 items (walking/cycling, shared mobility and travel planning) remain the same as our existing June 2018 Section 106 transport request.

It is considered that this new combination of measures represents a package of transport improvements that can be delivered with greater certainty, within a shorter timescale and more cheaply in order to mitigate the impact of the Cranbrook expansion area development. These contributions are still considered **essential** to provide safe and suitable access for active travel to encourage a significant shift to non-car modes and mitigate the impact of the development on the A30 Corridor. As the Treasbeare development is entirely to the south of the B3174 it will require the overall expansion of bus services we have previously set out in our s106 Statement dated 14.7.20, in order to allow additional routings to be introduced to serve the new development areas. It will also facilitate improved frequencies for the development areas. With the current services there will only be an hourly service along the B3174, with a second journey on alternate hours. These journeys have very limited capacity during the peaks and between 0930 and 1030, being very busy with existing passengers. It is therefore vital that the Treasbeare development provides contributions towards the enhanced bus service for Cranbrook as requested above.

The Cranbrook Infrastructure Delivery Plan identifies s106 contributions for the allocated Cranbrook expansion area dwellings towards public transport, off site walking and cycling, shared mobility (car club vehicles and/or ebike docking stations) and travel planning.

As such, the County Council requests provision of s106 contributions towards public transport, off site walking and cycling, shared mobility and travel planning comprising:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus

Policy CB3 of the Cranbrook Plan requires the provision of a 420 place primary school with 57 early year's places and a 100m² community room. DCC welcomes this revised planning application for the Treasbeare expansion area which identifies an increased site area of 2.31ha to provide for a 420 place primary school, with early years provision and a room for community use. This facility will provide for the new homes associated with this planning application and adjacent proposed housing development.

DCC requires that two primary schools are provided to serve the Cranbrook expansion areas, with one due to be delivered earlier than the other as set out in the Cranbrook Plan. DCC would prefer the 420 place primary school to be provided in the Treasbeare expansion area rather than the Bluehayes expansion area. DCC supports the flexibility over delivery and phasing of the two new primary schools at Cranbrook contained within Policy CB7 of the Cranbrook Plan and the approach for equalising s106 contributions in Policy CB6. These two new primary schools would provide for the 4170 dwellings allocated in the Cranbrook Plan.

DCC notes that this planning application currently comprises 915 allocated dwellings and 120 over-allocation dwellings. Any over-allocation housing growth (currently 120 dwellings within this Treasbeare development) would require a proportionate contribution towards primary school provision for any houses over the plan allocation in accordance with DCC's Education Approach for Developer Contributions (December 2021). This **additional contribution** is requested as it is necessary to mitigate additional impacts from over-allocation dwellings relating to primary and early years education.

Should DCC deliver the primary school, the freehold interest of the fully serviced and accessible site must be transferred to the LEA before construction commences on any dwelling if this is the first new school (or by the 750th expansion area dwelling if this is the second school). Details of access to the site including permission to access for surveys and construction would be detailed in the section 106 agreement. Should the applicant wish to build the 420 place primary school, DCC would need to discuss details of this with the applicant. The s106 agreement would specify the mechanism for agreeing the specification for the school design and the trigger of when the completed school must be delivered. DCC would wish for the school design to allow for potential future expansion should it be required. For the LEA to meet its statutory duty to provide school places for this development, it is expected that the school is delivered before the first occupation of the 30th expansion area dwelling in accordance with Cranbrook Plan Policy CB7 (unless this 420 primary school is the second new primary school to be delivered by the 2500th expansion area dwelling, or it is provided in the Bluehayes expansion area instead). Further details are contained in Table 2 of Appendix 1 to this letter.

Secondary education

In order to provide for the expansion area dwellings allocated in the Cranbrook Plan, the Council has agreed with EDDC to request a £2,583,429 s106 contribution to expand secondary education provision to 1125 places (to be indexed from Q1 2020) as identified in the Cranbrook Infrastructure Delivery Plan. The county council requests provision of contributions towards secondary education:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. an **additional contribution** for the over-allocation dwellings in accordance with DCC's Education Approach for Developer Contribution (December 2021).

The additional contribution is requested as it is necessary to mitigate additional impacts from over-allocation dwellings relating to secondary education. No additional land beyond that which already has planning permission for the education campus will be required to serve the secondary age pupils from the expansion area planning applications (up to 4,170 dwellings). Further details are contained in Table 2 of Appendix 1 to this letter.

Special Education Needs

The provision of a Special Education Needs (SEN) school within the Cobdens development would be subject to the approach for equalising s106 contributions set out in Policy CB6, which is supported by DCC. This s106 contribution towards SEN provision identified in the Cranbrook Infrastructure Delivery Plan provides for the 4170 dwellings in the Cranbrook Plan, including the 915 allocated Treasbeare dwellings contained in this application.

In addition, DCC would require contributions for any over-allocation housing growth (currently 120 dwellings within this Treasbeare development) towards SEN provision in accordance with DCC's Education Approach for Developer Contributions (December 2021). This **additional contribution** is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is necessary to mitigate additional impacts from over-allocation dwellings relating to SEN education.

Further details are contained in Table 2 of Appendix 1 to this letter.

Payment method (*if not included above*)

As detailed in the supporting text for Policy CB6 of the Cranbrook Plan, the County Council will require financial contributions towards education provision to be paid in the following instalments:

- 25% payment on occupation of 10% of dwellings
- 25% payment on occupation of 25% of dwellings
- 50% payment on occupation of 50% of dwellings

It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Removing affordable housing from the requirement to make education contributions would be contrary to the County Council's policy and result in unmitigated development impacts.

All contributions would be subject to indexation using BCIS, so that contributions are adjusted for inflation at the point they are negotiated and when the payment is due, the current base rate being June 2020 (as per DCC's Education Approach for Developer Contributions). In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the agreements.

Location, size and layout of the school site

DCC is happy in principle with the proposed location which allows for early construction access and school delivery in line with the policy requirements of the Cranbrook Plan. However, we remain concerned about the existing slope of the school site, particularly that a junior playing pitch would have a likely cross-play slope of 1:30 at best on the current site. This would not meet the DfE requirement of 1:40 cross-play slope. As such, DCC would need provision of a level school site for both developer or LEA delivery and recommends that a condition is imposed on any planning permission to ensure this. We note that a reason for the increase in the size of the school site is to create a suitable development plateau. We hope to have further discussions about this issue in due course.

Given the location of the school site on the edge of the Treasbeare expansion area, it is essential that the school site is well connected for active travel by pedestrians and cyclists to both the rest of Treasbeare and Cranbrook. DCC wishes to see the proposed pedestrian and cycle routes within the Treasbeare area and the connection points to surrounding areas shown on the submitted Illustrative Masterplan to be provided to ensure this - in particular the Key Strategic Cycle Links going north-east, south, south-west and north-west from the school site.

DCC welcomes the retention of existing hedgerows and trees around the southern and eastern boundaries of the school site, along with the proposed additional planting of structured planting to the east and a hedge with trees along the northern school boundary.

Summary

Devon County Council, as the Local Education Authority, raises no objection to this application on education matters subject to the imposition of appropriate conditions and provision of contributions toward education infrastructure as detailed above. The Council requires certainty that the development will contribute to education infrastructure to fully mitigate the impact of the housing growth proposed.

CHILDREN'S SERVICES

The Cranbrook principal s106 agreement specifies that a permanent children's centre delivery space of 250m² will be provided by the developers on 0.1 hectares of land (or an equivalent contribution paid). There is a need to fit this facility out so that it is ready for use, the cost of which is estimated to be £36,218 (base date Q1 2020), as identified in the Cranbrook Infrastructure Delivery Plan. In addition, there will be a shortfall in the funding to deliver the Children's Centre floorspace within the proposed DCC community building.

As such, the county council requests provision of s106 contributions comprising:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. an **additional contribution** of £8.69 index linked per over-allocation dwelling (on a per dwelling rate of £36,218 /4170).

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from over-allocation dwellings.

Further details are contained in Table 1 of Appendix 1 to this letter.

The main children's centre facility as proposed is a small facility for a town the size of Cranbrook taking into account the expansion area applications. This, and the fact that children's centres are most effective if they are located within the heart of local communities, means that it is necessary to provide additional children's centre facilities to accommodate the expansion area applications. It is considered that this will be best achieved by providing community use areas within the proposed primary schools, as identified in the education provision section above.

Summary

Subject to such **contributions** towards children's services, the County Council has no objection to this application.

YOUTH SERVICES

The Cranbrook principal s106 agreement specifies that a permanent youth service facility of 480m² will be provided by the developers on 0.2 hectares of land. The county council is content a youth service facility of this size will be sufficient to meet the needs of the expansion areas so long as funding is made available to fit the facility out. The cost of fit out identified in the Cranbrook Infrastructure Delivery Plan is £36,218 (base date Q1 2020). There will also be a shortfall in the funding to deliver the Youth Centre floorspace within the proposed DCC community building.

As such, the County Council requests provision of s106 contributions comprising:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. an **additional contribution** of £8.69 index linked per over-allocation dwelling (on a per dwelling rate of £36,218 /4170).

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from over-allocation dwellings.

Further details are contained in Table 1 of Appendix 1 to this letter.

Summary

Subject to such **contributions** towards youth service facilities, the County Council has no objection to this application.

LIBRARY SERVICES

In accordance with the adopted East Devon Local Plan, Cranbrook needs to be delivered with all appropriate infrastructure. The Cranbrook principal s106 agreement makes provision for a permanent library space of 450m² plus parking and servicing areas to be provided by the developers to a specification agreed by the county council, on 0.1 hectares of serviced land. The county council wishes the library to be co-located with at least one other facility within the town centre, preferably the children's centre and youth service. The County Council is content a library of this size will be sufficient to meet the needs of the expansion areas so long as funding is made available to fit the library facility out. The full fit out cost is anticipated to be approximately £480,000 (base date Q1 2020) as identified in the Cranbrook Infrastructure Delivery Plan. In addition, there will be a shortfall in the funding to deliver the library floorspace within the proposed DCC community building.

As such, the County Council requests provision of s106 contributions comprising:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. an **additional contribution** of £115.11 index linked per over-allocation dwelling (on a per dwelling rate of £480,000 /4170).

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from over-allocation dwellings.

Further details are contained in Table 1 of Appendix 1 to this letter.

Summary

The County Council has no objection to the application subject to such contributions towards library services.

EXTRA CARE HOUSING PROVISION

An extra care housing development comprises self-contained apartments with design features, personal care and support services available 24 hours a day to enable elderly residents to self-care and live as independently as they are able. Residents may be owners, part-owners or tenants and can make use of communal facilities. Extra care facilities should be located within towns and urban areas allowing people to live near their relatives and other facilities. The County Council's Extra Care Housing Strategy⁶ specifies the need to provide a 55 unit facility at

Cranbrook (to cater for 6,000 dwellings). Based on similar schemes provided recently in Devon, a site of 0.6 hectares would usually be required.

Devon County Council. Extra Care Housing: Refresh of the Commissioning Strategy for Extra Care Housing (2009). August 2015. Available at https://www.housinglin.org.uk/assets/images/ECHschemes/Quayside/150827_ECH-policy-refresh-FINAL.pdf

The principal s106 agreement for Cranbrook sets aside 0.5 hectares of land within the town centre for extra care provision. In addition, a s106 contribution of £3,500,000 (base date Q1 2020) is requested towards the building costs from the expansion area developments, as identified in the Cranbrook Infrastructure Delivery Plan. Even with this contribution, there will be a shortfall in the funding to deliver the extra care housing.

The County Council requests provision of s106 contributions comprising:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. an **additional contribution** of £839.33 index linked per over-allocation dwelling (on a per dwelling rate of £3,500,000 /4170).

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from over-allocation dwellings.

Further details are contained in Table 1 of Appendix 1 to this letter.

Summary

Subject to such contributions the County Council has no objection to the application on the matter of extra care housing provision.

GYPSY AND TRAVELLERS PROVISION

DCC welcomes the provision within this planning application of provision of 5 serviced permanent pitches for Gypsies and Travellers on a site of at least 0.5 hectare. DCC considers the level and location of this provision acceptable as it is consistent with the Policy CB3 of the Cranbrook Plan.

HEALTH AND WELLBEING

We welcome the applicant's approach to promoting health and wellbeing within this development as outlined in the submitted Design and Access Statement, Health Impact Assessment (HIA) and in the Environmental Statement (Chapter 6 - Population and Human Health). It is pleasing to see this Treasbears new garden village development will be "Healthy – promoting positive mental and physical health and well-being by design". The Planning Support Statement outlines the importance of the neighbourhood centre and community inclusion, with an emphasis on the "walkable neighbourhood", which unpins the health and wellbeing agenda.

Health Baseline data

In DCC's consultation response to the EIA Scoping opinion request (dated 12 July 2021) for Treasbeare, we asked that the Devon Joint Strategic Needs Assessment (JSNA)⁷ and Cranbrook Health Needs Assessment^{8 9} are used when preparing the Environmental Statement, as these are based on the existing town areas and help to recognise the differences in Cranbrook's population structure compared to the wider East Devon area. The submitted HIA does refer to the 2021 JSNA which is the most recent data available. However, there are still references to the aging population of Devon (including sections 1.10 and 1.13 of the HIA). Cranbrook has a much younger population than the Devon average. As shown in the Office for Health Improvement & Disparities National General Practice Profiles "Fingertips" GP data;¹⁰ 13.5% of Cranbrook Medical Practice patients are under 4 years old compared to the Devon average of 4.3% and only 3.8% are over 65 years old compared to the Devon average of 23.5%. Therefore, we are pleased delivery of the primary school is prioritised within phase one of Treasbeare including Early Years provision. Given the data showing the younger than average population, we would expect to see infrastructure in place to support young families including play parks/spaces suitable for all age children.

<https://www.devonhealthandwellbeing.org.uk/jsna/about/>

Cranbrook Health Need Assessment 2015-16 Executive Summary.pdf
(sharepoint.com);

Cranbrook Health Needs Assessment Data Update March 2019.pdf

National General Practice Profiles - Data - OHID (phe.org.uk)

<https://www.devonclimateemergency.org.uk/devon-carbon-plan/>

The Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings - GOV.UK (www.gov.uk)

The majority of the population are reported to be in paid work or full-time education (79.2%), compared to the Devon average of 57.2%. We therefore welcome the emphasis on the employment land, and the extension to the Cranbrook Energy Centre to increase the access to green energy.

The links between health effects and climate change are considered to be within the scope of the EIA and the way the development is designed, and the materials used to address climate issues should be outlined clearly within the Environmental Statement with reference to the Interim Devon Carbon Plan¹¹. Whilst recognising the requirements of Cranbrook Plan Policy CB12 (Delivering Zero Carbon), we would also wish the new houses built to the "Future Homes Standards"¹² from the outset to prevent the costs of retrofitting homes. The Future Homes Standard is a set of rules that will come into effect from 2025 to ensure new homes produce less carbon emissions.

Neighbourhood Centre

The inclusion of the neighbourhood centre is welcomed as a focus for the community. We are pleased to see the centre has been located strategically to ensure that it is well placed commercially and also acts as an exciting and active gateway to the new development. It is noted the plans for the new buildings will use glazing to provide a “contemporary feel and visual links”. Thermal radiation from glass faced buildings can be problematic within rising temperatures as predicted due to climate change and it is hoped mitigations would be taken to reduce the “heat radiation”.

A Healthy Streets Approach¹³ should be followed, with shade and shelter and regular seating to enable the less able people in the community to rest.

What is Healthy Streets? — Healthy Streets

Using the planning system to promote healthy weight environments

Secure cycle parking is vital to getting more people on bikes - Sustrans.org.uk

Health Impact Assessment section 2.2 “Healthy Neighbourhoods” discusses the supply for “healthy” food. Currently there is very limited access to a choice of food provision, with only one local convenience food store within Cranbrook (although planning permission has recently been granted for a new supermarket within the town). We would like to see access to healthy food provision within the Treasbears Garden Village and hope the retail provision in the neighbourhood centre will provide more than just a supermarket and Class E hot food takeaways, with a general mix of retail stores which could allow increased access to a choice of locally produced healthy foods. Public Health England guidance¹⁴ “Using the planning system to promote healthy weight environments” recommends an exclusion zone of fast-food outlets within 400 metres of a school, and the number of fast-food outlets within a retail development could be restricted. DCC requests that the LPA ensures any provision of hot food takeaways within the neighbourhood centre is in accordance with Policy CB3 of the Cranbrook Plan which restricts their number and location, based on the above guidance.

Active and sustainable travel

DCC supports the applicant’s commitment to sustainable travel and to provide walkable neighbourhoods, with a high-quality network of pedestrian and cycle routes, which will help to reduce traffic and carbon emissions, improving health outcomes in line with planning practice guidance on travel plans, transport assessments and statements. We are pleased to see the proposals for separated pedestrian and cycle routes where possible and the improved crossing points across London Road B3174 plus the reduced speed limits and traffic calming measures to improve active travel across the whole of Cranbrook town.

Cranbrook Policies for parking (CB18 Coordinated Sustainable Travel and CB19 Plug-In and Ultra Low Emission Vehicle Charging) require a sustained infrastructure to be in place to encourage and support residents and visitors to consider sustainable options. Policy CB20 requires cycle parking to be provided in all homes in new developments at a rate of one bike storage space per bedroom. Public Health would expect this policy to be implemented, as lack of storage is a major barrier for bicycle ownership¹⁵. It is also noted that the active travel questionnaire (Appendix C on the Active Travel plan) fails to ask if storage for bicycles is a barrier for

ownership/use of cycling. Bicycle and buggy storage should be designed to include charging facilities for e bikes and disability buggies if required, although we acknowledge this is not a requirement of the Cranbrook Plan.

Open space

We welcome the amount of green infrastructure and open space to be provided by this development, which will provide for natural play, active recreation, healthy living, and help to combat climate change. The inclusion of the sports pitches with 8 teams changing rooms is positive, and it is hoped these will be for use by the whole community and not just the schools/private clubs. The design of any sports pitches will need to include specifications that are mindful of extreme weather conditions caused by climate change, e.g. fencing/shading (for hot weather) and sustainable surfaces, with extensive drainage in the case of heavy rain/flooding to allow all year use. Access to drinking water fountains would be a useful addition for people using the sports facilities. It is pleasing to see lighting is part of the design, it would be good if this could be provided through local green energy sources with a minimal carbon impact.

The proposals for sustainable development are positive and we are pleased to see the large area of SANGS included (19.46 hectare and an additional 15.11ha of public open space) with phased provision in advance of occupation at a rate of 8ha per 1000 population based on 2.35 persons per home, as stated in the submitted Planning Support Statement (section 6.65). We would expect the SANGS provision to be completed within the stated phasing. Multiuse surfaces suitable for cycles, pushchairs/buggies and wheelchairs are required to make these spaces truly accessible and inclusive. This should include shade, seating for less active residents and rest areas within the country park.

The provision of allotments within Treasbeare with adjacent car parking helps with the accessibility of the plots; allotments are important for the supply of healthy local food and working on an allotment has been proven to be beneficial for health and wellbeing¹⁶. We note the allotments are to be provided on the completion of residential development phases, however it would be preferable if these could be prioritised to be completed alongside each phase rather than “upon phase completion”. There is currently a high demand for allotments across the whole of Devon, therefore the availability of additional allotments for Cranbrook is essential to meet the demand of the residents, especially in the current economic climate where food costs are increasing.

<https://www.bbc.co.uk/news/health-34666231>

This development should also ensure that space for community gardens is included as an integral part of street design in accordance with Cranbrook Plan Policy CB25. The provision of community gardens/orchards across Cranbrook provides a potentially free seasonal food source, currently supported by “Grow Eat Do” (part of the Incredible Edible network) and Public Health would like to see provision within the expansion plans for more community garden space.

Housing

We welcome the applicant's commitment that homes should be efficient and cost effective and provide a healthy, comfortable, and safe internal and external environment in order to improve mental wellbeing. Provision of housing should be made in accordance with the Cranbrook Plan policies, including CB10 which requires no less than 15% affordable housing of which 70% should be social and affordable rented accommodation and 30% affordable home ownership. However, we note that the calculations of affordable housing quote in HIA Appendix 1 Section 2.6 (New and Converted Housing Provision) allows up to 104 affordable ownership and only 52 for affordable renting.

Cranbrook Plan Policy CB15 requirement for homes for everyone providing a mix of housing types and tenure in order to provide a balanced community is planned including gypsy and traveller pitches. We would encourage consideration of the volumes of adaptable housing to fully consider the future needs of the population. We are pleased to see the provision of up to 41 dwellings for "custom or self-build" but would prefer these to be provided earlier than phase 3.

Section 106 Contributions

DCC reiterates the need for this development to provide appropriate planning contributions to ensure local health services can meet the anticipated increase in demand from its new residents. The County Council supports provision of a town centre Health and Wellbeing Hub which serves the whole town including the eastern area population.

The Cobdens expansion area development should make appropriate s106 contributions to the Health and Wellbeing Hub. The principal s106 agreement for Cranbrook sets aside 0.7 hectares of land within the town centre for health and wellbeing. In addition, a s106 contribution of £7,000,000 (base date Q1 2020) towards the Health and Wellbeing Hub building costs from the expansion area developments is identified in the Cranbrook Infrastructure Delivery Plan. Even with this contribution, there will be a shortfall in the funding to deliver the Health and Wellbeing Hub.

As such, the County Council requests provision of s106 contributions comprising:

- a. a **basic contribution** for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. an **additional contribution** of £1,678.66 index linked per over-allocation dwelling (on a per dwelling rate of £7,000,000 /4170).

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from over-allocation dwellings.

Further details are contained in Table 1 of Appendix 1 to this letter.

Summary

The Council raises no objection to this application on matters relating to health and wellbeing subject to provision of s106 contributions and further details being resolved at reserved matters stage.

FLOOD RISK MANAGEMENT (DCC Reference: FRM/ED/1532/2022)

Following our previous consultation response (FRM/ED/1532/2022; as contained in our letter dated 6th October 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. However, further details are required to address our concerns.

Confirmation is required for the catchment included within the assessment of the culvert beneath London Road.

The applicant has confirmed that site-wide SuDS features will be constructed prior to the residential phases being occupied. The applicant has further confirmed that at least 2 source control features will be constructed within each reserved matters application. These features will need to be sized appropriately, or occur at sufficient frequencies, to manage surface water flows from the respective areas. Water quality should be assessed for roads with at least 300 vehicle movements per day.

The applicant should depict all of the existing surface water features on the plans. The MicroDrainage model outputs should be revised to the relevant greenfield runoff rates.

We advise you to refer to some of the details contained within our previous response on the 6th October 2022.

Summary

At this stage, we are unable to withdraw our holding objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.

Updated comments:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No phase of the development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk assessment and Drainage Strategy.
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response (FRM/ED/1532/2022; dated 14th December 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has confirmed that the existing watercourses shall remain open and, where appropriate, shall be enhanced. A couple of field ditches will be removed, the applicant must ensure that these field ditches have no connections upstream. Appropriate maintenance easements are required for these watercourses. Any works to Ordinary Watercourse will require Land Drainage Consent.

The applicant has also confirmed that the spine road shall be constructed in phases, relevant to the development phases. This will mean that some basins which serve other phases will need to be constructed in advance of, or at the same time as, the spine road. For example, the section of spine road within phase 1 will require the construction of Basin 7A, as this basin serves the spine road and future phase development. Basin 7B may also need to be constructed to provide Basin 7A's outfall.

Permeable paving will need to be underdrained unless further Site Investigation demonstrates infiltration to be viable at the relevant depths.

As noted within the Flood Risk Assessment, 2 stages of treatment (via above-ground surface water features) are required throughout this site.

Exceedance flows will need to be managed safely. These flows should be appropriately managed within open spaces, such as green spaces and roads. Green spaces can be designed to convey exceedance flows as well as provide biodiversity and amenity.

Surface water will need to be appropriately managed during construction stages. This also includes the management of stockpiles to ensure that sediment and debris is not transported into sewers and watercourses.

HISTORIC ENVIRONMENT IMPACTS (DCC HET ref: ARCH/DM/ED/37876)

There are no changes to the Historic Environment comments provided on 6th October 2022 as shown below.

A programme of archaeological field investigation was undertaken in late 2021 within the area subject to this planning application, the report setting out the results of this work was received by the Historic Environment Team in June 2022 and, as such, these results inform the current comments and supersede those previously made. Archaeological investigations undertaken in 2021 identified archaeological features and deposits dating from the prehistoric, Romano-British and post-medieval periods, including a deposit of late 2nd/early 3rd century Roman tile at the site of Waterslade farm which was abandoned and demolished sometime in the late 19th or early 20th century. The Roman tile originally would have been part of a bathhouse or hypocausted building, the location of which is currently unknown. Groundworks for the construction of the proposed development will expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Roman heritage assets. As such, the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team. If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the

National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

The Historic Environment Team would envisage a suitable programme of work as taking the form of:

- The excavation of areas previously shown to contain archaeological deposits, and
- A programme of additional field evaluation to determine the presence and significance of any heritage assets with archaeological interest in areas not previously investigated that will be affected by the development. Based on the results of this stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented in advance of construction works. Any further archaeological mitigation work will take the form of additional area excavation in advance of groundworks associated with the construction of the proposed development to allow for the investigation and recording of any identified archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines. The Historic Environment Team will be happy to discuss this further with you, the applicant or their agent. The team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Summary

Subject to appropriate **planning conditions**, the council has no objection on this matter.

WASTE AND MINERALS PLANNING

The site is not located within a Waste Consultation Zone and therefore there are no impacts on nearby waste facilities as a result of this proposal.

We note that an outline site waste management plan has been submitted was part of this outline application. Within this, we are content that the applicant has effectively applied the waste hierarchy throughout this document. However, in order to meet all the requirements of Policy W4 of the Devon Waste Plan, the following information needs to be provided:

- We note that the document estimates the amount of waste expected to be produced at the site clearance stage, we would also request that the amount of construction waste is provided in tonnes.
- The type of material the waste will arise from during construction, demolition and excavation
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation
- For any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal; including the name and location of the waste disposal site.
- The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.
- Identify the main types of waste generated when development is occupied (If possible)
- Identify measures taken to avoid waste occurring
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy

It is recommended that a condition is attached to any consent requiring the submission of this information at reserved matters stage.

The site is not located within or close to a Minerals Safeguarding Area or Consultation Area and therefore there are no mineral constraints to this development.

Summary

Subject to an appropriate **planning condition**, the council has no objection on this matter.

I hope these comments are useful in determining the above application. If you have any questions please do not hesitate in contacting me. We look forward to working with you and the developers to resolve these issues further prior to determination and at reserved matter stage.

Ecologist (EDDC)

Layout response at pre-app

The Ecology Technical Note produced by GE Consulting dated 28/10/2022 seeks to address the issues raised by Natural England and the EDDC District Ecologist.

EDDC welcome this note and the subsequent revisions, as they address the majority of the concerns and suggestions raised by EDDC, in the District Ecologist Response dated 04/10/2022, as well as addressing other issues such as light spill by rearranging the tennis court position.

The only outstanding original comment is:

1. Consideration of realignment of the western access roads to the employment area to avoid hedgerow destruction, severance and tree loss.

This alteration has not been carried out, and there has been no reasoning provided as to why it has not been altered, despite being proposed by several disciplines of EDDC specialist (Arboriculture, Ecology, and Landscape).

Please can the applicant provide reasoning as to why the road layout in this area has not been revised as per the comments received.

Page 6 of the Ecology Technical Note refutes the advice that translocated hedgerows should not be counted as retained. It is EDDC's opinion that this advice still stands – the translocated hedgerows should not be counted as retained. EDDC appreciate that translocation is much more preferable to replacement, however, the translocation of the hedgerow does still result in the loss of the woody vegetation for a fairly long period, as well as inevitable damage to the understorey during translocation. The translocated hedgerow will not be suitable for use by some species which used the hedgerow previously (dormice, nesting birds etc.) for some time, likely 5-10 years, until a similar hedgerow is re-established. Stating that the hedgerow is simply "retained" in the metric is overly simplistic and does not account for the real-life habitat loss which occurs, and is therefore not considered to be accurate. Hedgerow loss, followed by hedgerow recreation with the "Habitat created in advance/years" column set to 5+ years, is considered to be more accurate. Please can the applicant provide update the BNG calculator, inputting the translocated hedgerows as advised

Environment Agency

Thank you for your consultation of 29 July 2022 in respect of this outline planning application.

Environment Agency position

We object to this outline planning application as submitted on the grounds that it is not supported by an acceptable flood risk assessment (FRA). An inadequate FRA is sufficient reason for planning permission to be refused. The information required for

the FRA to be considered adequate together with advice in respect of biodiversity, pollution prevention and environmental planning are set out below.

Reason - Flood risk

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 22 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. To overcome our objection, we advise that the following matters are addressed:

Flood levels

This is a very large site and, although much of it is located within the low probability flood zone 1, there are areas of the site within the high probability flood zone 3 and with surface water flood risks which must be properly considered. We recommend that different parts of the site that are at risk from different flood risk sources are broken down into areas and each of these flood risk areas assessed accordingly.

Flood levels for the fluvial 1-in-100 year plus climate change event must be identified for all areas where there is fluvial risk. Whilst the development is presently all within flood zone 1 our flood map for planning does not take climate change allowances into account. To demonstrate that all development is not within areas at risk of flooding over its lifetime, flood levels for all areas must be provided and it should be noted that finished floor levels for all development must be 600mm above these levels to account for freeboard and uncertainty within the modelling.

The 1-in-100 plus climate change flood level must be properly calculated for all fluvial sources. Although the Q1000 level can be used as a comparison this data should not be used alone. Peak river flow allowances can be found here: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

Depths of surface water flooding must also be considered for the areas at risk of surface water flooding, and it must be demonstrated how development will be kept safe from this risk.

Although there is no site-specific modelling there is JFLOW modelling for the Rockbeare Stream and unnamed ordinary watercourse to the West.

Watercourses on site must have an 8m easement/maintenance corridor. No development should take place within this easement.

Sequential Approach (Energy Centre)

It has not been demonstrated that the sequential approach, as required by the National Planning Policy Framework (paragraph 162) has been taken for the Energy Centre to ensure development is located in the areas of lowest risk. Although essential infrastructure can be located within the functional flood zone (3b) if there is land not at risk of flooding where the development can go then this should happen. The energy centre is proposed to be located within an area at risk of flooding.

The sketch in section 5.5 of the FRA attempts to show the energy centre with a higher elevation than the flood level, however this cannot be the case as the flood levels on the site have not been properly identified. If the energy centre is progressed in this location, there must be a 600mm freeboard above the 1 in 100 plus climate change flood level.

Flood compensation storage

The area of compensatory storage as discussed in section 5.5 of the FRA has not been identified on the masterplan or any of the drawings.

Compensation storage must provide a considerable flood risk betterment to ensure that beyond doubt the development within the floodplain will not cause an increase in flood risk to third parties.

It must also be demonstrated that the area of compensation storage will at no time fill with groundwater as this would negate the compensation provided.

Advice - Biodiversity

The applicant has calculated a significant 'uplift' in Biodiversity Net Gain (BNG), which is welcome. However, we cannot find anything specific about the watercourse, apart from a proposed 20m buffer strip. Furthermore, we cannot see any BNG Report besides from the Biodiversity Metric Schedule which just details the hedgerow types. We would welcome more detail in this regard.

The plans indicate that there are some footbridges proposed but provide no further details because the application is only for outline planning permission. Once our flood risk management concerns and other requests for detail have been addressed, we would be happy for this matter to be covered by condition that requires more details on the design. Our preference would be for clear span bridges for connectivity purposes.

Advice - Pollution prevention

Previous works at Cranbrook have resulted in several incidents where there has been little regard to the run-off of soil to the watercourse. We therefore recommend that a Construction Environment Management Plan supporting the proposal should include the following:

- o Detailed site-specific measures to be put in place to prevent soil run off from site from exposed land at the early stage of the construction phase. This should clarify whether there will be silt fencing, an attenuation pond or access to a silt buster or similar if required.
- o Plans to show where the soil stockpiles will be located and the specific measures to be put in place to prevent a discharge of silt laden water from these.

- o Details of measures to ensure protection of watercourses, on or next to the site, from soil run off from site via existing field ditches, watercourses or any ponds on site.
- o Details of any existing land drainage measures to prevent discharge of soil run off via these.
- o Confirmation that the ground works company and the construction site staff will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site. In the event of the pollution prevention plans failing, any discharges including that of sediment laden water should be reported to the Environment Agency as soon as possible via the incident hotline (0800 807060).

We would be happy for this matter to be covered by condition once our other concerns have been addressed.

Advice - Environmental planning

As far as Water Resources is concerned, under climate change scenarios up to 2050, the region is modelled potentially to be impacted by much lower summer flows due to lower rainfall. Action needs to be taken to ensure water supply and demand is resilient to the effects of climate change and that catchments are managed better to protect water resources. We are having wider, strategic discussions with the Water Company in relation to resilience and maintaining a secure supply of water for the future and we will also be working with current abstraction licence holders to adapt and mitigate for these predicted changes. However, to support this the applicant must also ensure that water efficiency measures are implemented across the development to reduce the volume of water required during the occupation of the proposed development by conserving water and water recycling.

We are pleased to see that the requirements and objectives of the Water Environment Regulations (Water Framework Directive) are taken in to consideration. It appears that there will be mitigation measures proposed throughout all the development phases to reduce impact on the nearby watercourses in that regard.

Further/additional comments:

Thank you for re-consulting us on the above planning application.

Environment Agency position

On the basis of the additional information provided, we consider that the outline planning permission will only be acceptable if conditions are included within any permission granted in respect of:

- o Flood resilient design;
- o Maintenance/wildlife corridor adjacent to watercourses;
- o Detailed design of any watercourse crossings; and
- o A Construction Environment Management Plan (CEMP).

The suggested wording for our recommended conditions is set out below, together with advice on flood risk and watercourses. Please see our previous letter dated 26 August 2022 for advice regarding biodiversity, pollution prevention and environmental planning.

Condition - Flood Resilient Design and Layout

No development approved by this planning permission shall commence until such time as a scheme to ensure the development is flood resilient has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be informed by site-specific modelling and an up-to-date Flood Risk Assessment, and shall demonstrate that:

- o Finished floor levels will be a minimum of 600mm above the design flood level; and
- o All areas located within the Q100 plus climate change flood extents will not be developed and will form part of the public open space.

The development shall be fully implemented and subsequently maintained in accordance with the agreed scheme.

Reason: To reduce the risk of flooding to the proposed development and its future users.

Condition - Maintenance/Wildlife Corridor adjacent to Watercourses

No development shall take place until a scheme for the provision and management for an 8-meter-wide maintenance and wildlife corridor has been submitted to and approved in writing by the local planning authority. The corridor shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- o Plans showing the extent and layout of the corridor;
- o Details of any proposed planting scheme (for example, native species);
- o Details demonstrating how the corridor will be protected during development and managed over the longer term; and
- o Details of any proposed footpaths, fencing and lighting.

The development shall be fully implemented and subsequently maintained in accordance with the agreed scheme.

Reason: To allow access to the watercourses for maintenance and to protect the land adjacent to watercourses which is particularly valuable for wildlife.

Condition - Detailed design of watercourse crossings

No development approved by this planning permission shall commence until such time as the detailed design of all watercourse crossings has been submitted to, and approved in writing by, the local planning authority. The development shall be fully implemented and subsequently maintained in accordance with the agreed details.

Reason: To reduce the risk of flooding and impacts upon habitat and species.

Condition - Construction Environment Management Plan (CEMP)

No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

Advice - Flood Risk

We have reviewed the submitted Flood Risk Assessment (dated 20/10/2022 by Phoenix Design Partnership). While we are satisfied at this stage that the proposed development could be acceptable in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development or third parties. We consider that the above-mentioned condition will be sufficient to secure this additional information. This will need to be informed by site-specific modelling.

Any modelling used to inform detailed design must be reviewed and approved by the Environment Agency. We can provide advice on the model requirements under our cost recovered Planning Advice Service prior to submission to the LPA should this be required. Please contact for details of the Planning Advice Service and to obtain a quote for advice.

Additional comments:

In order to account for localised pluvial runoff and ponding we recommend that finished floor levels for all development is raised 300mm above ground level to prevent localised ingress of water.

Section 5.5 of the FRA revision D has since been removed from the most recent revision (E). Please be aware that our previous comments in our letter dated 26 August 2022 in relation to the sequential approach and the energy centre still stand if this aspect of the development is still proposed.

Watercourses on site must have an 8m easement/ maintenance corridor. No development should be progressed within this easement.

Advice - Watercourses

Access to the watercourses is required for maintenance purposes. Development that encroaches on watercourses can also have a potentially severe impact on their ecological value. Additionally, networks of undeveloped buffer zones might help wildlife adapt to climate change and will help restore watercourses to a more natural state.

We therefore advise that a scheme is required to protect an 8-meter-wide corridor around any watercourses. We consider that the above-mentioned condition will be sufficient to secure this.

We would be happy to assess proposals for the corridor at the detailed design stage.

Where any watercourse crossings are required, our preference would be for clear span bridges for connectivity purposes.

Please contact us again if you require any further advice.

Environmental Health

Further noise calculations should be carried out at the reserved matters stage in order to ensure that the correct level of sound mitigation (as detailed within the noise assessments) are provided for each residential build in relation to the noise exposure categories from the local road transport network and ground running engine testing from the airport.

Updated/additional comments

I have considered the application together with the submitted documentation and do not anticipate any environmental health concerns. I'm satisfied that with the information that has been sent through that the relevant standards set out within BS8233 can be met and that this deals with the noise concerns that were raised.

Exeter & Devon Airport - Airfield Operations+Safeguarding

I am responding on behalf of Exeter & Devon Airport Limited (EDAL), owner and operator of Exeter Airport, to the application as above made by Redrow Homes (South West) Limited and Carden Group PLC for the development of land to the immediate northeast of the airport, identified as the Treasbeare Expansion Area to the Cranbrook development. The response is made in EDAL's capacity as airport owner and you will have received a separate response from EDAL in its statutory consultant capacity as the safeguarding authority for Exeter Airport. The two responses are to be treated independently of one another and each considered on its own merit.

Development for sensitive receptors, such as residential or educational, over large areas of the Treasbeare Expansion Area is demonstrated as being adversely impacted by the existing and future aviation activities at Exeter Airport, particularly with regard to the ground running engine testing of aircraft on the existing Engine

Test Facility. There are numerous references to and evidence of the adverse noise impacts on potential residential occupiers on the development site within the Environmental Statement (Chapter 13 on Noise) and within the Design and Access Statement (Noise section 3.9) of this application. Furthermore, representations to the Emerging Local Plan Inquiry made clear that there was an acknowledgement of the potentially restrictive nature of residential development in this area upon future growth of Exeter Airport if adequate mitigation was not built into the development. EDAL is generally supportive of both residential and commercial development in its vicinity, together with supportive infrastructure to such development, provided that development itself does not serve to constrain airport activity through complaint as to the airport's impacts.

The Environmental Statement considers two means of noise mitigation; through design and orientation of the properties themselves and by the provision of a Ground Run Enclosure around the existing Engine Test Facility, where no mitigation presently exists. Critically, in the Local Plan representations, it is stated that safeguards within the development itself will be inadequate to address all adverse impacts from the testing of aircraft engines at Exeter Airport. It is evidenced that additional mitigation will need to be secured in conjunction with Exeter Airport to adequately address this issue.

The developer and EDAL have engaged to agree on a specification for a new Ground Run Enclosure (GRE) to be provided at the developers expense at the Engine Test Facility at Exeter Airport. That new facility will provide sound reduction, for the benefit of the development from the noise generated by engine testing, together with sound absorption, for the protection of other neighbouring communities and developments from reflected noise. The proposed Specification for that GRE is set out in the noise section of the Design and Access Statement within document reference 20-0040-SP1-3, albeit that the appearance of the final structure will be dependant upon the eventual manufacturer chosen to construct the facility.

In order to translate the stated intention of the developer within the application to provide such a facility into reality on the ground, it will be necessary to ensure adequate measures are incorporated into any planning permission that may be granted to secure that commitment by the developer. It is suggested that a tight planning condition be attached to any permission that prevents the occupation of any dwelling within the application site prior to the completion of a Ground Running Enclosure around the existing Engine Test Facility at Exeter Airport in accordance with the submitted Specification.

In order to protect continued airport operation and future airport growth potential, and so as not to adversely impact on future residents of the Treasbeare Expansion Area by way of noise generation at Exeter Airport, EDAL objects to this application. EDAL will, however, will withdraw that objection at the point at which any planning permission which may be granted under this application is adequately conditioned so as to ensure the provision of the GRE at Exeter Airport as specified, and at the developers expense. EDAL is prepared to engage with the LPA in the development of an adequate planning condition, or S.106 commitment if that is considered more appropriate, as required.

This proposal has been examined from an Aerodrome Safeguarding aspect and it does appear to have the potential to conflict with safeguarding criteria.

Exeter Airport is an officially Safeguarded Aerodrome as dictated by The Office of The Deputy Prime Minister Circular 1/2003 Safeguarding Aerodromes and regulated by the Civil Aviation Authority (CAA). Accordingly, as part of the Airports licence strict controls and regulations must be adhered to by the Aerodrome to ensure the safety of Aircraft and any person in an Aircraft

Being close to the airport there are various Aerodrome Safeguarding considerations from this type of development that need to be addressed to ensure that there are no adverse effects on aircraft safety or the operations at the airport and ensure we adhere to the terms of the Aerodromes licence.

In brief Aerodrome Safeguarding is a process of checking proposed developments to:

- 1 Protect blocks of air through which aircraft fly, by preventing penetration of surfaces created to identify their lower limits.
- 2 Protect the integrity of radar and other electronic aids to air navigation, by preventing reflections and diffraction of the radio signals involved.
- 3 Protect visual aids, such as Approach and Runway lighting, by preventing them from being obscured, or preventing the installation of other lights which could be confused for them.
- 4 Avoid any increase in the risk to aircraft of a bird strike by preventing an increase in hazardous bird species in the vicinity of the aerodrome and, whenever the opportunity arises, to reduce the level of risk.

To ensure compliance with aerodrome safeguarding requirements the following assessments / plans are required to be submitted and approved by the airport to ensure there are no safeguarding conflicts.

o Instrument Flight Procedure (IFP) Assessment

IFPs are published procedures designed to ensure the safe manoeuvring of aircraft arriving and departing the airport using electronic navigational aids. The Airports IFP Safeguarding Map has the location of this site in a Grey Square which means any development, regardless of height, needs looking at in more detail, so an in-depth assessment will be required.

The protected areas for IFPs are complex and in depth IFP safeguarding assessments can only be carried out by Exeter Airports Approved Procedure Design Organisation (APDO) This can be arranged by Exeter Airport with the APDO at the request of the developer. (Fees apply)

o Instrument Landing System (ILS) and Navigational Aid (NAVAID) Assessment

The location of this site is in an area that has the potential to conflict with the Airports ILS and NAVAIDs which could have an impact especially combined with other developments that have recently been undertaken and are proposed around the aerodrome.

For safety and consistency, the developer is required to submit a Technical Safeguarding Modelling Assessment of the proposal carried out by a specialist company to ascertain if there are likely to be any conflicts or issues.

Several other developments close to the aerodrome have had modelling assessments carried out recently and in the past for the same reason. The cumulative effect of all known developments must be considered when modelling is undertaken.

Cyrrus are the Airports preferred specialist company to carry out this type of assessment. They have a large amount of data about the aerodrome its ILS, NAVAIDs, and for other developments who have had modelling undertaken.

Contact details <https://www.cyrrus.co.uk/>
Cyrrus House,
Concept Business Court,
Allendale Road,
Thirsk,
North Yorkshire,
YO7 3NY

Phone: 01845 522585
Email: info@cyrrus.co.uk

o Wildlife Hazard Management / Landscaping and planting
Due to the location of the proposal, Wildlife Hazard management, landscaping and planting are critical to ensure that there will be no increase in the risk of bird strike to aircraft operating at Exeter Airport.

All open spaces, SANGs, SUDs, areas of planting etc will require a Wildlife Hazard Management Plan (WHMP) produced by a specialist company and approved by the airport to ensure that any risk is minimised and controlled and there is no additional danger to aircraft operating in the vicinity.

All planting should avoid the use of fruit and berry bearing species which could become a food source for birds and avoid creating nesting habitats. Tree planting should avoid the use of taller varieties that could penetrate the Obstacle Limitation Surfaces in later years as they grow.

Further guidance and production of a WHMP can be obtained by contacting a specialist aviation Wildlife Hazard Management Consultant.

Any Sustainable Urban Drainage System (SUDS) included in the plans should be designed with the following drainage to prevent water becoming a wildlife habitat (1/100 year storm - 14 days to drain, annual storm 1-4 days to drain). If this is met,

then mitigation (bird exclusion) measures will not be required. However, the SUDS will require monitoring to ensure that water does not persist beyond these projections and if it does, engineered drainage solutions or bird exclusion systems will be required to be implemented.

Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety and potential airport operational impacts until the production of the required assessments and management plans as detailed above have been supplied and approved by the airports safeguarding department.

Additional/further comments

Further to Exeter Airports initial objection to this proposal which was raised to ensure compliance with aerodrome safeguarding requirements the following assessments / plans were required to be submitted and approved by the airport to ensure there are no safeguarding conflicts.

- o Instrument Flight Procedure (IFP) Obstacle Limitation Surface (OLS) Assessment.
- o Instrument Landing System (ILS) and Navigational Aid (NAVAID) Assessment.
- o Wildlife Hazard Management / Landscaping and planting Plans.

These have now been submitted with the following findings.

An Instrument Flight Procedure (IFP) Assessment has been carried out by Exeter Airports Approved Procedure Design Organisation (APDO) and providing the development does not exceed the heights as stated within the building heights parameter plans then there are no safeguarding conflicts, and the proposal is acceptable from an IFP perspective. Any major changes to the proposals may require additional assessments to be undertaken.

An Instrument Landing System (ILS) and Navigational Aid (NAVAID) Assessment has been carried out by Exeter Airports preferred technical specialist, studied by the Airports Air Traffic Engineering department who confirm that there are no conflicts with any of the airport's electronic navigational aids and therefore the development is acceptable from a technical safeguarding perspective.

Wildlife Hazard Management / Landscaping and planting Plans. The landscaping plans have been produced in consultation with an aviation wildlife expert and therefore acceptable, however there is still the requirement for a Wildlife Hazard Management Plan which is understood to be difficult to prepare at the outline stage of the application. Therefore, a suitably worded condition applied would be acceptable to ensure this is carried out and approved by the Airport when appropriate before any construction commences.

Condition:

Wildlife Hazard Management Plan:

Development shall not commence until a Wildlife Hazard Management Plan has been submitted to the Local Planning Authority and approved in writing by Exeter Airport.

The Wildlife Hazard Management Plan shall be implemented in perpetuity as approved. No subsequent alterations to the plan are to take place unless first submitted to the Local Planning Authority and approved in writing by Exeter Airport.

Reason:

It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Exeter Airport.

Additionally, during the construction phase developers and contractors must adhere to the contents of the attached Airport Operators Association (AOA) advice note 4 Cranes and other construction issues. All tall equipment operating on site will be required to have a permit to operate issued by the Airport to ensure safeguarding criteria are met and there are no safety concerns for aircraft operating at the airport.

Accordingly, Exeter Airports previously raised objection to the proposal on the grounds of aviation safety and potential airport operational impacts can now be removed providing the requested condition is applied and the AOA guidance relating to tall equipment is adhered to.

Housing Strategy/Enabling Officer - Jo Garfoot

The Cranbrook plan has been found sound by the Planning Inspector and will be taken forward for formal adoption in September. Once adopted it will supersede Strategy 34 of the local plan and 15% affordable housing provision will be sought rather than 25% under the local plan. Policy CB11 of the Cranbrook plan seeks not less than 15% affordable housing and a tenure split of 70% for rent and 30% for affordable home ownership.

15% is 155.25 and the applicants have rounded this to 156 dwellings. Within the affordable housing statement the applicants on page 13 state their proposals for the affordable housing. This is then repeated in the heads of terms. It is very disappointing to note that they have chosen not to follow the 70/30 tenure split as specified in Policy CB11 and instead are proposing to follow the NPPF approach with more units for affordable home ownership. With already low levels of affordable housing provision in the expansion areas it is disappointing that the applicants are not recognising the need for rented accommodation and are not prioritising it as per policy. The inspector found the plan sound and would have recognised that it would not be providing 10% for affordable home ownership.

The current need in East Devon is for rented accommodation and the yet to be published housing needs assessment substantiates this. First Homes are not required as the plan making period falls within the transitional arrangements, furthermore there is little evidence of need for First Homes.

The proposal for 39 First Homes, 65 homes for affordable home ownership and 52 homes for rent is not supported and instead we will be seeking 109 dwellings for rent and 47 dwellings for affordable home ownership.

We agree to clusters of no more than 10 affordable units and that all the affordable units should be constructed to M4(2) standard.

Flexibility is required with the affordable housing mix to ensure that there is a good mix and balance of bedroom sizes. The mix proposed follows evidence of need for rented accommodation which the applicant does not intend to provide much of. Units for affordable home ownership are not bound by the same rules for rented and 2 and 3 bedroom homes are more suitable. The number of apartments should be kept to a minimum and no large blocks with communal areas should be provided. Apartments can only be tenure blind if open market apartments are also provided and meeting M4(2) is more challenging with apartments.

Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the outline application for the above site.

The report provides a review of amended landscape related information recently submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF AMENDED DETAILS

2.1 London Road junctions and traffic calming

2.1.1 Temporary traffic calming to London Road Dwg. nos. 20-429 20-130, 128 and 125 A

- a) Proposed measures are likely to have a negative visual impact and associated signage and bollards is prone to damage by passing vehicles.
- b) Localised narrowings to 6m are unlikely to be sufficiently narrow to reduce speeds.
- c) Build-outs potentially put cyclists in danger from oncoming traffic especially if bypass lanes are not provided.
- d) Could speed bumps/ cushions be provided as alternative to build-outs to address above concerns?
- e) Could the location of eastern end of 30mph traffic order extent be extended eastwards to the Court Royal r.a.b. (approx. 400m to east) which would be more logical and would encompass the existing entrance crossing point to the country park?

2.1.2 London Road/ Parsons Lane R.a.b. dwg. no. 20-429 20-14

- a) Can foot/ cycle crossing be direct, not staggered?
- b) Foot/ cycle way widths are not consistent with those shown on the proposed Parsons Lane upgrade layout (dwg. no. 124B). The path widths shown on the drawings should be checked and amended as appropriate to be consistent.

- c) The proposed spur path connecting directly to Parsons Lane is unnecessary and should be omitted as there is no ongoing cycle path proposed to the west of the junction.
- d) Details of proposed paving materials and kerbing should be confirmed.
- e) Proposed path levels and extent of grading and vegetation clearance should be indicated on the drawing.

2.1.3 Parsons Lane upgrade layout (indicative) dwg. no. 20-429 20-124B

Proposals do not appear to be resolved or to coordinate with Parsons Lane roundabout proposals in relation to foot/ cycle way widths

School drop off point should be on Parsons Lane rather than the school access road.

The width of the pedestrian foot/ cycle path along the school access road school be consistent with the path width along Parsons Lane.

There is no provision for pedestrian/ cycle crossings at the junctions of the community access roads.

2.1.4 Proposed double mini-roundabout layout final solution

- a) A total of six different colours of paving are proposed including four different shades of aggregate surface dressing. Proposed light coloured asphalts are likely to become rapidly marked with tyres, oil etc. Further consideration of proposed surfacing materials is needed.
- b) The dark grey shaded areas to the west and south of the junction are not annotated and the proposed surfacing for these areas should be confirmed.
- c) The proposed break-down strip on the east bound side of the carriageway between the two roundabouts seems unnecessary especially as there is no such provision further to the east or anywhere on the west bound side of the carriageway. It would be better omitted and the overall carriageway width reduced accordingly.
- d) There are no road markings shown at the junctions to the roundabout and at the centre of the roundabouts. Please confirm if this is intentional. If not all proposed markings should be indicated.
- e) The proposed squares on the west bound carriageway east of the eastern round-about appear arbitrary and unnecessary and should be omitted.
- f) Proposed banners in central reservation are questioned. Would be better as trees, possibly within Breedon gravel or similar.
- g) Details of proposed levels and extent of associated grading and retaining walls should be shown.
- h) Extent of existing trees and hedgerow to be retained and removed should be indicated.
- i) Extent of proposed verges to south and west sides should be clearly indicated.
- j) The thick pecked purple lines should be annotated or noted in the key
- k) Proposed signage locations and details should also be confirmed.
- l) Proposed pavings, kerbs and edgings should be confirmed. Extent of full height, intermediate height and drop kerb should be indicated.

2.1.5 Proposed employment access – final arrangement

- a) Details of proposed levels and extent of associated grading and retaining walls should be shown.
- b) The junction with the proposed cycle path indicated on the masterplan running to the inside of the existing hedge to the London Road frontage east of the junction should be shown on the drawing.

2.1.6 Permanent components of gypsy and traveller access dwg. no. 20-429 20-132

- a) Link paths serving toucan crossing and access road should be indicated.
- b) Details of proposed levels and extent of associated grading and retaining walls should be shown.

2.2 Parameter Plans

Green infrastructure dwg. no. BL-M-43 Rev N

The plan omits to show any cycle paths. Formal cycle paths should be shown as per the masterplan. These should be annotated in the key as Key strategic cycle paths (exact alignment to be determined at Reserved Matters stage). A north-south cycle route should also be shown through the eastern SANGS area annotated in the key as Informal cycle path (exact alignment to be determined at Reserved Matters stage).

The proposed LEAP adjacent to allotments has poor natural surveillance and should be relocated to where there is direct overlooking from nearby dwellings.

2.3 Landscape Biodiversity and Drainage Strategy

The strategy is generally acceptable. A detailed Landscape and Ecology Management Plan will be required by condition should the application be approved.

2.4 Drainage strategy

The inclusion of areas of permanent standing water within drainage basins is welcomed. Designs of basins and standing water areas should seek to be as naturalistic as possible and headwalls to inlets/ outlets to be as discreet as possible.

In addition to SuDS measures indicated, provision should also be made for water butts to collect roof rainwater for watering purposes in all private rear gardens.

3 CONCLUSION AND RECOMMENDATIONS

3.1 Acceptability of proposals

The proposed application is generally considered acceptable in terms of Landscape and Visual Impact.

Amendments are required to the green infrastructure parameter plan to address issues raised at section 2.2 above prior to approval of the application.

Amendments/ justifications are required in respect of issues raised with proposed London Road traffic calming measures as noted at section 2.1.1. Amendments are required to submitted London Road junction and traffic calming detail as noted at section XX above. If highway amendments are not received prior to determination a condition is required to provide further amended details and additional information prior to commencement of site works.

3.2 Conditions

In the event that the application is approved the following conditions should be imposed.

- 1) No development work shall commence on site until the following information has been submitted to the LPA and approved:
 - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, paved surfacings and edgings, site furniture and signage.
 - b) Details of locations, heights and specifications of proposed external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.
 - c) A site levels plan(s) at 1:250 scale or greater indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least 5 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
 - d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of raingardens, filter strips, swales and attenuation ponds etc. and locations and construction details of check dams, inlets and outlets etc.
 - e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:
 - *a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.*
 - *methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
 - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - schedules of volumes for each material.
 - *expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
 - identification of person responsible for supervising soil management.
 - f) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- g) Measures for protection of existing trees and hedgerow and undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and be maintained in sound condition for the duration of the works.

2) Notwithstanding the submitted highway details, no development should take place until amended layout details have been provided including details of proposed junction levels and associated grading works, retaining walls, existing vegetation to be retained and removed, and associated hard and soft landscape treatments, signage and road markings have been submitted to and approved in writing by the LPA.

3) No development shall take place until a detailed Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - Existing trees, woodland and hedgerows.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grass and wildflower areas.
 - Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings within a given phase with the exception of planting which shall be completed no later than the first planting season following first use.

5) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA. (Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

National Highways

Referring to the notification of an Outline planning application referenced above, for up to 1,035 residential dwellings; a neighbourhood centre with a maximum of 3,000sqm gross of ground floor space (Use Class E and sui generis (hot food takeaways, betting shops, pubs/bars)); a two form entry primary school, with early years provision (Use Class F1); public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land; a sports hub comprising playing pitches, tennis courts, a multi-use path and a pavilion (Use Class F2); up to 10.25ha of employment land (Use Classes E(g), B2 and B8); 5 serviced pitches for gypsies and travellers; an extension to the existing Cranbrook Energy Centre; sustainable drainage systems; and associated infrastructure. All matters are reserved for future consideration aside from access. Principal access is to be provided from four points off London Road (B3174), with additional access points proposed for pedestrians and cyclists, at Treasbeare Expansion Area, land to the north of

Treasbeare Farm, Clyst Honiton, EX5 2DY, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

National Highways Planning Response (NHPR 21-09) September 2021
Highways Act 1980 Section 175B is not relevant to this application.1

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Planning Conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks outline planning permission for up to 1,035 residential dwellings; a neighbourhood centre with a maximum of 3,000sqm gross of ground floor space (Use Class E and sui generis (hot food takeaways, betting shops, pubs/bars)); a two form entry primary school, with early years provision (Use Class F1); public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land; a sports hub comprising playing pitches, tennis courts, a multi-use path and a pavilion (Use Class F2); up to 10.25ha of employment land (Use Classes E(g), B2 and B8); 5 serviced pitches for gypsies and travellers; an extension to the existing Cranbrook Energy Centre; sustainable drainage systems; and associated infrastructure. All matters are reserved for future consideration aside from access. Principal access is to be provided from four points off London Road (B3174), with additional access points proposed for pedestrians and cyclists, at Treasbeare Expansion

Area, land to the north of Treasbeare Farm, Clyst Honiton. The 91.28ha site is located approximately 14m north of the A30 trunk road 3km north east of M5 Junction 29.

Policy Background

The proposal comprises an expansion of the currently consented 3,847 dwellings at the Cranbrook New Community (CNC) on land allocated for this purpose in the East Devon Local Plan (2013-2031, adopted 2016) referred to as the 'Southern' Expansion Area'. The proposal is also referred to as the 'Treasbeare Expansion Area' and subject to a separate policy (CB3) in the draft Cranbrook Development

Plan Document (DPD) Submission Draft with proposed main modifications (January 2022).

Policy CB3 ‘Treasbeare Expansion Area’ of the draft Cranbrook Plan allocates 64ha for the provision of 915 dwellings, a mixed-use area, neighbourhood centre; a two-form entry primary school; a sports hub; employment land; serviced permanent pitches for Gypsies and Travellers and associated infrastructure. The Cranbrook Plan underwent Examination in August 2019 and in August 2022 the Inspector confirmed that subject to Main Modifications the Plan could be considered sound. The application therefore proposes an additional 120 dwellings at the Treasbeare expansion site than allocated in the Cranbrook Plan, with the site covering an additional 28ha over the 64ha allocated in the draft Plan which mainly comprises the provision of additional open space and SANG.

Site History and Previous Applications

The ‘Treasbeare’ site comprises one of the four ‘expansion’ sites to the CNC as proposed within the Cranbrook DPD Submission Draft with proposed main modifications (January 2022). These four sites and their proposed allocations are tabulated below;

Table 1

Location	Site	(Dwellings) 2022 Draft Cranbrook Plan Allocations
East	Cobdens	1,495
West	Bluehayes	960
South	Treasbeare	915
South East	Grange	800
		4,170

National Highways has previously been consulted on two planning applications for development on the Treasbeare site under references 15/0046/MOUT and 17/1482/MOUT as below, both of which we understand were withdrawn in July 2021.

- 15/0046/MOUT – Outline application for 1,550 residential dwellings, 40,000 sqm of employment (B1, B2, B8), one two-form entry primary school, local centre comprising of up to 1,000sq m of A1 uses plus A2, A3, A4, A5 uses and up to 1,250sq.m B1 business use. Sports and recreation facilities including children's play, green infrastructure, community uses, assembly and leisure, access from former A30, landscaping, allotments, engineering (including ground modelling and drainage) works, demolition, associated infrastructure and car parking for all uses (all matters reserved except for access).

- 17/1482/MOUT - Outline application for up to 1200 residential dwellings; residential care home (C2); employment (B1, B2, B8) collectively to comprise up to 35,000 11 sqm); an energy centre; petrol filling station with associated convenience retail and facilities; one two-form entry primary school; local centre comprising A1 uses plus A2, A3, A4, A5 uses and B1 business use; sports and recreation facilities including an allweather playing surface with floodlighting, changing facilities and children lay; green infrastructure (including open space and SANG); community uses (including D1 nonresidential institutions); assembly and leisure, Gypsy and/or Travellers pitches; access from former A30 and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses (all matters reserved except for access).

In our response to applications 15/0046/MOUT and 17/1482/MOUT we confirmed that 840 dwellings at the Southern Treasbeare site could come forward prior to the delivery of improvements at Moor Lane roundabout, which have now been completed. The previous applications for the Southern Treasbeare site comprised a higher quantum of residential development over which is now sought by application 22/1532/MOUT. For ease of reference the applications relating to the Cranbrook expansion sites are summarised in Table 2 below;

Table 2

		2015 Applications		Subsequent Applications		
Location	Site	Application	Dwellings	Application	Dwellings	2022 Plan Allocations
East	Cobdens	15/0047/MOUT (Finally Disposed March 2022)	1,750	22/0406/MOUT (Awaiting Decision)	1,435	1,495
West	Bluehayes	15/0045/MOUT (Subject to Regulation 25 Notice)	820	19/0620/MOUT (Awaiting Decision)	930	960
South	Treasbeare	15/0046/MOUT (Withdrawn July 2021)	1,550	17/1482/MOUT (Withdrawn July 2021) 22/1532/MOUT (Current application – Awaiting Decision)	1,200 1,035	915
South East	Grange	N/A	0	21/0002/EIA *EIA scoping only	500	800

			4,120		3,900	4,170

In addition to the above we note that an application at Farlands (14/2945/MOUT) for 260 dwellings located within the eastern Cobdens Expansion Area is currently awaiting determination. Should this be consented this would result in 4,160 dwellings in the Cranbrook Expansion Masterplan area which is below the total allocation of 4,170.

Previous Responses

In our responses to the subsequent applications as listed in Table 2 and the Cranbrook DPD consultation and examination, we confirmed that on the basis of previous transport assessment a total of 4,170 dwellings are able to come forward across the four Cranbrook expansion sites subject to delivery of improvements at Moor Lane, which have now been completed.

We have confirmed that should the quantum of development sought by each expansion area not align with that allocated in the Cranbrook DPD, we would be happy to consider an alternative apportionment of these dwellings across the proposed allocation sites up to a maximum of 4,170. Should the overall Plan allocation increase beyond 4,170 dwellings an updated transport assessment would need to be provided to enable National Highways to understand the impact upon the SRN, which was reiterated in our formal response to the Cranbrook Development Plan Document (DPD) Submission Draft 2019. Given the evidence based used to support the expansion site applications is now a decade old, any proposed uplift in the quantum of development will require the submission of updated transport modelling supported by contemporary traffic surveys.

Transport Impact

The submitted Transport Assessment (TA) assesses the traffic impact of a higher quantum of development than sought by the application, namely 1,100 dwellings, a two-form entry primary school, a neighbourhood centre comprising food retail, and 41,000sqm of employment land National Highways Planning Response (NHPR 21-09) September 2021 uses. The TA sets out that the presented trip rates and proposed distribution were agreed with the Local Highway Authority in June 2021, however no transport scoping was undertaken with National Highways and we have not previously agreed the trip rates or distribution and assignment. The TA proposes trip rates lower than those previously accepted for the Cranbrook New Community and subsequent Expansion Area applications and National Highways considers that insufficient evidence has been provided to substantiate that these lower rates are robust and appropriate for use. The TA applies a series of reductions to the trip rates resulting from internalisation, pass-by and linked-trips however limited detail and justification as to how these have been derived is provided. The TA concludes that the development is likely to result in an insignificant traffic impact at the A30 Exeter Airport

Junction and M5 Junction 29 in the AM and PM peak periods. National Highways considers that further information relating to how the presented trip rates and subsequent reductions have been derived should be provided.

Notwithstanding the above, National Highways notes that the proposed 1,035 dwellings at the Treasbeare site is a lower quantum than previously assessed and accepted under applications 15/0046/MOUT and 17/1482/MOUT, subject to the now delivered improvements at Moor Lane. Furthermore, the cumulative total of the five live applications currently under consideration at Cranbrook which include current application 22/1532/MOUT at Treasbeare fall within the total Plan threshold of 4,170 previously accepted by National Highways. On this basis, the application for 1,035 dwellings at Treasbeare is considered acceptable in transport terms.

We wish to make clear that should the total development across the four expansion sites and Farlands exceed the 4,170 allocated by the Cranbrook Plan then the impact of this additional development will need to be assessed on the basis of current highway operating conditions.

This is necessary as the impact of development at Cranbrook above the threshold of 4,170 on the safe operation of the strategic road network has not been assessed.

Travel Plan

It is noted that there is an overarching Cranbrook Travel Plan which covers all sites within the Cranbrook Plan area. National Highways would expect that this commitment is formalised as part of any planning consent that may be approved by the Local Planning Authority.

Construction Management Plan

National Highways notes that an approved Construction Environmental Management Plan (CEMP) is in place for the first phase of Cranbrook New Community. This identifies access routes and times for HGVs, plant operations and construction workers. In order to ensure that the impact of the construction phase(s) across the Treasbeare site will not result in an adverse impact on the safe operation of the surrounding highway network we require the submission of a detailed CEMP, in accordance with the wider Cranbrook site.

Recommendation

National Highways has no objection in principle to application 22/1532/MOUT subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a detailed Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). The applicant shall implement in full the measures contained within the agreed Construction National Highways Planning Response (NHPR 21-09) September 2021 Management Plan and such measures shall remain in place for the duration of works.

Reason: in the interest of the safe and efficient operation of the strategic road network.

National Health Service (NHS – RDUH)

This is a consultation response to the planning application ref: 22/1532/MOUT - Treasbeare Expansion Area Land To The North Of Treasbeare Farm Clyst Honiton EX5 2DY

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

As the attached document demonstrates, Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Furthermore, it is important to note that the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide the services and capacity required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122

The Trust considers that the request made is in accordance with Regulation 122:

“(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.”

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £624,642 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

Natural England

Thank you for your consultation on the above application, dated 29 July 2022.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES.

As submitted, the application could have potential significant effects on the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar.

Natural England requires further information in order to determine whether the proposed mitigation will be adequate, effective and secured. This information will also help you undertake the Appropriate Assessment.

Further details of the Suitable Alternative Natural Green Space (SANGs) including:

- Demonstration that 19.46ha of land will be accessible to the public.
- Safe and accessible walking routes totalling at least 2.3km in length.
- The SANGS and residential development phasing plans.
- The SANGs delivery, enhancement and management strategy, secured in perpetuity.

Statutory nature conservation sites - International sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar as set out in the East Devon Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. As set out in Policy CB3 of the Cranbrook Plan main modifications, Suitable Alternative Natural Greenspace (SANGs) is required for this development in

line with Policy CB14, together with appropriate financial contributions for direct enhancement and conservation of the above protected sites. Permission should not be granted until such time as the implementation of these measures has been secured.

The Habitats Regulations

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Natural England must be consulted on any appropriate assessment your Authority may decide to make.

SANGs design comments

Policy CB14 in the latest version of the Cranbrook Plan submission draft sets out the required features for SANGs. However, we advise that the following design aspects need further consideration:

Size

The area of SANGs required for 1035 dwellings is 19.46ha. The land budget references this figure, however our estimation of the proposed SANGs area (even including 'proposed planting' which may

It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications (see below); Without this information, Natural England may not be accessible) is around 2ha short of this requirement. We advise that the area of SANGs land should be clearly demonstrated to meet or exceed the target.

In addition, impenetrable woodland or scrub without path access may not count towards the SANGs area. Some scattered trees and/or paths in the 'woodland' areas could be appropriate.

Pinch points and excluded areas

- Pinch points should be avoided in the SANGs design. Best practice advice is to maintain a minimum width of 100m in open areas and 50m in wooded habitat. Land where this is unachievable cannot be counted towards the SANGs area total.
- The attenuation area adjacent to Parsons Lane is a pinch point and is not included on the SANGs walking trail indicated on the Masterplan. We have therefore discounted this as contributing to the SANGs total area.
- What is the reason for excluding the 'wildflower grassland' public open space, to the east of Treasbeare Lane, from SANGs land?

Paths

- The submitted plans show different planting proposals and path routes, for instance the Masterplan BL-M-39 and the LBDS Framework Plan BL-LP-17 May 2022. Please

clarify which are current. Please check that there will be a walking route of at least 2.3km in length.

- Basing the pedestrian crossing points on Parsons Lane at the existing gateways has the benefit of reducing hedgerow loss.
- Ensure the gradients on paths allow for safe access by those with restricted mobility.

Accessibility and safety

- The fundamental purpose as a Suitable Alternative Natural Greenspace will be much enhanced if safe and convenient walking routes and bridges are designed to link the

Treasbare SANGs and the existing Country Park as well as residential areas.

- On Parsons Lane, how will conflict between vehicles, cyclists, dog walkers and other pedestrians accessing the SANGs be prevented? Is a sidewalk, traffic calming or pedestrian crossing points proposed?
- It is desirable for owners to be able to take dogs from the car parks to the SANGs safely off the lead. However, restrictions (such as fencing) are likely to be required to prevent dogs accessing the sports pitches. Relocating the sports pitch car park to the east to be adjacent to the SANGs could be beneficial.
- Conflicts between pedestrians accessing open space and SANGs, and cyclists on the strategic cycle link need to be avoided. A sufficiently wide, or separate, paths may be required.
- Paths within the SANGs should be unlit but also be perceived by users as 'safe'. The main paths should be designed to generally allow users good visibility without dense tree cover adjacent.

Car parking

We welcome the proposed car parking. How many spaces are proposed and how was this calculated?

Other

It would be desirable to have focal points and viewpoints.

The application should also include a "delivery, enhancement and management strategy." A phasing plan to show how sufficient SANGs will be available for use prior to first occupation of the residential development should be submitted.

Biodiversity net gain

We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the National Planning Policy Framework 2021 (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with paragraphs 174 & 179 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note, however, that this metric does not change existing protected site and species requirements. The basic principle of avoiding loss of biodiversity still applies, for instance we would expect to see retention of existing native hedgerows, trees and ponds wherever feasible.

The Environment Act sets out that there will be a mandatory requirement to achieve at least a 10% biodiversity net gain increase from the pre-development biodiversity value, using the Biodiversity

Metric. The requirement is likely to commence in 2023.

In April 2022, Natural England released the updated and improved Biodiversity Metric 3.1 and accompanying guidance. We strongly advise use of this version of the metric to demonstrate that net gain requirements can be achieved.

Additional enhancements to the SANGs (over and above what is specified in the SANGs policy) can be delivered to achieve some of the biodiversity net gain (BNG) requirements. Where enhancement of a SANGs is proposed for delivering BNG, the habitat value of the SANGs will first need to be calculated through the biodiversity metric (both baseline and predicted BNG value).

The baseline for the SANGs calculation must include all habitat features of the site that are there to meet the minimum SANGs requirements. BNG contributions can only be claimed for features added that are additional to this. Care should be taken to ensure that any such additional features do not compromise the original purpose of the SANGs (e.g. adding features which may conflict with dogwalkers).

Soils and Agricultural Land Quality

Although we consider that this proposal falls outside the scope of Schedule 4 Paragraph (y) of the Development Management Procedure Order 2015 (as amended) consultation arrangements because the application is in accordance with the provisions of an adopted development plan, Natural England draws your Authority's attention to the following agricultural land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 88 ha of agricultural land, including 56.3 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Please note, that as outside our statutory remit, submitted ALC data has not been checked.

The British Society of Soil Science have published the Guidance Note Assessing Agricultural Land Classification (ALC) and we strongly recommend this is followed to validate an ALC survey.

2. National Planning policy relevant to agricultural land and soils is set out in paragraph 174 of the

National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing [...] soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

The impact on agricultural land quality has been assessed to be direct, permanent Major Adverse, which is Significant (paragraph 8.54 of the EIA).

Policy EN13 of the East Devon Local Plan also requires justification for the loss of high-quality agricultural land.

3. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food.

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible.

This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.

4. Based on the information provided with the planning application, the proposed development also comprises 'soft uses' (for example, habitat creation, landscaping, allotments and public open space etc).

5. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled. Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure.

6. Defra has published a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which may be helpful when setting planning conditions for development sites.

It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed.

The British Society of Soil Science has published the updated 2022 Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Protected Species and other matters

Please also refer to our letter dated 6 July 2021 on the EIA scoping consultation for this area, which gives advice on landscape, protected and priority species and habitats matters.

A population of dormice has been detected in hedgerows at the application site and in the surrounding areas. As dormice are a European Protected Species protected under the Conservation of Habitats and Species Regulations 2017 (as amended), a licence is required in order to carry out any works that involve certain activities such as disturbing or capturing the animals, or damaging or destroying their resting or breeding places. It is for the developer to decide whether a species licence is

needed to carry out work directly connected with the proposed development as well as associated mitigation work.

The favourable conservation status of this dormouse population will only be maintained if there will be continuous tree, hedge or scrub cover to allow them to reach other areas of suitable habitat. The layout of the housing and roads should allow for this.

We ask to be consulted on the detailed design of the SANGs in due course. The applicant may wish to consider our Discretionary Advice Service (DAS). The applicant can find more information on the:

GOV.UK website at <https://www.gov.uk/discretionary-advice-service-get-advice-on-planningproposals-affecting-the-natural-environment-in-england>.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Amended plans consultation response:

Thank you for your further consultation on the above application, dated 22 November 2022. Also on your Appropriate Assessment, received 7 December 2022. We respond to this further information as follows.

Statutory nature conservation sites - International sites

The Habitats Regulations - Appropriate Assessment

Thank you for your email below, consulting Natural England on the attached Appropriate Assessment in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017.

Please be advised that, on the basis of Suitable Alternative Natural Greenspace (SANGs) and the appropriate financial contributions being secured to the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA, Exe Estuary RAMSAR and the East Devon Pebblebed Heaths SAC.

Permission should not be granted until such time as the implementation of these measures has been secured.

Amended plans - SANGs design comments

The Ecology Technical Note 28/10/22 from GE Consulting addresses many of the comments made in our earlier letter dated 26 September 2022. The amendments to the SANGs design described are acceptable and should be reflected in the approved plans.

Accessibility and safety

The Ecology Technical Note states that measures to prevent any conflict between vehicles, cyclists, dog walkers and other pedestrians accessing the SANGs will be addressed at the 'detailed design stage' (presumably at reserved matters). The indicative plans for the Parsons Lane Upgrade Layout 20-429-20 20-124 Rev B do not reflect the amended pedestrian crossing points. Further design work will be needed, which should be captured in a planning condition.

Car parking

Our best practice advice is to provide one car parking space per hectare of SANGs. So for this SANGs, that would be 20 parking spaces. Adequate proposed parking for all the SANGs proposed for the Cranbrook extension areas has not yet been demonstrated. Without this, the basic function of attracting visitors who would otherwise visit the Pebblebed Heaths and other European sites will not be achieved. We advise you to provide justification for the 8 spaces currently proposed, and consider whether other parking can be identified within walking distance (usually taken as 400m) of the SANGs land.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Network Rail

Thank you for your email dated 22 November 2022 together with the opportunity to comment on this proposal.

Based on the above proposal within close proximity to the AHB Level Crossing, Network Rail and the material increase in the volume of use and change in character of use at the level crossing, Network Rail object to the above proposals.

Network Rail is a statutory consultee in Wales and Western for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway.

We are committed to reducing risks to passengers, workforce and members of the public wherever possible. Level crossings represent a significant risk on the railway, often dependent on humans performing reliably and behaving responsibly and Network Rail therefore continually seek for solutions that eliminate or reduce this risk.

As such, level crossings can be impacted in a variety of ways by planning proposals:

- o By a proposal being directly next to a level crossing;
- o By the cumulative effect of development added over time;
- o By the type of crossing involved;
- o By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing;

- o By developments that might impede pedestrian's ability to hear approaching trains;
- o By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs;
- o By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing; and
- o By any development or enhancement of the public rights of way.

Residential development has the greatest potential to change the character of use of a level crossing, both from individual development proposals, and through cumulative impact over time. For development that increases Level Crossing risk, Network Rail looks to the developer to mitigate the potential impacts.

The current level crossing is now considered unacceptable as a result of recent development in the area. East Devon DC are aware of Network Rail's concerns regarding future development that will impact on LC safety in this area. Schools, leisure areas and licensed premises will import additional use over a crossing with a very low level of protection, and therefore our objection to the application will remain until the developer pursues closure of the level crossing.

The applicant should contact Network Rail to discuss these issue further.

Police Crime Prevention Officer

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. Whilst I appreciate that the masterplan is only illustrative at this stage, I would like to make the following comments and recommendations for consideration.

It is important that as per Strategy 37 Community Safety of the East Devon Local Plan, designing out crime principles are embedded in the detailed design of the scheme. Such principles can be applied to all settings, not just the residential realm and can be summarised as:

Access and Movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

Structure - Places that are structured so that different uses do not cause conflict

Surveillance - Places where all publicly accessible spaces are overlooked.

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

Physical Protection - Places that include necessary, well-designed security features which are appropriate for the setting in which they are used.

Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management and Maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

Residential

The layout should provide overlooking and active frontages to the new internal streets and accessible space to the rear of residential back gardens should be avoided as this has shown to increase the potential for crime and anti-social behaviour (ASB).

Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance. I appreciate that some informal / recreational routes may have little surveillance. Given the nature of such routes this is understandable however, there should be a designated route with the characteristics above that pedestrians can take as an alternative.

There should be a clear wayfinding strategy in place to navigate residents and visitors throughout the site. Signage and street identification will promote the use of safe routes and direct users more easily.

Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.

Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.

Suitable boundary treatments also need to be considered for any open space areas, including NEAPs / LEAPs / allotments etc. Without them, ownership / responsibility can be ambiguous which could lead to conflict and misuse. Such areas should also be afforded good natural surveillance opportunities with clear management and maintenance strategies in place.

Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.

Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance.

Educational

It is recommended that Secured by Design guidance for new schools is considered and adhered to in the detailed design of the primary school. Ensuring that such designing out crime principles are embedded in the design of a new schools is essential in reducing the potential for crime and ASB at the location, as well as safeguarding visitors, staff and students. Secured by Design New Schools 2014 guidance is available here:

https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf

Mixed Use & Commercial

The same designing out crime / crime prevention through environmental design principles can be applied to commercial and mixed-use developments. Secured by Design guidance for commercial can be found at the following link:

https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

The local policing team are aware of the application and raise no objection. Additionally, our Buildings & Estates team have been made aware and will liaise directly with the council if needed.

Should the application progress, I look forward to reviewing more detailed plans and designs.

Recycling & Waste Contract Manager (EDDC)

From the high level information provided the development looks good in terms of overall access for recycling and waste collections.

However, we need a detailed layout planning indicating the location on individual collection points for each household and information on any communal collection facilities or shared collection points to be able to comment further.

RSPB

Thank you for inviting the RSPB to review the above, our comments relate to Chapter 14 of the ES on Biodiversity and refer to the following Paras:

14.195 An overarching Landscape, Biodiversity and Drainage Strategy (LBDS) has been produced to accompany the application and to provide the guiding principles for the future delivery and management of all retained and newly created habitats for the benefit of biodiversity, drainage function, amenity and recreational value. All future phases of development will be accompanied by detailed Landscape and Ecology Management Plans (LEMPs) specific to that phase of the Development capable of being secured by a suitably worded planning condition

We look forward to seeing the LEMPs at the next stage of the planning process. Para 14.175 However, the farmland and urban-fringe bird species recorded using the Site currently are generally likely to habituate to the

change and the Development is likely to result in an increase in certain species, such as small passerines, as a result of gardens and increased foraging opportunities. No Significant impacts are therefore likely to occur during operation.

Creating "natural/green highways" incorporating the foot paths/cycle tracks referred to in the application would greatly facilitate the above and create flight lies for foraging bats, we recommend that they are included in the LEMPs referred to in 14.195

They would also contribute to the effectiveness of the "Hedgehog Highways". We support Para 14.233 Provide new nesting habitat in the form of hedgerows, shrub planting and artificial nest boxes and bricks. Nest boxes to be integrated in the new dwellings where possible at a rate of 1 per 2 dwellings (or at a rate otherwise agreed by EDDC) but recommend that they are installed as per the recently published British Standard "BS42021:20221 Integral Nest Boxes Selection and Installation for New Developments", which includes under sections:

1. 8.4.1 installing an average of one integral nest box per residential unit.
2. 8.4.2 larger/non-residential buildings, the design, purpose and mass of the building should be taken into consideration when calculating an appropriate no. of nest bricks.
3. 7.3.2 to provide a General-Purpose integral nest box* to serve a number of species, the dimension and shape of entrance holes to be a minimum of 30x65 mm.
4. 9.2 - an installation plan with comprehensive details should be included in this instance with the LEMPs referred to above.

We recommend that complying with BS42021 is made a condition of the consent. We suggest that "Bee Bricks" for Solitary Bee species should also be considered
*see attached

South West Water

I refer the above application and would advise that South West Water has no objection subject to details of foul- and surface water drainage being submitted for prior approval.

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection - Water Mains

Please find enclosed a plan titled "Treasbeare Expansion Area Water Mains Records" showing the approximate location of a public 500mm water main, a 300mm diameter (spur) a 9 inch water main and a 3 inch (spur) in the vicinity. Please note that no development will be permitted within 3.5 metres of the larger water mains, or within 3 metres of the 3 inch water main, and ground cover should not be substantially altered.

Should the development encroach on any easement, the water main(s) will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main(s), the applicant/agent should call our Services helpline on 0344 346 2020.

Asset Protection - Sewers

Please find enclosed a plan titled "Treasbeare Expansion Area Sewer Records" showing the approximate location of a public 150mm diameter sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Please click [here](#) to view the table of distances of buildings/structures from a public sewer.

Further information regarding the options to divert a public sewer can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,

4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body via SuDS is acceptable and meets with the Run-off Destination Hierarchy.

With regards adoption criteria for SuDS, please note that South West Water do not adopt attenuation basins, but rather the flow through them (low flow channels). The applicant is advised to contact the Developer Services Planning team for clarification of any such design and adoption queries, once the drainage strategy plans are slightly more detailed than at present.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

see water mains and sewer maps under "document" tab

Further addition comments:

Thank you for your consultation request.

I refer to the above application and would advise that South West Water has no objection or further comments. The advice contained in the previous response (dated 10th August 2022) still stands, attached again for reference.

With regards adoption criteria for SuDS and attenuation ponds, please note that South West Water do not adopt attenuation basins, but rather the flow through them (low flow channels). The applicant is advised to contact the Developer Services Planning team for clarification of any such design and adoption queries.

Sports England

Many thanks for re-consulting Sport England on this application.

Are you just consulting us on the impact of the Energy Centre update. From the Master Plan, the Energy Centre is at the opposite end of the development?

Upon review of the additional documentation supplied for 22/1532/MOUT, the initial RFU comments remain the same and we await responses to the queries raised.

The LTA advise that it looks like the sports hub is still being looked at as a phased approach with the word 'serviced land' still being used within the updated planning doc for a number of areas including tennis courts., AWP, sport pavilion etc.

The LTA refers back to their original comments which were included in Sport England's response dated 28.02.2022. Please see below for reference.

The LTA advise that they note the changes in relation to the 4 floodlit tennis courts now suggest that only 'serviced land' will be made available for these courts. Before approving these plans, the LTA would need more certainty that these courts will be built and clarity as to where the funding will come from as well as who would be responsible for overseeing the project. It would also be useful to understand the proposed timescales for this.

With a suggested population of approx. 18000, 4 floodlit tennis courts, with SmartAccess gate technology to provide a good online customer journey and participation data, would be a minimum to meet the demand and increased need for community tennis facilities in the Cranbrook area. We would also require these courts to be delivered in line with LTA court specifications.

If the site is not delivered as a full sports hub with no clear plan to deliver the 3G Football Turf Pitch (FTP) and pavilion, then the capacity of the grass being provided is not sufficient to meet the expected needs of football. The grass pitches and 3G compliment each other and allow for more youth football matches to be played on the 3G. The pavilion is essential to allow adult football to take place at the site as leagues stipulate that teams must have changing provision available.

The Tennis courts being provided at the same time helps the multi-sport and all season use of the site to aid footfall and sustainability.

We refer you back to comments made on 17th August 2022.

Further comments to those made, with reference to my colleagues in the Football Foundation (FF):

Planning statement:

The FF are supportive of the proposed master Plan of facilities to be provided however, the updated Planning Statement still refers to 'Serviced Land' being provided for the 3G Football Turf Pitch (FTP), Tennis courts and pavilion. The statement does refer to a financial contribution being provided towards the delivery of the 3G FTP, but no other detail. The FF have concerns on this matter as if the site is not delivered as a full sports hub with no clear plan to deliver the 3G FTP and pavilion, then the capacity of the grass being provided is not sufficient to meet the expected needs of football. The grass pitches and 3G complement each other and allow for more youth football matches to be played on the 3G FTP. The pavilion is essential to allow adult football to take place at the site as leagues stipulate that teams must have fully compliant changing provision available.

The Pavilion and tennis courts are essential to enable the site to be sustainable with a café option to secure secondary spend at the site and 12 months use with the tennis during the summer season. As noted, if the scheme is delivered in phases, it will not meet the sporting needs of the new community.

TGMS1239.2-1 - Indicative pitch layouts and levels plan:

The FF have reviewed this document and note the following with a request for clarification:

- o Sport England Design Guidance Document - Natural Turf for Sport (2011) - the playing surface should be no steeper than 1:80 to 1:100 along the line of play and no 1:40 to 1:50 across the line of play. This is also dependent on the standard of the facility required. The actual gradient of the slope may also be dependent on several factors including drainage, any specific features around the pitch and the topography.
- o CLARIFICATION - The FF request clarification from TGMS that these standards are met and that the surface of the pitch will meet the Grounds Management Association (GMA) Performance Quality Standard of 'Good' for football as per the attached GMA document.
- o The pitch sizes are as per the previously agreed to designs, bar the gap between the two Northern based pitches adjacent to the 3G FTP.
- o It is recommended that there is a two metre 'gap' between the grass pitch three metre runoffs - meaning an 8m gap in total, this .
- o The 3G FTP should allow for a maintenance container within its footprint.
- o The 3G FTP access path should be fenced to ensure players stay on the path to eliminate any dirt being brought onto the pitch and contaminating the surface
- o The 3G FTP also requires a vehicle access point for emergency, maintenance and future carpet/equipment replacement purposes

The FF are not satisfied that the full scheme is being delivered and this will have a negative impact on the sporting outcomes. The FF is supportive of the sports master plan and requires confirmation that the technical specification of the grass pitches meet the Sport England and GMA requirements.

Urban Design (EDDC)

Response to context

The Design and Access statement sets out a reasonable assessment of some of the built context around the Treasbeare site, both within the existing Cranbrook development and beyond. This context assessment is fairly limited, looking at only four areas, Cranbrook, Rockbeare, Matford Avenue in Exeter, and the Avenues area of Exmouth. The first two would be chosen as they are representative of some nearby built precedent, last two would presumably have been chosen to fit with Redrow's preferred style of development, which is largely based on Arts and Crafts style properties or others from that era. The general development style and housing portfolio is lower density with greater emphasis on semi-detached and detached properties.

At this Outline stage the architectural response is not particularly relevant, but the way the layout responds to the site and surrounding context is important as is the way density is distributed or buildings relate to the roads serving them. The comments below will indicate which National Design Guide characteristics and Building for a Healthy Life indicators are relevant to each.

Layout and legibility

The available connections onto London Road and across into the rest of Cranbrook have been well integrated into the overall site layout. The layout itself follows a

skewed grid structure set around a series of connections between potential destinations in and around the Treasbeare site. The layout is relatively legible though there are a few weak areas and some design decisions that could do with being addressed. MLR West of the neighbourhood centre (BfHL 1, 5, 8, 9; NDG 3, 4; NPPF 104c/e, 110, 112) The Land Use and Access Parameter Plan is a very clean drawing that shows the main routes within the site. This shows some of the weaknesses of the structure and navigability, especially the Main Local Route (MLR) through the site to the west of the neighbourhood centre. The MLR in this part of the site includes sharp changes of direction and is not legible as a result. The grid structure is aligned to the London Road and not the constraints on this part of the site, such as the necessary location of SuDS infrastructure. If the grid were realigned to the constraints it could be angled to direct the MLR to the one point where it can meet the road that serves the employment land and joins the London Road. A more legible and direct route would help draw people through the site to the neighbourhood centre, helping to support the economic and other activity that could be expected to take place there. Evidence brought together as part of the Cranbrook Healthy New Town pilot programme showed that direct routes without sharp changes of direction encouraged active travel. The opposite is also true.

Link to the neighbourhood centre from Rockbeare (BfHL 1, 5, 6, 8; NDG 3, 4; NPPF 81)

Evidence from Space Syntax suggests that direct routes between destinations is a good basis on which to develop a movement framework for place-making, encouraging active travel and sustaining economic activity. This is particularly true as the network expands outwards to include neighbouring settlements. The current layout directs people who are approaching Treasbeare along Parsons Lane in vehicles away from the neighbourhood centre and onto the London Road. This inevitably reduces the number of people passing through the centre and therefore reduces awareness and footfall.

Designing the link between the centre and Parsons Lane for cars as well as bikes and pedestrians, creates a more legible link between the two communities allowing them to benefit from each other.

The Boulevard – school to pavilion, pavilion to neighbourhood centre (BfHL 1, 2, 3, 5, 6, 8, 9; NDG 2, 3, 4, 6)

With the changes to the link from Parsons Lane to the neighbourhood centre suggested above, the two arms of the boulevard linking the school, the pavilion and the neighbourhood centre can be made bus, cycle and pedestrian only. This significantly reduces vehicle movement in this corridor allowing its design to be made significantly less vehicle oriented and more pro-social, person-friendly as a result. With little vehicle movement the bus corridor itself could become less obtrusive and more part of the landscape design.

Vehicle access to housing areas south of the boulevard remains possible if a bus gate is put just after the turn-off opposite the neighbourhood centre. Access to housing north of the boulevard can come off the new link between the neighbourhood centre and Parsons Lane. The bus-gates can remain as they are.

Figure 1. A shared surface bus corridor along the main shopping street that links the two main public spaces in La Roche sur Yon, France. Reducing vehicles to bus only enables the carriageway to be narrowed and multiple uses to spill out into the available space. This further reduces vehicle speed making it a safe environment for all users. (Image taken April 2022).

Link between the neighbourhood centre and the employment areas (BfHL 1, 2, 3, 5, 6, 8; NDG 3, 4, 7)

The pedestrian and cycle link between the employment area and neighbourhood centre is likely to be very attractive with good landscape design but does not create a direct, clear, visual link that immediately tells people without the need for signage that it leads to the employment area. Creating a more direct and visually well-framed link through the housing area between the two would naturally encourage people to move between the two. It would also be good to introduce an active travel link from the Treasbeare Lane. The eastern area of employment land extends up to the crest of a ridge along its southern boundary so is likely to be visible from the neighbourhood centre. Creating a physical link along this line of sight would help draw people between the two destinations. Given the potential mix of uses in each location there is a strong argument to encourage people to move between the two so their activities become mutually supporting. This direct route would also draw people travelling to the employment areas from the rest of Cranbrook through the neighbourhood centre, increasing visibility and passing trade.

Figure 1. Revised routes through Treasbeare to maximise connectivity between settlements and create a more attractive bus and active travel corridor linking the three main community destinations of school, sports pavilion and district centre.

Gypsy and Traveller site access (BfHL 1, 2, 3, 8; NDG 4)

The access into this site causes me some concern as it is on a part of the London Road that does not currently have good visibility. With the expected reduction in vehicles speeds along this stretch of the London Road this may become less of an issue but the design should be approached with care.

Having the only access into the site directly off the London Road isolates people within it from the rest of the development, including any of the shops and other infrastructure available there.

Additional vehicle and active travel access can be easily achieved from within the neighbouring housing parcel and would help to integrate and foster relations between the residents. It would also provide greater resilience if for any reason the access from the London Road became blocked.

Location of and design of facilities and infrastructure

The school (BfHL 5, 6; NDG 1, 2, 5)

The school location is in one of the most prominent and visible areas of the site. The topography will help shield views of this building from some angles but it will inevitably be highly visible from a number of areas around it, not least the London Road. The topography also means that platforming will be necessary to create the school playing pitches. This could be visually intrusive so needs to be undertaken with real care and good design input. The images within Appendix 7 of the Environmental Statement help show the sensitivity of development in this location and these, along with the landscape evidence for the Cranbrook Plan DPD, help demonstrate why the Council's masterplan for Cranbrook avoids it and puts the school east of the sports pitches.

Topography aside, the school location makes sense as it is easily accessible from within the development, existing areas of Cranbrook and Rockbeare though its location at the eastern end of the site puts it at the greatest distance from future development in the Bluehayes expansion area, another reason for the EDDC masterplan location for the school being further west. However, active travel links within this site are direct, while foot and cycle links along the London Road are likely to be significantly upgraded from their current design and condition as these two developments come forward, making active travel a viable and attractive option. The link to the neighbourhood centre connects these two important areas of community activity and draws children and parents through the centre helping foster community relations and supporting businesses that are there.

The visibility of the location demands real care in the design and appearance of the school building. This could be approached either as a building that is clearly, unashamedly visible and is genuinely iconic, or it would need to try to work as part of the landscape. I do not think there is a middle ground that would be particularly successful as it would most likely look contrived. The Architecture team for this needs to be good, with a track record of delivering design-led buildings.

The sports pavilion and pitches (BfHL 3, 5, 6, 11; NDG 1, 2, 5, 6, 8)

The sports pavilion is located to be central relative to the pitches it serves. As a result the pavilion sets up a triangle of destinations within the development along with the neighbourhood centre and the school. The decision to create clear and direct links between these destinations is good as it strengthens their places as part of the social and communal activity that will develop within the community. The links from Rockbeare and other areas of Cranbrook are also well considered and as good as they realistically can be, particularly if the changes suggested above to the way different transport modes circulate are made.

The pitches themselves are in the flattest available area of the site but some platforming will still be needed. Platforming will go beyond the escarpment edge and because the land falls away sharply at this point the encroachment could be very visible and unsightly. The greatest level change will be south east corner of the easternmost senior football pitch where it pushes into the head of a steep valley between two spurs. This could cause a significant change to the appearance of this part of the landscape and ways to reduce the amount this needs to be built up should be explored, potentially by dropping the level of the pitch(s) and cutting in along the west and north.

Light-spill from the two flood-lit pitches is a known issue and efforts to minimise this are clearly being taken by all parties involved. There is also growing concern about the impact of the light-spectrum of modern LED luminaires on wildlife and people (UKRI 20221; Science Advances 20222).

Given the light levels used for floodlit pitches and the proximity of these pitches to the SANGS areas and other areas of high bio-diversity value the utmost care should be taken to use design lighting that keeps light-spill to an absolute minimum and uses luminaires where the light source or filtering results in a warm lighting spectrum and reduces levels of blue light so that it does not harm insect populations without which bat populations, amongst other things, cannot exist.

The neighbourhood centre (BfHL 3, 5, 6, 7, 8, 9; NDG 1, 2, 3, 6, 7, 9)

The location of the neighbourhood centre is sensible but the indicated design is very open and fails to create a sense of place. Although the image on page 95 of the Design and Access Statement is well produced, it illustrates just how open and difficult to envisage as a vibrant space this would be. Locating the supermarket within the neighbourhood centre does not help as it brings with it a large expanse of car park. As a supermarket operator is unlikely to allow community events to take place within it the car park would not function as the multi-purpose space a neighbourhood centre needs.

Separating the supermarket from the rest of the neighbourhood centre reduces the confusion of roles for the spaces serving them. It would also help to have neighbourhood uses on both sides of the road and for this to maintain visibility to the greatest number of people passing through. If the suggested changes to the movement network are made there is very good opportunity for the neighbourhood centre to be located where it is directly accessible by active and public transport and opening directly onto an area where it is safe for people to sit out and children to play and seems too good an opportunity to miss.

Structure of the development

Distribution of density (BfHL 1, 2, 3, 5, 6, 7, 8; NDG 1, 2, 3, 4, 6, 9)

The development has been divided into four character types, neighbourhood centre, Central Treasbeare, Treasbeare Gateways and Employment. For the purposes of density I will concentrate on the first three.

The New Urbanism transect model does a good job of describing the experience of the transition from rural to urban and the approach to a town. Although this western approach to Cranbrook is rapidly being developed the same logic applies as the transition from large commercial buildings in open space gives way to the edge of a settlement. The approach here is truncated but the transition would still be from a lower to higher density. Evidence from the work of the Urban Task Force and the Department for Transport in the 1990's and early 2000's also reinforced the message of increased densities around a core of commercial activity to support businesses and run a bus service without incurring a loss.

LED streetlights reduce insect populations by half; UKRI 2022. Accessed 23/09/2022 from www.ukri.org/news/led-streetlights-reduce-insect-populations-by-half/ Environmental risks from artificial nighttime lighting widespread and increasing across Europe; Science Advances vol.8, no.37 14th September 2022. Accessed 23/09/2022 from www.science.org/doi/10.1126/sciadv.abl6891

Figure 2. Urban Transect diagram showing the transition from rural to urban and gradual change in the nature of the built environment from low to high density. (DPZ Architects, 2016)

In contrast, the 'Treasbeare Gateway' areas place higher densities (35-42dph) at the edges of the development than around the neighbourhood centre or along the main movement corridors which are largely surrounded by 'Central Treasbeare' at 30-35dph. The neighbourhood centre itself has a higher density but as this is made up of apartments on the upper floors of two buildings this only reinforces the feeling of a centre that is largely dissociated from its surroundings.

The density distribution will mean that the visual impression when approaching from either east or west will be of a sudden wall of development, especially as the block patterns present a continuous building line to the main views along the London Road. These edges should be the areas of lowest density with it increasing towards the main movement corridors and neighbourhood centre. This would also allow designers to use housing to help create a sense of enclosure around public spaces in the centre, making them more welcoming and comfortable places to be. This would also help frame views where they matter and where they help to draw people from one place to another. The increasing density approaching the neighbourhood centre would be another guide to people navigating the area and would make the centre and development as a whole more sustainable as it places the greatest number of people close to the available facilities, encouraging their use and dissuading the greatest number of people from getting in their car and going further afield.

Block pattern

The development has a grid structure that is fairly rectilinear and oriented to the London Road, or to the link between the neighbourhood centre and the corner of Parsons Lane. The rigidity of the structure and its alignment to the London Road is what creates the illegible route through the area west of the neighbourhood centre. Alignment of the blocks at the western and eastern ends of the site perpendicular to London Road reverses the usual approach of a more feathered edge to the development. This is compounded by these edges being the highest density so completely reversing a more usual approach that in this location would be more successful. It may be easily fixed by reversing the density distribution, as suggested above, but it does need to be addressed.

Amended plan comments:

1. Layout and massing

1. The maximum building height for the employment land between the residential area and the existing District Energy Centre is higher than that of the adjacent residential area to take account of landscape and topography concerns. Although this maximum height is not in itself a concern care needs to be taken over the layout and design of buildings and landscaping in this employment area to ensure that:
 - a. the residential development in the area to the west are not detrimentally affected by unattractive development
 - b. views of this area from the London Road are attractive and of high quality development to reflect the fact that this is the first visual introduction to Cranbrook to people approaching from the west.
 2. Changes to the orientation of the blocks south of the 'boulevard' between the neighbourhood centre and the sports pavilion do not have a detrimental impact to the function or appearance of the development and maintain a legible street pattern, especially if active travel connections are set up between the north and south part of the development.
 3. Given the location of the sports pavilion there does not seem to be any good reason to restrict its height to 9m. 12.5m would be more appropriate to allow greater design freedom and flexibility.
2. Location and Design of facilities and infrastructure

Location of land for use by the Energy Centre

1. The new location of this land does not have a detrimental effect to the development or to the surrounding areas. Barring any operational reasons from the Energy Centre there is no urban design reason why this would not be a suitable location. The move takes the energy safeguarding out of the flood-zone but reduces the available land for employment uses. However, any losses here could be made up within the surrounding employment areas, which will be able to provide similar premises as are likely to be developed in this location.

The land area vacated in this plan by any safe-guarded energy use has been indicated as being public open space, albeit space that can still revert back to energy use and is still flood plain. It is a welcome change as this will form a small green buffer between the residential and urban form of development at this edge of Cranbrook and the more industrial scale development taking place to the west.

Location of the Primary School building

2. The site proposed for the primary school is more prominent than the site chosen in the masterplan supporting the Cranbrook DPD. The change to confirm the proposed location of the building makes best use of this location, though there are still concerns about the visual impact.

The landform around this site does provide some visual shielding from some locations but the design of the school building itself needs to address the visual impact, either by making every effort to blend with the overall landscape or to be of a high design quality so that it is something worth looking at. This is not a site that will be grateful for business-as-usual.

3. Movement and legibility

Figure 1. Suggested changes to the active travel network to give greater connectivity within the Treasbeare development and for the wider Cranbrook community.

Sky Park connection

1. The new sustainable travel connection into the Sky Park would, if realised, be a meaningful improvement to movement between this and Cranbrook as a whole. It would help draw people through the Treasbeare neighbourhood centre and employment areas rather than directing them along the London Road, which west of this point becomes far less cycle and pedestrian friendly, so making the overall journey far more attractive to cyclists and pedestrians while also helping to support neighbourhood businesses.

Active travel routes

2. The move of the entry point to the SANGS land helps to link the existing Country Park in Cranbrook to this new and important area of open space. However, the indicated routes of the strategic cycle network within this development suggest a missing direct east-west link along the development boundary with the London Road from this SANGS entrance to link with the neighbourhood centre, from where cyclists and pedestrians can join the route already indicated to the Station Road junction. This link can be part of a shared surface design, or similar, on the residential distributor roads east of the SuDS basin next to Treasbeare Cottage. From here it could run between the basin and hedge, north of the cottage, before running on the southern side of the hedge into the neighbourhood centre. This direct route would help encourage active travel to this centre but, more importantly, would provide a direct route away from the London road for people coming from within Cranbrook, east of this SANGS entrance. It would also be helpful to have a strategic cycle route linking this eastern SANGS entrance by the Country Park to the entrance onto the Parsons Lane next to the car park to create another good active travel link between Cranbrook and Rockbeare.
3. It would be helpful to have active travel connections that link across the green corridors through which there are already active travel routes so that a diagonal desire-line can be set up running from the sports pavilion to the western bus-gate. This would help to link the areas of

housing as well as creating a more efficient route through the development for pedestrians and cyclists.

4. Junctions and roads

Double-mini roundabout junction

1. The main aim for the design of the double-mini roundabouts and the highway immediately around them is to create a more attractive and pedestrian friendly environment while also maintaining a smooth flow of vehicular traffic. The surfacing suggests something designed to read more as a shared space which allows pedestrians to cross wherever they want, as with the Ben Hamilton-Baillie design in Poynton. Poynton succeeds, in part, because the pavement and public realm meet the road edge along both sides, the materials for pavements and roads are the same, curb heights are minimal and the roads are only defined by different coloured brick sets. This blurs the boundaries of pedestrian and vehicle space, creating uncertainty on the part of drivers about where pedestrians might cross, increases caution and therefore causes vehicle speeds to reduce.

The submitted design has footpaths that are set well back from the road edges behind areas of green space. Paths are brought across these green spaces at set crossing points which is where drivers will clearly expect to see people. This has a number of possible effects:

- a. Drivers looking for pedestrians who are about to cross may focus attention on those crossing points and reduce their attention to any other points along the road, increasing the risk should pedestrians cross where they are not expected
 - b. Driver confidence about where pedestrians 'should' be increases and the reduced uncertainty may result in increased speed through this junction
 - c. Pedestrian movement is constrained to these crossing points alone and does not enable the smooth flow along multiple desire-lines that pedestrians should feel able to take if this is designed to prioritise them.
2. Rather than using banners as visual devices within the central islands between and west of the roundabouts it would be more attractive to have areas of intermittent functional planting such as rain gardens in this area with hit-and-miss kerbs. This would provide a visual and physical barrier to vehicles while allowing pedestrians and cyclists to cross without undue restriction.
 3. At present some active travel routes are deviated away from the most direct routes. Crossing points should be added to western approach to the western roundabout and the southern approach to the eastern roundabout to maintain good pedestrian and cycle connectivity, satisfy


desire lines and maintain a consistent design to prioritise active travel modes through this junction

4. A pinch-point is created where the filter-lane at the western roundabout merges into a single lane to allow the bus lane to be retained. This may be better to be a filter lane for busses only to reduce confusion, clearly prioritise busses over other motor-vehicles through this junction and prevent any bunching where vehicles currently would be merging into a single lane.
5. The areas indicated as hard-landscape (drawing 20-131-Rev B) either side of the western approach to the western roundabout could be soft landscaping to make this area more attractive.
Parsons Lane Roundabout
6. The pedestrian and cycle crossing includes a chicane across the central island. This should be changed to a direct route across and the use of any calming measures used to restrict motor-vehicles only.
Parsons Lane upgrade
7. The active travel routes around the 'Local Square' next to the primary school are indirect while vehicular traffic is not. This should be reversed so that priority is clearly with active transport options and not the car. This may involve redesigning the square to enable this reprioritisation.
8. The school drop-off point draws vehicular traffic into a residential street and should instead be located on the Parsons Lane or as close to it as possible.

Traffic Calming

9. The traffic calming measures proposed for the London Road are understandably minimal and simple in their design as they fall outside the red-line boundary of the proposed development and are within an area that remains the responsibility of the County Highways Authority where any changes or uplift works are concerned. These designs have been put forward as a means of demonstrating how the junctions that do form part of this application can work safely with safe vehicle speeds on the London Road. Acknowledging the above the proposed designs may be effective but are not easy on the eye and are likely to look tired and worn within a relatively short space of time. These temporary measures may also be in place for a longer period of time than anticipated so their appearance and longer-term effectiveness and robustness are worth consideration. As a result, before these measures are progressed further, it would be helpful to consider their design in conversation with the Highways and Planning teams to develop options that remain deliverable but have more welcome functional and aesthetic qualities.

Appendix 2 – Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017, Section (63)		
Appropriate Assessment		
Application reference no. and address:	22/1532/MOUT	
Brief description of proposal: (Bullet point list of key proposals)	Outline planning application for up to 1,035 residential dwellings; a neighbourhood centre with a maximum of 3,000sq.m gross of ground floor space (Use Class E and sui generis (hot food takeaways, shops, pubs/bars)); a two form entry primary school, with early years provision (Use Class F1); public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land; a sports hub comprising playing pitches, tennis courts, a multi-use path and a pavilion (Use Class F2); up to 10.26ha of employment land (Use Classes E(g), B2, B8 and an extension to the existing Cranbrook Energy Center); 5 serviced pitches for gypsies and travellers; sustainable drainage systems; and associated infrastructure. All matters are reserved for future consideration aside from access. Principal access is to be provided from four points off London Road (B3174), with additional access points proposed for pedestrians and cyclists	
European site name(s) and status:	East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC, (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)	

Stage 1 - Baseline conditions and Features of interest

<p>List of interest features:</p> <p><u>East Devon Heaths SPA:</u></p> <p>Source: http://publications.naturalengland.org.uk/publication/6063170288353280</p> <p>A302 Sylvia undata; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population when surveyed in 1994)</p> <p>A224 Caprimulgus europaeus; European nightjar (Breeding) 83 pairs (2.4% of GB population when surveyed 1992; subsequent survey in 2017 recorded 113 territories found throughout the SPA)</p>

Objectives:

Ensure that the integrity of the site is maintained or restored by;

- Maintaining the size of the Nightjar and Dartford Warbler populations
- Maintaining the safe passage of breeding Nightjars moving between nesting and feeding areas
- Maintain management as necessary to support the structure function and habitat of both breeding Nightjar and Dartford Warbler
- Maintain the extent, distribution and availability of offsite habitat
- Reducing the frequency duration and intensity of disturbance of both species
- Maintain the extent distribution and availability of suitable habitat and particularly that for breeding Nightjar
- Restore as necessary the concentrations and deposition of air pollutants to below the site relevant Critical Load as recorded on : apis.ac.uk
- Restrict the predation and disturbance of breeding Nightjars and Dartford Warbler by native and non-native predators
- Maintain areas of heathland vegetation mostly 20- 60 cm high with frequent bare patches and less than 50% tree cover for the Nightjar.
- Maintain areas of heathland with more than 50% heather, less than 25 trees per hectare and 5-25% gorse scrub for the Dartford Warbler
- Maintain a high abundance of key prey items (e.g. beetles spiders etc) for the Dartford Warbler

East Devon Pebblebed Heaths SAC:

Source:

<http://publications.naturalengland.org.uk/publication/6222265876217856>

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities.

The wet element occupies the lower-lying areas and includes good examples of cross-leaved (*Erica tetralix* – *Sphagnum compactum*) wet heath.

The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK.

Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

Wet heaths

- The total extent of the feature at the baseline value of 127 hectares
- The distribution and configuration of the feature vegetation habitats across the site
- The feature's ability to adapt or evolve to wider environmental change (within and external to the site)
- The cover of bare ground within wet heath area to between 1-10%
- The overall extent quality and function of supporting features which provide a critical functional connection with the site
- The abundance of typical species within the wet heath habitat to enable them to be a viable component of it
- The component vegetation communities of the feature as listed
- Area of transitions between the identified community and adjoining communities which form other heathland associated habitats
- The open character with typically low number of trees, a cover of dense bracken which is low (typically at less than 5%), and overall cover of dwarf shrub at 40-60% and cover common gorse at less than 10%.
- A diverse age structure of ericaceous shrubs
- The concentrations and deposition of air pollutants to below the site relevant Critical Load as recorded on : apis.ac.uk
- The management measures which are necessary for the structure function and processes of the feature
- The hydrological and surface water regime/quality and quantity to provide the conditions necessary to sustain the features

Dry Heath

- The total extent of the feature of dry heath at 635 ha (estimated in 2012)
- The distribution and configuration of the feature
- The feature's ability to adapt or evolve to wider environmental change (within and external to the site)
- The cover of bare ground to within 1-10%
- The overall extent quality and function of supporting features
- The properties of the underlying soil types including structure density pH etc

- The abundance of the typical species within the dry heath habitat to enable them to be a viable component of it
- The component vegetation communities of the feature are referable and characterised by National vegetation classification types
- Areas of transition between this and communities which form other heathland habitats
- Maintain a cover of dense bracken which is low (less than 10%)
- A cover of dwarf shrub species typically between 60-90% - dependant upon species
- Gorse cover of less than 25% or less than 40% - dependant upon combination of gorse species
- Maintain a diverse age structure amongst ericaceous shrubs
- The open character of the feature with typically scattered and low cover trees and scrub (less than 15%)
- Frequency of undesirable and exotic species at less than 1%
- The concentrations and deposition of air pollutants to below the site relevant Critical Load as recorded on : apis.ac.uk
- Management measures which are necessary for the structure functions and processes of the feature.
- The hydrological and surface water regime/quality and quantity to provide the conditions necessary to sustain the features

Southern Damselfly

- Abundance of the population at a level above 80 adults
- Distribution and continuity of the feature and its supporting habitat
- The total extent of habitats which support the feature – in this instance wet heath across 4.61ha
- Open unshaded shallow lengths of watercourse/mire with permanent flow
- The properties of the underlying soil types including structure density pH etc
- Not less than 50% cover of peaty silt or organic substrate in watercourse
- Dystrophic to mesotrophic conditions
- Stream lengths with cover of submerged and semi-emergent macrophytes
- Only small areas of tall scrub or trees within 20 metres of watercourse or mires
- The feature's ability to adapt or evolve to wider environmental change (within and external to the site)
- The concentrations and deposition of air pollutants to below the site relevant Critical Load as recorded on : apis.ac.uk
- Management measures which are necessary for the structure functions and processes of the feature.
- The hydrological and surface water regime/quality and quantity to provide the conditions necessary to sustain the features

Exe Estuary SPA (UK 9010081A)

Source:

<http://publications.naturalengland.org.uk/publication/3055153>

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)
A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar (UK 11025)

Source:

<https://rsis.ramsar.org/RISapp/files/RISrep/GB542RIS.pdf>

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority.
(1a,3a,3b,3c)

Stage 2: Assessment of potential impacts

Introduction

The proposal represents an integral part of the Cranbrook expansion forming one of four key expansion areas. The principle of the town's expansion was itself subject to an Habitat Regulation Assessment in 2019 as part of the plan making exercise which also included an Appropriate Assessment (AA). While an application specific AA is now required the assessment of potential impacts gathered in 2019 is still appropriate. For completeness the table prepared for that assessment is therefore reproduced:

Summary Impact	Environment			Notes
	SPA/ Estuary Exe	Warren Dawlish	East Devon	
Disturbance to breeding birds			x	Risks from reduced breeding success and avoidance of otherwise suitable habitat.
Disturbance to wintering water birds	x			Risks from avoidance of otherwise suitable areas, reduced feeding rate, stress and increased energetic costs.
Increased fire risk		x	x	Fire risk linked to recreation through discarded cigarettes, BBQs etc.
Trampling and wear		x	x	Heavy footfall can result in vegetation wear, soil compaction & erosion.
Interaction with predators	?		x	Species such as Crows and Magpies may be drawn to areas with greater human activity or occur at higher densities; redistribution of birds may result in greater vulnerability to predation.
Nutrient enrichment from dog fouling		x	x	Risks from dog fouling resulting in increased soil nutrient levels and changes in vegetation.
Fly tipping/litter		?	x	Short-term impacts to interest features likely to be minimal but risks of long-term contamination, particularly from introduced species from garden waste is a risk. Also risks of staff time drawn from other essential duties.
Contamination of water bodies from dogs	x	x	x	Dogs swimming in ponds and other waterbodies brings potential risks from increased turbidity
Disruption of management		x	x	Disruption such as dog attacks to livestock; gates left open, theft of equipment/material all issues to be expected at more urban sites or those with more recreation
Public opposition/objecti	x	x	x	Management interventions such as tree or scrub removal, water level management etc.

on to management				can be sensitive and opposed by local residents, leading to issues achieving the necessary management
Damage to infrastructure, vandalism etc.	x	x	x	Direct damage can occur through graffiti and deliberate vandalism which tend to be issues at more urban sites
Predation by pet cats			x	Increased housing may lead to increases in local cat population; pet cats can range widely and predate a variety of bird and mammal species. Unlikely as a risk for Exe Estuary?

Extracted from: <https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf>

(Hoskin Liley, Panter and Wilson (2019) Habitats Regulations Assessment of the Cranbrook Plan 2013 – 2031)

Are there other proposals in the area which may give rise to ‘in combination’ effects?
(List other proposals which have been considered)

Proposed development

The current application proposes the construction of up to 1035 houses as an outline application which forms part of the allocated expansion of the town – noting the allocation is only for 915 dwellings and as such there are 120 additional houses proposed.

Cranbrook Expansion

The adopted Cranbrook Plan makes provision for around 4170 dwellings to be built as an expansion of the town spread over four sites – known as Bluehayes, Treasbeare (this site), Cobdens and Grange

East Devon Local Plan housing

The Local Plan makes significant provision for additional housing within the West End of Devon identifying that within the plan period between 1 April 2013 to 2031 the following was expected (in addition to Cranbrook):

- Pinhoe 1314
- North of Blackhorse 1480

In addition a number of area centres that are within a potential sphere of influence of the European designated sites have allocations/additional housing numbers comprising:

- Budleigh Salterton 133
- Exmouth 1229
- Ottery St Mary 497
- Sidmouth 292

* It is noted that East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This is out for consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and while further housing is proposed across the District it is considered too early to understand the final distribution of the housing and its relatively proximity and therefore access to the environments.

Neighbouring Local Authorities

The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018-2021 and proposes its Regulation 19 consultation in January 2023. This Plan proposes to deliver c 15,000 houses in the plan period 2020-2040.

The Exeter Plan looks to deliver to 14,300 homes over the 20 year period to 2040. This Plan is currently completing a Regulation 18 consultation.

Outline potential cumulative or 'in combination' effects.

In 2019 the Cranbrook Plan HRA summarised a range of evidence which identified links between the provision and occupation of new houses and the usage of both the Pebblebed Heaths and Exe Estuary for a range of activity – most focused around recreational uses. This is summarised in the following sections

Exe Disturbance Study (2011)

- Shore based activities accounted for 55% of observed recreation events, mostly involving walkers without a dog (32%) and dog-walkers (9%)
- Activities on the intertidal areas accounted for 36% of observed recreation events and included dog-walkers (17%), bait diggers/crab tilers etc (7%) and walkers without dogs (7%)
- Water-based activities accounted 8% of observed recreation events and included a wide variety of different types of activity such as RIBs/small motor boats (3%); kitesurfers (1%) and windsurfers (1%).
- Bird distribution were related to access with areas of fewest numbers in areas of greatest activity

Exe Visitor Survey (2010)

- Local residents accounted for 69% of visitors interviewed with 31% being from East Devon
- Dog walking was the most popular activity - 39% of people interviewed
- Walking was the second most popular activity at 38%.
- Other activities included boating, birdwatching, cycling and fishing and jogging
- Attractiveness of scenery was one of the main reasons for visiting (33% of interviewees)
- Proximity to home was also important (referenced by 27%)
- 60% of interviewees had arrived by car
- 75% of all interviewees were recorded as venturing to within 10m of mean high water indicating access onto the beach, seawall or intertidal areas.

Devon Household Survey (2010)

- 94% of respondents identified that they had visited seaside woods moors country parks or similar places for recreation within the previous year.
- Exe Estuary was the busiest of the three site groups assessment
- The activities undertaken by most respondents were walking and dog walking – these activities taken generally closer to home than for others
- The Pebblebeds were notable in that a higher frequency of visits by a smaller number of respondents occurred.

For the different environments the following can be summarised

Exe estuary and the Warren

- Exe and Warren as a whole, 53% of visits were made by East Devon residents, 28% by Exeter residents and 19% by Teignbridge residents. East Devon residents tends to visit sites on the east of the estuary, especially around Exmouth
- Residents living within 5km of the Exe estuary tended to visit disproportionately more than those living greater distances away. This trend was particularly notable for watersports visits. For all activities and all modes of transport combined, visitor rates to the Exe tends to 'flatten off' at around 12km, although this distance is reduced to 5km for foot visitors

Pebblebed Heaths

- 20,724 annual visits were reported for the Pebblebed Heaths, with most visits (83%) from East Devon residents
- 80% of visits to the Pebblebeds were made by car and 10% were made on foot. Visit rates 'flatten off' at around 10km from the Pebblebeds. Most visits were for dog walking (53%) and 90% of the dog walkers were East Devon residents

Pebblebed Visitor Survey (2011)

- A total of 558 interviews were conducted and they revealed a pattern of frequent (67% visiting at least once a week) local use, primarily by East Devon residents, undertaking short visits, with a high proportion (67%) coming to dog walk
- The attraction of the site for many visitors was the convenience/close to home (58%) and also the variety of natural habitats (56%)

East Devon Pebblebed Heaths Visitor Management Plan (2016)

- Nearly three-quarters (73%) of all interviewees were visiting to walk their dog. Other activities included walking (11%), cycling (5%), wildlife watching (4%), jogging (2%) and family outings (2%)
- The majority (91%) of interviewees had travelled to the interview location by car or van
- Three-quarters of all interviewees who gave valid postcodes lived within an 8.2km radius of the survey point
- The 'scenery/variety of views' was the most commonly given reason for the choice of site (given by 51% of interviewees). Other common factors included 'good for dog/dog enjoys it' and the 'ability to let dog off lead'.
- Possible future management measures were scored by interviewees and parking measures (compulsory charging, closure of parking, permits) and the enforcement of dogs on leads during the breeding season were the most unpopular measures

South East Devon European Mitigation Strategy (2014)

[south-east-devon-european-site-mitigation-strategy.pdf \(eastdevon.gov.uk\)](http://eastdevon.gov.uk/south-east-devon-european-site-mitigation-strategy.pdf)

This document is useful in collating much of the evidence that has been summarised above and articulating future predictions based on the projected housing growth in the area. It provides an important link between the survey work and evidence that has been documented and what local development could mean on the ground.

Future Access to Exe Estuary

- Overall and based on current houses, there are 8.8 million annual visits to the Exe Estuary from residents within 10km ((para 4.26))
- When new planned and committed development is identified the highest level of increase in the number of visits is within 3km and also 10km where a 27% increase in total visits is predicted ((para 4.26)), this is due to the level of new housing proposed at a 10km distance
- Current visitor numbers are predicted to increase by 2.4 million (27%) as a result of new housing within 10km.

Future Access to Dawlish Warren

- Dawlish Warren is estimated to receive around 650,000 annual visits from residents within 10km on the western side of the estuary alone

Future Access to Pebblebeds

- The visit rate drops sharply from over 160 annual visits within 1km to 35 per year at 5km and then starts to level off at less than 5 visits per year around 10km ((para 4.21))
- From the predicted visit rate curves, currently the Pebblebed Heaths attract 2.4 million visits per year from within 10km of the site. As the percentage increase in housing rises sharply with distance from the heaths from 8.06% within 1km to 35.16% within 10km, the visit rate rises more gradually to 19.41% within 10km due to the relatively local pull of the site compared to the Exe Estuary ((para 4.29))
- The anticipated change in the level of housing (35% increase) is predicted to be linked to a 19% change in access, i.e. 470,000 additional visits.

Simplified summary table extracted from the SEDEMS report (2014)

VISITS	Current (2014)	New/additional household visits per year	% increase
Site	0-10km	0-10km	
Exe Estuary SPA	8.84 million	2.39 million	27.0
Dawlish Warren SAC	0.65 million	0.18 million	27.1
Pebblebed Heaths SPA and SAC	2.43 million	0.47 million	19.4

Potential effects

The effects set out in detail at the start of this stage recognise the range of impacts that can occur as a result of recreational pressure affecting the designated environments. In understanding the evidence base there is significant additional housing development either proposed or planned for

in the coming years of which the current proposal is part. As a result, the risk of the impacts are likely to increase. It is not anticipated that further unidentified impacts would result, only that those already recorded are more likely to occur, and could pose a greater level of risk.

Cumulatively it is considered that this outcome would result in a likely significant effect, resulting in a failure to deliver the identified conservation objections for both designated environments and in particular the Exe Estuary and Pebblebed Heaths.

Owing to the geographical distance and physical relationship between the application site and Dawlish Warren, and based on the evidence of a marked drop off in numbers attracted to a particular receptor beyond 10km, impacts on this environment are not considered to be significantly likely. Focus for the rest of this assessment will be on the Exe Estuary and the Pebblebed Heaths.

Stage 3: Potential Mitigation

Potential Mitigation Measures

(Describe the mitigation measures that are proposed as part of the submitted application)

Article 6(2) of the Habitats Directive, which has been translated into UK legislation, requires that appropriate steps are taken to avoid deterioration of natural habitats and the habitats of species, as well as disturbance of the species.

In this regard the Cranbrook Plan HRA (2019) itself referencing the framework provided by the SEDEMS report (2014) have identified mitigation that would be appropriate to address the key objectives for these environments – namely the preservation, protection and improvement of the quality of the environment, taking measures to conserve deteriorating habitats and creating a coherent European ecological network of sites in order to restore or maintain those habitats and species of community interest as a priority.

In the setting of this wider context, the SEDEMS report also recognises that while necessary “a precautionary approach should never be so over-precautionary that it is not based on sound justification or common sense”.

In understanding how to apply the general mitigation strategy, it is recognised that the approach should be to:

1. Avoid any impact
2. Where significant effects cannot be ruled out or avoided, implement measures to mitigate for any potential impact
3. Use compensation as a last resort

Recognising that point 1 can't be achieved if the housing and growth agenda that is required more generally by the Cranbrook Plan and specifically the Treasbeare site is to be delivered, it is necessary that significant emphasis is placed on point 2.

Mitigation measures enable a competent authority to permit development with certainty that adverse effects on the integrity of the site will not occur. As new residential development is permanent in nature, the mitigation secured should equally provide lasting protection for the European site interest features. Mitigation will therefore include measures that will need to fulfil its function in-perpetuity

As such, a framework for mitigation was set out in the SEDEMS report and referenced within the Cranbrook Plan HRA:

SEDEMS options

Management option Description

1. Habitat Management

- 1a New habitat creation
- 1b Habitat management

2. Planning & Off-site Measures

- 2a Locate site development away from sensitive sites
- 2b Management of visitor flows and access on adjacent land (outside European site)
- 2c Provision of suitable alternative natural greenspace sites ('SANGs')
- 2d Provision of designated access points for water sports
- 2e Enhance access in areas away from designated sites

3. On-site Access Management

- 3a Restrict/ prevent access to some areas within the site
- 3b Provide dedicated, fenced dog exercise areas
- 3c Zoning
- 3d Infrastructure to screen, hide or protect the nature conservation interest
- 3e Management of car-parking
- 3f Path design and management

4. Education and Communication to Public/Users

- 4a Signs and interpretation and leaflets
- 4b Codes of Conduct
- 4c Wardening
- 4d Provision of information off-site to local residents and users.
- 4e Contact with relevant local clubs
- 4f Establishment of Voluntary Marine By agreement of interested parties.
- 4g Off-site education initiatives, such as school visits etc

5. Enforcement

- 5a Covenants regarding keeping of pets in new developments
- 5b Legal enforcement
- 5c Wardening
- 5d Limiting visitor numbers

Application specific mitigation

In recognising the suite of measures outlined above the application proposes two means of providing mitigation – Through the direct delivery of SANGS and the provision of a financial contribution towards the Onsite Access management of the designated environments.

SANGS

In line with the adopted Cranbrook Plan the development proposes the delivery of 19.5ha of SANGS – this is appropriate and meets the expectation of 8ha per 1000 population based on occupation rates of 2.35 people per dwelling.

The SANGS land would be provided as a single block of land located on the eastern slopes of the site with views out to the east and south east. It would connect with the stream corridor that currently forms the southern boundary of the existing country park. While the proposed SANGS would have a western boundary with the proposed sports pitches and therefore care would need to be taken on the treatment and appearance of this boundary, the area represents an attractive and inviting environment which would fulfil in a very meaningful way its role as an interceptor SANGS.

The developers have indicated potential walking routes around the site which are in excess of the targeted 2.3km length and would have undulating topography. With proposed tree planting in addition to the more open pasture areas, the SANGS would provide a variety of habitats to explore. Coupled with good open views, this area could readily fulfil the role of providing an alternative recreational area that allows the key activities of walking and dog walking to take place in an attractive but less sensitive environment.

It is noted that the developers are proposing to secure Biodiversity Net gain (a Cranbrook Plan Policy requirement) on the SANGS land but are only proposing to count credits for this where enhancements are made over and above these necessary for the land to be used for SANGS. It is not envisaged that such use would reduce the attractiveness or unduly limit access and enjoyment of the SANGS in respect of the land's primary purpose.

It is hoped that much of the access to the SANGS would be made on foot – it would after all be located directly adjacent to the housing development that it is set to serve. However in compliance with policy and in recognising how the Heaths are used, the developers, are set to provide a modest sized car park that has direct access from Parsons Lane – an existing public highway connecting Rockbeare and Cranbrook. This is helpful as it allows people to drive to the SANGS for exercise and in particular dog walking.

Access to the SANGS is key and to help foster good walking routes and access between different forms of Green Infrastructure, it is proposed to install a connecting bridge between the SANGS and existing Countryside – itself used as part mitigation for potential impacts on the Heaths when the development of Cranbrook Phase 1 was considered. Currently these two areas would be

separated by a small stream/brook and therefore the ability to provide connection between them lengthens the opportunities for meaningful recreation.

Phasing of the SANGS delivery is clearly set out such that there would be a minimum-sized first phase of 8 hectares followed by subsequent phases – each being available ahead of the first occupation of an equivalent number of houses whilst ensuring that each phase of SANGS joins with that preceding it. This approach prevents small isolated areas of SANGS being brought forward which don't fulfil the function of a SANGs. In effect it starts a modest sized area of SANGS that then grows as housing build out continues.

As part of the long term commitment to SANGs the developers are proposing a contribution towards the long term cost of its management. This aims to follow the endowment based model although no decision has yet been taken on the managing partner. For the scope and consideration of this Appropriate Assessment, the commitment to the in-perpetuity maintenance (a period of least 80 years) is the key principle. At this stage there is nothing to suggest that either through a Local Authority partnership or a managing third party, that the long term maintenance of the SANGS can't be achieved.

The approach taken with SANGS delivery addresses the SEDEMS Management Options - option 2c - Provision of suitable alternative natural greenspace sites ('SANGs').

Off Site measures

Slightly confusingly labelled as offsite measure the developers are also proposing the provision of a financial contribution towards direct measures affecting the designated environments – offsite to the actual development, “on site” in terms of the Heaths and Exe Estuary.

This contribution recognizes an approach that has already been used effectively across parts of the District where contributions are used by the managing Authority to in particular help with the delivery of Management Options 3 (On site Access Management) and 4 (Education and communication to Public Users). In this instance the contributions are expected to be paid in quarterly instalments based on the number of housing starts that have been made in the preceding quarter. While this approach spreads the costs of such mitigation for the developer and therefore helps to ease cashflow, it does ensure that contributions have been paid ahead of first occupation of the respective dwelling and therefore any additional recreational pressures that occupiers of that particular dwelling could place on the particular environment.

Stage 4: Conclusions and final assessment

Conclusion: Is the proposal likely to have a significant effect 'alone' or 'in	Based on the above assessment and in particular the combined evidence found in both the SEDEMS report and the more recent Cranbrook Plan HRA, it is considered that without mitigation a likely significant effect to the designated environments comprising the Exe
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<p>combination' on a European site?</p>	<p>Estuary and the Pebblebed Heaths would occur as a result of the current proposal.</p> <p>While a 'do nothing' approach is not an option as this would result in the proposal failing the appropriate assessment and therefore an inability of the Local Authority to approve the application, two complimentary components of mitigation have been proposed – that of the direct delivery of SANGS, (its establishment and management/maintenance) and a financial contribution towards direct measures on and affecting the designated environments. Taken together these are considered a robust mechanism of ensuring that there is no likely significant effect as a result of the proposed development – the first to provide alternative areas of recreation and thereby reduce the pressure that would otherwise occur from increased access, the second to allow for enhanced education and communication as well as better management of the designated environments to help achieve the sites' nature and conservation objectives.</p> <p>These approaches follow the mitigation hierarchy and avoid the need for the delivery of compensatory habitat which would otherwise be a more expensive and more difficult form of mitigation to achieve as well as less appropriate than simply trying to prevent harm to the original environment. Based on the approach outlined and the ability to take into account the mitigation identified it is considered that the proposed development considered alone and in combination would not result in a likely significant effect</p>

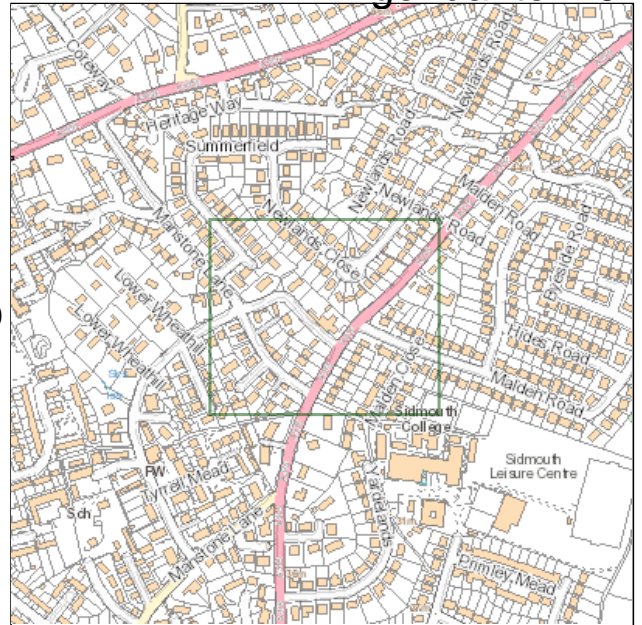
Ward Sidmouth Sidford

Reference 22/2265/MFUL

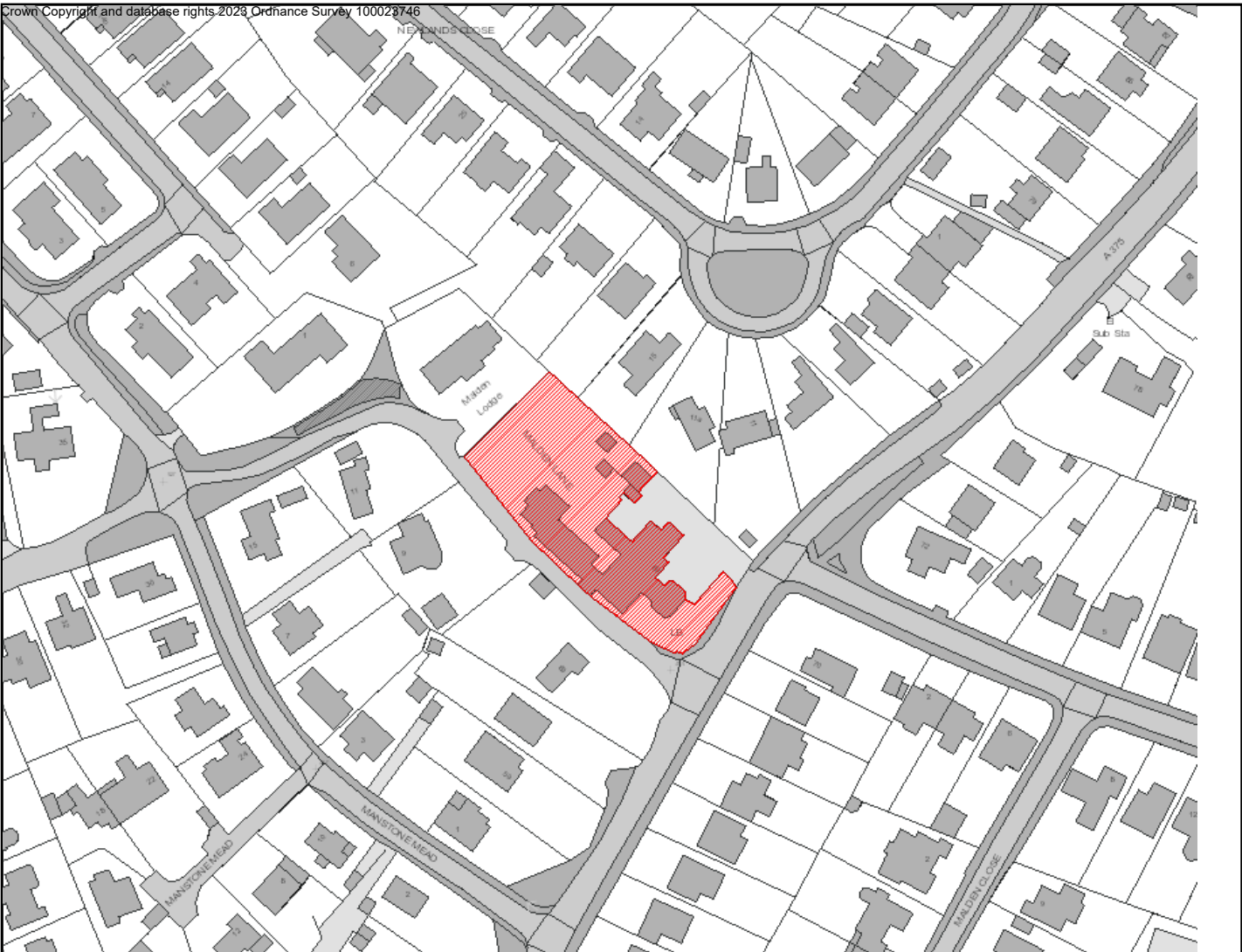
Applicant Mr Kevin Shaw (Hartford Care)

Location Malden House 69 Sidford Road Sidmouth EX10 9LR

Proposal Side extension to existing care home to provide an additional 11 ensuite bedrooms. Works include demolition of existing side extension, and associated external works



RECOMMENDATION: Approval with conditions



		Committee Date: 28th February 2023
Sidmouth Sidford (Sidmouth)	22/2265/MFUL	Target Date: 13.01.2023
Applicant:	Mr Kevin Shaw (Hartford Care)	
Location:	Malden House 69 Sidford Road	
Proposal:	Side extension to existing care home to provide an additional 11 en-suite bedrooms. Works include demolition of existing side extension, and associated external works	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the planning committee as the proposal is a major application and the recommendation is contrary to the views of the Town Council and a Ward Member.

The site is a residential care home located to the north of Sidmouth town centre, located along Sidford Road (A375). The site itself has a large plot with significant gardens surrounded by hedges and trees.

This application seeks planning permission for the construction of a two storey side extension. This would provide additional accommodation in the form of eleven new en-suite bedrooms.

During the course of the application several comments of objection were received from neighbours and the Town Council.

In regards to neighbour amenity, it is considered that the proposed extension is a sufficient distance as to not cause any issue of overshadowing or an overbearing effect. Additionally there are no first floor windows on the north eastern elevations which face the nearest properties. Therefore there would not be any significant loss of privacy.

In terms of impact to the character of the area, whilst it is acknowledged that the proposed extension has significant dimensions, its height is lower than the existing building and uses similar material giving a matching subservient appearance. In addition, the plot has a generous garden area and a significant amount would remain with the extension. Therefore, it is not considered that the extension would harm the character of the area.

Turning to highways and parking, the access has sufficient visibility and space for cars to turn and re-enter the highway in a forward gear. This would ensure that there would not be any harm to road users. In regards to parking, although there would be more residents on the site, it is not considered that there would be significant increases in trip generation. Additionally, the number of spaces is to be increased from five to seven.

There are a number of trees and hedges on the edge of the site. Protection measures have been provided which are considered acceptable which would ensure that the trees and hedges would be retained and protected during construction.

Therefore the proposal is considered to be acceptable and a recommendation of approval is made.

CONSULTATIONS

Local Consultations

Parish/Town Council

UNABLE TO SUPPORT

Members considered that the proposal would constitute overdevelopment of the site and would exacerbate parking problems.

Sidmouth Sidford - Cllr Stuart Hughes

1. The site has very little turning room for waste collection and linen delivery vehicles and therefore will lead to dangerous practice of reversing onto the very busy A375 Sidford Road.
2. The application fails to provide adequate parking provision to serve both the existing development (i.e. 19 room care home and third floor residential flat) and the proposed extension (i.e. the 11 room extension).

Technical Consultations

Devon County Highway Authority

Observations:

The proposal has had similar planning applications previous to this one, though it is accepted that each varies with the design layout. Parking numbers is a policy for East Devon District Council (EDDC) to administer but the County Highway Authority (CHA) does have guidance and recommendation upon the parking layout. We would also require this proposal upon Sidford Road to have off-carriageway turning. I am satisfied that the proposed design fits both of these factors through our current best practise guidance, Manual for Streets 1 and 2. I am satisfied that the increase of units will likely involve a minimal increase in trip generation from the residents, though I do appreciate that staff trip generation is likely to increase.

I recommend that this application includes secure cycle storage to encourage sustainable travel and help mitigate increased trip generation. If the application is approved it will also be required to be completed satisfying visibility guidance.

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. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031).

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 2.4 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

EDDC Trees

The application was reviewed using online submissions, no site visit was made. The arboricultural information prepared by East Devon Tree Care looks to be acceptable & comply with BS5837. It appears no significant trees will need to be removed to facilitate the proposals and the trees on site can be protected during development through the implementation of the submitted tree protection plan (TPP). I have no objection to the proposals on arboricultural grounds, however it would be desirable for a suitable soft landscaping scheme to be submitted in support of the application, in the interests of amenity and urban greening

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

National Highways

National Highways is the strategic highway authority with responsibility for the strategic road network which in this case comprises the M5 and A30 trunk road which are located some distance from the proposed development site. We therefore have no comments on the application but you should seek the views of Devon

County Council, as the relevant local highway authority, if you have not already done so.

Other Representations

Seven letters of objection have been received. The letters have objected on the following grounds:

- Overdevelopment of the site
- Out of character with residential area
- Loss of light and overshadowing of neighbouring properties
- The proposal would increase traffic movements and deliveries in particular
- It would increase parking in residential areas
- The parking within the site is not used
- Noise caused by workers
- Noise caused by construction
- Trees have already been removed
- There is no need for further accommodation of this type
- The proposal doesn't meet design standards for Care Home for Adults
- No evidence that the building is fit for purpose

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Sid Valley Neighbourhood Plan

Policy 1 Sid Valley Development Principles

Policy 6 Infill Development, Extensions and Trees

Policy 7 Local Distinctiveness

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

Malden House is a detached property which is situated in the built-up area of Sidmouth and is accessed off the A375. The property benefits from a substantial rear garden area which adjoins a residential property on all boundaries except to the south-west, where Malden Lane runs along the boundary. The boundary of the garden consists of hedging with some larger trees. The plot slopes gently downwards towards the south-east.

ANALYSIS

Procedural Matters

During the course of the application an amended site layout plan was received which increased the number of parking spaces from five to seven. There were no changes to the extension, including its siting or appearance. As the parking spaces would be considered permitted development it was not considered to be a material change to the proposal or necessary to have a new period of consultation. The following analysis is based upon the amended site layout plan.

Relevant Planning History

Malden House has an extensive planning history. The site was converted from a single dwelling house to a residential home in 1976 under application reference 75/C0349. Between this date and 2005 there were fifteen applications for various extensions and new dwellings at the site.

Since 2008 there have been three applications of note; these are summarised below.

Planning History		
12/0667/FUL Full Application	Application to replace an extant planning permission (09/0173/FUL) - "construction of a two storey extension (revised scheme)" in order to extend time limit for implementation	Approval with conditions 26/04/2012
09/0173/FUL Full Application	Construction of two storey extension (Revised Scheme)	Approval with conditions 16/04/2009
08/0950/FUL Full Application	Two storey extension	Refusal 09/07/2008

The current proposal is an amendment to the above applications which was initially approved in 2009 and renewed in 2012 but not implemented. These proposals would have increased the numbers of rooms by nine whilst also providing an office, store room and sitting room.

Proposed Development

This application seeks planning permission for the demolition of part of the existing eastern elevation and the construction of a two storey side and rear extension. This would result in the loss of two existing rooms but would provide eleven new en-suite bedrooms, two offices and an extension to a kitchen. This would give the care home a total of 28 rooms.

The extension would measure 31.2 metres in length and would have a width of 10.4 metres with a total height of 7.3 metres. The external finish of the extension would be white painted render with a black plinth with a slate effect roof.

Consideration and Assessment

As the site is located within the Sidmouth built up area boundary, Strategy 6 of the East Devon Local Plan applies. Strategy 6 (Development within Built-Up Area Boundaries) is an overarching strategy that applies for all development within built up area boundaries. It states that development will be permitted if it is compatible with the character of the area, would not lead to additional pressure on services and would not harm various amenities. Provided the proposal meets the requirements of strategy 6 the application will have policy support and the extension is acceptable in principle.

Additionally Strategy 36 aims to provide Sidmouth with 50 Care Home spaces which this proposal would contribute to.

In addition, Policy 1 (Sid Valley Development Principles) of the Sid Valley Neighbourhood Plan supports development which accords with other policies in the Neighbourhood Plan. The most relevant policies for this application are Policy 6 (Infill Development, Extensions and Trees) and Policy 7 (Local Distinctiveness).

Therefore it is considered that the proposed extension has policy support subject to the impacts of the development.

Character and Appearance of the Area

Comments have been raised that state that the extension would be out of keeping with the area.

The proposed extension would be two storey and have a pitched roof which would stylistically be similar to the existing building. The overall roof height would be lower than the existing building and would therefore appear subservient and would make it an addition which does not increase the prominence of the building. Additionally the materials would match the existing building including the windows on the front elevation which would have glazing bars to match the windows on the existing building.

The overall bulk, massing and scale of the extension is significant and would encompass a large section of the site. However, there would still be an inner courtyard and a significant garden to the rear of the site maintaining the open aspects of the site. Additionally the views of the development will be from Sidford Road to the south east. When viewed from this angle, the extension would not appear incongruously sized for the site. Therefore, the extension is not considered to be out of keeping with the plot size such that it would constitute overdevelopment of the site.

The proposal is considered to be in character with the area and would comply with Policy D1 of the East Devon Local Plan and Policy 7 of the Sid Valley Neighbourhood Plan in this regard.

Residential Amenity

Comments from neighbouring properties have objected to the proposal on the grounds that there would be a loss of amenity to neighbours along Newlands Close to the north east of the site.

The elevation of the extension which faces these dwellings does not have any windows at first floor level. There is one window and two doors at ground floor level, however, at ground floor level they would not enable views due to the hedges and fencing that provides the boundary treatment. Therefore it is not considered that there would be a loss of privacy due to the proposed extension.

In regards to loss of light and an overbearing impact, the proposed two storey elements are at least 3.6 metres away from the boundary with the neighbours. The two properties which would be affected are No 11A and No 15 Newlands Close which share the boundary with Malden House. The extension would extend the majority of the boundary with No 11A and approximately half the boundary with No 15.

In regards to No. 11A there is an existing two storey element which covers approximately half the length of this boundary and is 6.4 metres from the boundary. Although the proposed extension is longer than the existing two storey element and closer to the boundary, the extension would not be significantly taller and there is a difference in ground levels between the two sites which means that Malden House is at a lower level. The boundary is also marked by a 2m high hedge which although recently cut back could be left to grow to further help to screen the proposal.

Turning to No 15, the boundary at this property is currently open and there is no building or structure within its proximity. Although this would introduce a new building near the boundary, due to the differences in ground level and distance to the boundary it is not considered to result in an overbearing impact or a loss of light to the occupiers of this property.

Given this distance and differences in ground levels it is not considered that there would be any significant loss of light or overbearing impact to any neighbouring properties.

Comments have been made about noise in regards to the current usage of the site as workers and delivery vehicles provide additional noise to the site. Although the extension would increase the number of residents on site and this may lead to further members of staff and deliveries, noise generated from these sources would be limited to isolated incidents. It is therefore considered that there would not be a loss of amenity due to noise.

Additionally comments have been made in connection with construction, in particular noise. Comments from the Environmental Health Officer have stated that construction should be limited to certain hours and that there should be no burning on site. Furthermore, the applicant would be expected to follow the Council's Code of Practice to ensure that any impacts are kept to a minimum. A condition has been added to restrict the hours of construction and burning on site. With this condition in place it is

not considered that the construction of the extension would result in a significant loss of amenity for any of the neighbouring residents.

The proposal is considered to comply with Policy D1 of the East Devon Local Plan and Policy 6 of the Sid Valley Neighbourhood Plan.

Access and Parking

Concerns have been raised about the current access and parking arrangements of the site.

Currently the site is accessed directly off Sidford Road which is also known as the A375. There is space within the site for vehicles to turn and re-enter the highway in a forward gear. The previous approval under 12/0667/FUL requested the removal of an existing brick wall to increase the visibility splay. This has already been undertaken and it is not considered that there has been a significant change to the amount of trips that would be generated by this proposal. Comments from the County Highways Officer has stated that the visibility splay as shown on the block plan would be acceptable and has suggested a condition. With the condition attached it is not considered that there would be any detriment to highway safety in compliance with Policy TC7.

There are currently five parking spaces which was considered sufficient for the approval of the previous applications. This proposal would see the number of parking spaces increased from five to seven. Due to the nature of the accommodation and its residents, it is not considered that there would be any significant additional parking requirements and the seven spaces are considered to be acceptable. Comments from the County Highways Officer has stated that the provided parking would meet the requirements of Devon County's best practise guidance and Manual for Streets 1 and 2. Therefore it is considered to be acceptable as submitted and in compliance with Policy TC9 of the East Devon Local Plan.

Comments from the County Highways Officer have requested that secure cycle storage is provided and this has been conditioned.

Trees

Comments from neighbours have raised concerns about a loss of trees. An Arboricultural Impact Assessment has been provided which indicates which trees are to be retained and measures for their protection to be provided. It indicates that the trees to the front and rear of the site would be retained and the hedges on the side boundaries would also be retained. A tree officer has assessed the tree protection plan and it accords with BS5837. Therefore it should be conditioned that the proposal shall be carried out in accordance with the provided information.

Comments from the tree officer have suggested a soft landscaping scheme be accompanying the application. However, due to the closed nature of the site and the current maintenance of the gardens with the use of the site as a residential home, it is considered that such a condition is not necessary as there would be minimal public benefit.

With the tree condition in place it is considered that the proposal complies with Policy D2 and D3 of the East Devon Local Plan and Policy 6 of the Sid Valley Neighbourhood Plan.

Other Matters

Comments from neighbours have questioned the need for the extension and whether the building meets certain standards for providing the type of care. Malden House currently provides care for dementia, end of life and general residential care. It is not stated what type of care would be provided, however, there is no requirement for it to be used for a certain type of care. This is not a planning requirement. It is generally accepted that there is a need for further care home spaces throughout East Devon with the provision of Strategy 36. Therefore it is considered that there is a genuine need for the facility.

Conclusion

The proposed extension is considered to comply with the policies contained within the East Devon Local Plan and the Sid Valley Neighbourhood Plan. Therefore a recommendation of approval is made.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Impact Assessment and Arboricultural Method Statement submitted by East Devon Tree Care dated the 26 September 2022 and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works

are completed, no changes to be made without first gaining consent in writing from the Local Authority.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

- 5. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
(Reason: To promote sustainable travel in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031).
- 6. Visibility splays shall be maintained for that purpose at the junction between the site access and Sidford Road in accordance with the application drawings, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.8 metres above the adjoining carriageway level and the distance back from the nearer edge of the major road carriageway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the major road carriageway (identified as Y) shall be 60 metres in both directions.
(Reason - To provide adequate visibility from and of emerging vehicles, to achieve compliance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

2335-1100-01 Proposed Block Plan 10.10.22

2335-1102-01: Ground	Proposed Floor Plans	10.10.22
2335-1103-01: First	Proposed Floor Plans	10.10.22
2335-1200-01	Proposed Elevation	10.10.22
2335-1201-01: Side	Proposed Elevation	10.10.22
0000 Rev 03	Location Plan	14.10.22
2335-1101-02	Proposed Site Plan	12.01.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

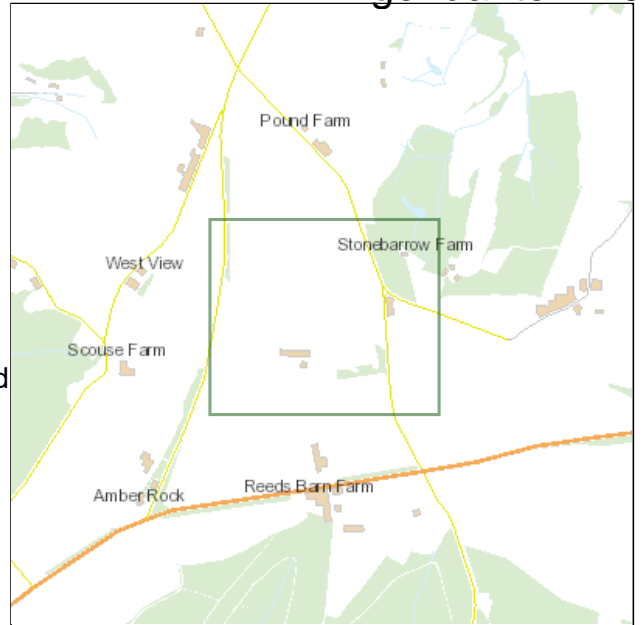
Ward Yarty

Reference 22/2216/MFUL

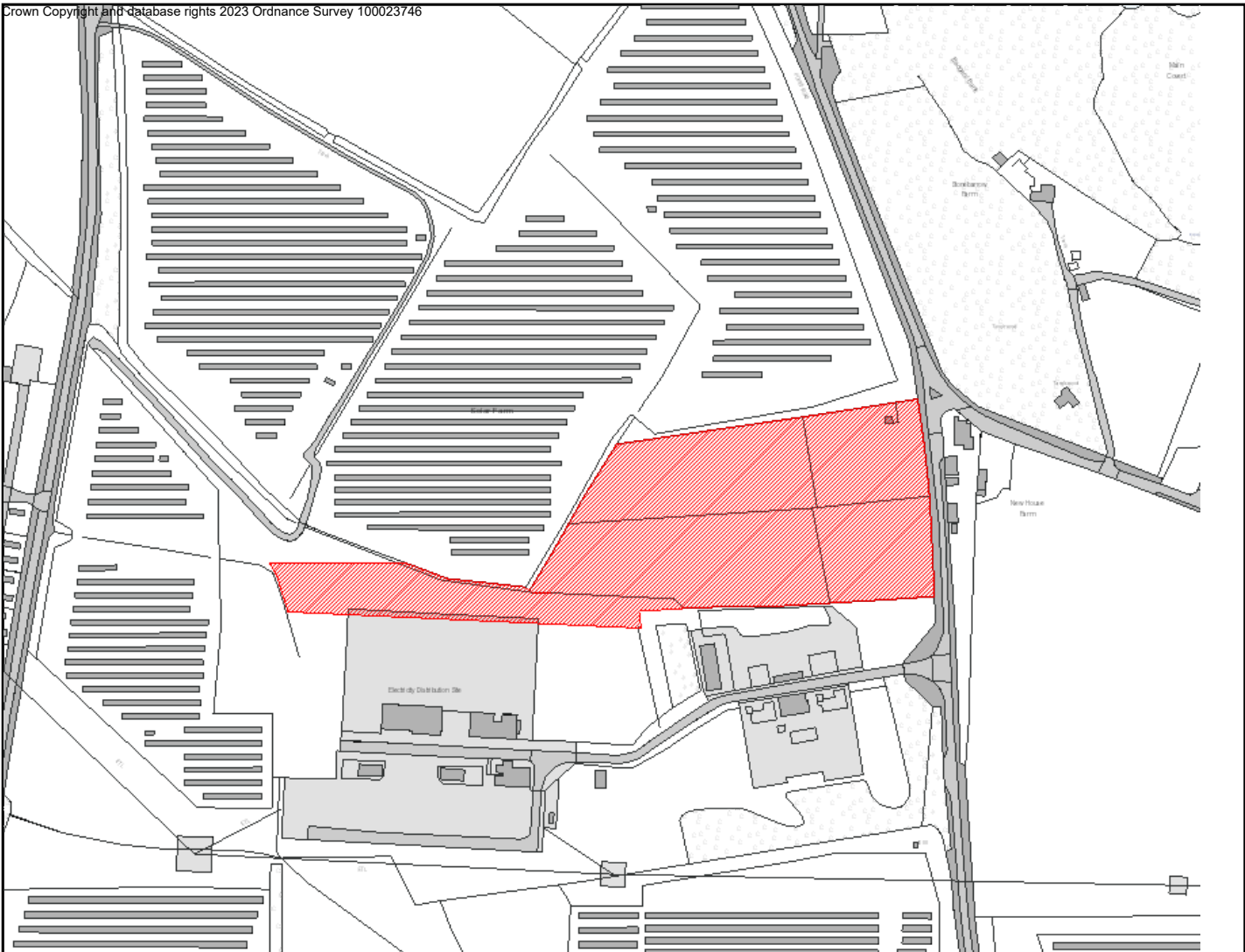
Applicant Enso Green Holdings B Limited

Location Pound Road BESS Land North East Of Axminster National Grid Substation Pound Road Hawkchurch

Proposal Installation of a battery energy storage system with associated infrastructure and works.



RECOMMENDATION: Approval with conditions



		Committee Date: 28.02.2023
Yarty (Hawkchurch)	22/2216/MFUL	Target Date: 04.01.2023
Applicant:	Enso Green Holdings B Limited	
Location:	Pound Road BESS Land North East Of Axminster National Grid Substation	
Proposal:	Installation of a battery energy storage system with associated infrastructure and works.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is being considered by the Planning Committee because the recommendation is contrary to the views of the Ward Member.

The application seeks permission for a Battery Energy Storage System (BESS) and associated equipment (substations, inverters etc.) in a field adjacent to a solar farm and electricity distribution site. The site is located in the open countryside but is considered to meet the definition of ‘low carbon technology’ as defined in the Local Plan. As such it is acceptable in principle under Strategy 39 (Renewable and Low Carbon Energy Projects) subject to other considerations.

The development would include a number of different plant and equipment being installed in a rural area. However, this would be sited in and near an existing solar farm, has good existing landscaping/screening and therefore the effect on the character and appearance of the area (which has no landscape designations) would be limited.

There are a number of objections to the scheme but it is considered that the proposal is acceptable and that many of these concerns can be addressed through appropriate planning conditions.

CONSULTATIONS

Local Consultations

Yarty - Cllr Paul Hayward

As per similar applications in the vicinity, I propose REFUSAL and applaud the Parish Council, and local residents, for their continued opposition to the

industrialisation of this rural parish in the name of faux green energy development, which in reality is driven by commercial profit.

Hawkchurch Parish Council

22/2216/MFUL | Installation of a battery energy storage system with associated infrastructure and works. | Pound Road BESS Land North East Of Axminster National Grid Substation Pound Road Hawkchurch

The **decision of Hawkchurch Parish Council to OBJECT** to this application and respectfully request that it is **refused** at determination for the reasons set out below.

We also set out several areas where further information should be provided for clarification **prior to determination**. We would welcome being consulted again once this information has been provided.

Context

This is the seventh application for industrial scale energy related development in the parish, not counting the multiple PV solar panel farms which have been developed and cover more than 100ha in the parish. One application for a behind the meter single container BESS has been approved in principle by the Planning Committee with conditions which we understand are in the process of being amended to take into account:

- the serious hazard posed by Lithium-ion battery storage, the possibility of thermal runaway and the need to ensure that the Fire Service would be able to respond and
- the Environment Agency would be happy with containment of very large amounts of hazardous waste resulting from the interaction of water and electrolyte.

We appreciate that Councillors on the Planning Committee have taken this issue seriously and wish to see appropriate controls and safeguards in place.

There are two undetermined applications (one for nearly two years) and recently we have been apprised by the National Grid that they propose to expand the substation to accommodate 5 new connections in addition to those already present. This is frankly alarming and will only add to the planning blight that these applications are causing in the Parish. Residents have been unable to sell property due to a combination of these proposals and the proposals for very significant housing development in the village.

This situation is frankly unacceptable. There appears to be no strategy to deal with the cumulative impact of such proposed developments. The Parish would welcome engagement to look at possible ways forward that would not seriously change the nature of this beautiful rural parish, impact the lives and safety of residents, and cause continuing palpable distress.

There is a feeling that Hawkchurch is becoming a dumping ground without understanding what it has to offer, that priority is given to developers with each being

dealt with separately without an overarching strategy and that the level of expertise that is required to determine the outcome of these complex proposals, and to ensure that they are safe and appropriate, is not evident. Until a few years ago just one such application would have been referred to the National Infrastructure Planning Committee, now they are dealt with by the same process that determines whether someone puts a new balcony on their property. This cannot be right.

There must be more thorough and expert control not just at the proposal stage but right through to the decommissioning of these hazardous developments. There is a danger that the farmers who are agreeing to rent their land do not understand the risk that they may well be left in the lurch if the companies involved in the development go bankrupt (which has happened on at least one occasion). The landowner could be left with highly toxic materials as well as large scale industrial fixtures on their land with no prospect of meeting the costs to safely remove them and return the land to agricultural use (always assuming this is actually feasible). There must be safeguards in place throughout the life of these proposals to ensure that such eventualities do not occur.

Clarifications

The proposal does not specify the number or type of batteries to be deployed or the power capacity. This information is critical to assessing this proposal and the information should be supplied prior to determination. Furthermore, should the proposal be subsequently approved, further planning permission should be required if there are any changes to the specification of the batteries, scale of installation, or any of the controls put in place as safeguards.

The number of shipping containers is not specified although it appears to be 48 from the layout diagram.

The size of the substation is not specified properly – merely stating the height at 6.5m, and it is not clear whether the substation will have any form of noise abatement – given such provision has been included in other recent proposals we believe this should be clarified.

The noise assessment does not appear to cover the substation. (We KNOW that substations are noisy!)

Siting of the proposed development and impact on landscape

There has been no attempt to look at other sites, such as brownfield sites close to demand centres or co-location with renewable energy supply points. We believe this site will have been chosen based on cost of connection and so that an energy arbitrage business model can be offered to investors. This is not a renewable energy deployment.

This proposal is for a very large industrial development in a rural location. We understand the proposal is for 48 large shipping containers with 57 inverters and 29

transformers, a building to house switchgear and a new substation which will be 6.5m tall. To screen this it is proposed to build a 4m high noise barrier and earth bund. This would lead to a significant change in the nature of the landscape, which is currently open farmland.

In the consultation on a previous and, as yet undetermined (two years later), application for a similar but smaller development south of this site, we note that the EDDC landscape architect concluded that it would have a 'high adverse visual impact' and that the proposed scheme was considered to have unacceptable landscape and visual impact.

This proposed development is similarly industrial in nature and on a significantly larger scale. We believe it to would have an **unacceptable impact** on the character of the landscape. It would detract from both the amenity and environmental qualities of the area and is likely to lead to a permanent change of use of the land from farming to industrial. This proposal **does not meet the needs of the community** (indeed combined with other similar applications, they are harming the well-being of the community), **and it is contrary to the following Local Plan Policies:**

Strategy 7 – Development in the Countryside

'Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'

15. Smaller Towns, Villages and Countryside

15.1 '... we aim to secure a vibrant and dynamic future with emphasis on community led development to meet local needs.'

15.2c 'The character of the countryside should be conserved and enhanced, and new development should not detract from this.'

Development in the landscape

18.31 New developments should be appropriate in scale and in keeping with their setting taking full account of the local natural and cultural heritage

Strategy 46 – Landscape Conservation and Enhancement and AONBs
Development will only be permitted where it: 1. conserves and enhances the landscape character of the area; 2. does not undermine landscape quality; and 3. is appropriate to the economic, social and well-being of the area.

This site is adjacent to an expanse of solar farms that have resulted in significant run-off issues since their installation. The pressures on the drainage systems in the Parish are significant and the area drains into the River Axe via the Blackwater and increasing runoff will only exacerbate the already difficult issue of river pollution. The proposal does not adequately consider the issue of run-off and it should be

considered as a cumulative impact of other developments in the area. The proposal does not accord with the following policies:

Strategy 5 – Environment point 7 ‘protecting from development areas that are vulnerable to surface water runoff’.

EN18 - Maintenance of Water Quality and Quantity

The Council will require developers to take appropriate measures to ensure that development does not adversely affect the quality or quantity of either surface or groundwater. Development that would result in adverse impacts or potential for pollution will be restricted within Source Protection Zones.

EN22 - Surface Run-Off Implications of New Development

Planning permission for new development will require that: 1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable

There are in the region of 30 households relying on water supplies from the Stonebarrow Hill Aquifer. We deal with the safety aspects of battery installations below but note here that we believe the dependency of households on water supplies from the Aquifer and the risks of contamination of the water supply render this a totally unsuitable site for such installations and we are gravely concerned about proposed siting of such hazardous installations in this area.

Impact on community – safety of residents and security of water supply

We believe there is a significant risk of major accident, with resulting risk to the local population, impact on water supplies, and risk of pollution of rivers and farmland.

The proposal does not specify the type of battery to be deployed and this is critical to the assessment of risk of such a proposed development. It is totally unacceptable that the proposal does not include this specification and should not have been validated without such detail.

We assume from the proposed set up, the commercial nature of the proposal and the contaminated land officer’s comments that include reference to the possibility of thermal runaway, that the lithium-ion batteries are intended to be used. If this is not the case, we would welcome sight of more detailed specification to consider.

The proposal acknowledges the potential for fire as it includes the reference ‘Safety systems and firefighting systems, including automatic shut off and temperature monitoring of battery units, are built into the containers.’ However, there is no detailed information, and the proposal is inadequately specified. Consequently, we are commenting on the assumption that the most probable deployment is Lithium-ion batteries.

Battery storage facilities carry a significant fire, health, and environmental contamination risk. There are now many documented cases of battery storage units

that have led to serious fires and, in some cases, explosions and/or injury to firefighters. In the last two years alone there have been 4 major incidents involving Lithium-ion BESS units. The most recent one in Beijing was a LiFP battery installation with 25mWh capacity. Two firefighters were killed and 1 seriously injured. There are now 50 cases of BESS battery fires recorded internationally (https://storage.epri.com/index.php/BESS_Failure_Event_Database).

While the probability of a Lithium-ion BESS fire is low, the hazard can be rated as critical or catastrophic leading to a medium to high-risk rating overall. This hazard increases with scale. As well as the direct hazard from fire, there are also hazards from the release of flammable and toxic gases, such as carbon monoxide, hydrogen chloride, hydrogen fluoride, hydrogen cyanide, benzene, and toluene. These gases are generated within the cell enclosure before venting. When the gases come into contact with water (from rain or from attempts to control the fire) then corrosive chemicals such as hydrofluoric acid result.

The nature of Li-Ion cells makes them susceptible to a phenomenon called “thermal runaway”, when an electro-chemical cell increases its temperature through self-heating in an uncontrollable fashion and progresses when the cell’s heat generation is at a higher rate than it can dissipate, potentially leading to off-gassing, fire, or explosion. Once thermal runaway starts the only solution is to cool the entire unit with large volumes of water as quickly as possible. The nearest fire stations are at least 20 minutes away and the nearest one is a co-responder station with volunteer firefighters. Hazmat capability is recommended for dealing with such fires. The report into the Liverpool BESS fire (where a single container fire and explosion occurred) shows that the first emergency responders were in attendance within ten minutes of being called. They deployed five fire engines and a hazmat team, and two fire engines were continuously pumping water to cool the container for 59 hours. In the report it is noted that ‘The fire caused a significant blast event, with debris being propelled between 6 and 23m from the point of origin. This explosion occurred prior to the arrival of responding fire crews.’ This was a tiny site compared with this proposal. Fire in one container could well spread to others if there is an explosion (damage to batterie can result in thermal runaway events). The site is also adjacent to the Western Power Distribution network and the possible consequences if this were damaged as a result of an explosion should be considered.

The site is close to the village school and residential dwellings. The risks to the population in the event of a fire, possible explosion, and release of toxic fumes, cannot be overstated.

The proposal does not address the risks at all. There has been no engagement by the developer with fire services. We are not aware of a source of water suitable for this purpose (in the Liverpool case the fire service requested that the water pressure be increased – in this location there is no suitable supply point, and the local water supply network is fragile with multiple mains failures in recent years. South West Water should be consulted prior to determination and should be apprised of the possible demand should a thermal runaway event occur).

Access for fire vehicles would be constrained – the site layout would not allow multiple fire fighting vehicles to attend without significant risk to firefighters.

There are multiple households relying on water supplies from boreholes or springs in the area. The surface water will drain to the River Blackwater and subsequently to the River Axe. Potential contamination with toxic chemicals in the event of fire (where copious volumes of water would be needed to control the thermal runaway and likely result in contaminated run-off), is a cause of grave concern. While the contaminated officer's report is welcome the provision is completely inadequate – what size of containment would be needed if the Liverpool fire's single container incident required 59 hours of water at high pressure to be used to cool the incident?

We understand there may be a temptation to expect technical aspects of such developments to be resolved at a later stage, but we note that experts advise that fire services should be engaged much earlier with such hazardous proposals. This would also be consistent with the Planning Committee's conclusions when they recently considered deployment of a single BESS container – this site is 48 times that size.

We urge the council to take seriously the possibility of a foreseeable event which is likely to be harmful to both people and the environment.

This is not a suitable site for such a development, especially if the battery type is lithium-ion, in which case it would be grossly negligent to permit it. It is worth noting a comment made by Deputy Fire Safety Commissioner of the London Fire Brigade, Charlie Pugsley, in recent discussions about BESS fire safety that:

'If we know some things could fail catastrophically or it could have those effects,' he said, 'it's going to be a difficult day if one of us is standing there in court saying we knew about it, but we didn't do anything.'

All such proposals should include early engagement with the fire service, and they should be made aware of the unusual and difficult aspects of Li-ion battery fires, including the nature of thermal runaway, the toxic gases and liquids that can be generated and the possibilities of explosion. Planning consent should only be given after all the necessary detailed plans of how such events would be controlled and the environment agency and natural England should also be consulted to ensure they understand these issues and are happy that containment of contamination would be possible and adequate. If these developments were still classed as National Infrastructure Projects, they would have to have everything planned in detail and approval would be granted in stages. This is the type of approach that is needed to safeguard residents, firefighters, and the environment.

The energy institute has a helpful guidance note, although this may need updating. <https://publishing.energyinst.org/topics/power-generation/battery-storage/battery-storage-guidance-note-2-battery-energy-storage-system-fire-planning-and-response>

Strategy 39 – Renewable and Low Carbon Projects

We do not believe this constitutes a renewable energy or low carbon development. It is not directly connected to the adjacent PV solar farms.

It will store energy from fossil fuel sources. The source of stored energy may be from plants in the UK or, via interconnectors, from other countries. The batteries would draw power at times of low demand (usually very early morning) and sell it back to the grid at times of peak demand through price arbitrage or balancing contracts. Only 2/3 of the power stored is likely to be returned to the grid due to degradation, AC and DC loss. Power can only be stored for a matter of hours, not days or months. The batteries degrade over time and will have to be replaced – probably within 10 years or less leading to issues with recycling. Battery storage units have been shown to have a high carbon footprint.

Much of this proposal constitutes regurgitation of other people's policies, such as the NFFP, the Local Plan etc. However, it does not set out clearly how the proposed development aligns with these policies, and we would argue that in most cases it does not. Central to the thrust is that it is a renewable energy deployment, but we believe it is an energy arbitrage scheme. Examination of the duck curve of renewable energy supply versus demand show that much renewable energy (and all solar) will not be available at the lowest point of demand in the early hours of the morning (when the price is low). Unless there is evidence presented that shows how this installation could be configured to take renewable energy surplus and not fossil fuel surplus, the charging of the batteries from the national grid will suck in supply that is at best a partial mix of renewable energy (considerably less than 50% renewable and primarily fossil fuel generated).

EDDC have previously determined that BESS schemes are renewable energy deployments. We believe that there is sufficient information now available to revisit this decision and clarify the different role that BESS may provide and whether they should all be classed as renewable energy installations. The National Grids Future Energy Scenarios does include significant battery provision over the years to 2050, however the primary roles detailed for battery storage are for supply side integration (i.e., directly connected to renewable energy generation plants so that it can be held and deployed when needed) and demand side cost reduction and taking pressure off the national network (i.e., directly connected to heavy use areas such as industry sites). Integration of storage into the transmission network has a role in load balancing but cannot be regarded as a renewable energy installation.

Technical Consultations

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED INFORMATION

2.1 LVIA

Methodology

The methodology is in accordance with industry standard guidance.

Baseline landscape assessment

The landscape baseline assessment is generally appropriate although consideration should have been given to Landscape Character Type 3A: Upper farmed and wooded slopes, which lies immediately to the northeast of the site. This LCT is important in providing a setting to the Dorset AONB which is visible from the site to the east and north, although due to distance and limited intervisibility it is unlikely that the proposals would impact on the AONB.

In accordance with the methodology, table 6, the susceptibility of the host landscape to the proposed development should have been considered to be **medium** (*A moderate ability of the landscape to accommodate the type of development being proposed – some susceptibility. Some opportunities for mitigation and enhancement*) rather than **low**.

Similarly at para. 3.36 the local landscape susceptibility should be **medium** rather than **low**.

Baseline Visual Receptors

Viewpoint photographs and photomontages are presented in accordance with industry recommended guidance. In respect of the photomontages for viewpoint 3 however, the proposed embankment is shown grassed. This would impede the development of proposed woodland planting and it would be expected as part of good horticultural practice that the soil would be kept clear of weeds during the first 3 years. The photomontage also fails to show safety railing along the top of the embankment that would be required to provide fall protection.

Description of Development

Given the slope of the site the description of the proposed development should have considered the extent of grading works required to accommodate the proposals.

Effect on Landscape Elements and Features

In respect of topography the LVIA assessment of magnitude of change as **high** is accepted. Given the **medium** sensitivity of the host landscape to the proposed development, as discussed above, in accordance with the methodology, table 12,

the effect of the proposed development on the site's topography should be considered **major adverse** rather than **moderate adverse** as stated at para. 6.6 of the LVIA.

For trees and hedgerow the effect of the development at year 1 should be considered **minor adverse** due to the removal of a short section of hedgebank either side of the site entrance. It is however accepted that, subject to the establishment of new planting, by year 10 the effect of the development on trees and hedgerow would be **minor beneficial** (LVIA paras. 6.12 and 6.13).

The LVIA fails to consider the effect of the proposed underground cable connection to the National Grid installation on site trees and hedgerow. Further details and assessment of this should be provided.

Effect on landscape character

In respect of tranquillity, consideration should have been given at para. 7.7 to potential noise effects arising from the operation of the site.

With regard to the local landscape the assessment of overall magnitude of change as low is accepted resulting in minor adverse effects. However the development would introduce incongruous elements that would be clearly visible from Pound Road along the site frontage until mitigation planting established. In the longer term mitigation planting would screen off views into the site and also the currently visible elements of the National Grid station beyond.

Effect on Visual Amenity

The assessment of effect on representative viewpoints is generally accepted. However, for viewpoints 2-4 along Pound Road the magnitude of change should be considered **high** rather than **medium** resulting in a **major adverse** effect at year 1 and reducing to **moderate adverse** at year 10.

2.2 Site layout, landscape proposals and associated details

The battery compound is set back 50m from the eastern site boundary. The proposals provide for 2.4m high steel mesh fencing to the north, south, and west sides of the compound. The eastern boundary enclosure comprises a 4m high retaining wall supporting an earth embankment with a 1:5 slope, planted with a native woodland edge mix.

A direct access comprising a straight, 4.5m wide tarmac road is proposed from Pound Road via the existing field access, which will be widened to accommodate vehicle turning on and off the highway with the loss of a short section of hedgerow to either side. The submitted compound entrance gate detail, dwg. AR-01-P-10, shows the gates will be a maximum of 6m wide. However, on the site layout plan they are shown 4.5m wide. As all access roads are also shown as 4.5m width the gate detail should be amended accordingly.

The need for tarmac surfacing within the site is questioned and consideration should be given to providing a permeable self-binding stone aggregate instead which would be more in keeping with rural character.

The extent of the proposed embankment retaining wall is not correctly shown on the site layout and soft landscape plans, as wing walls will be needed along the side of the embankment at its northern and southern ends and to either side of the site access road. It is also likely that railings will be required along the top of the retaining wall to protect grounds maintenance workers from falls. The railings are not shown on the submitted drawings and would add further to the visual impact of the structure.

While the proposed embankment will screen the site and proposed infrastructure from most of the frontage with Pound Road it will, itself, be a prominent, engineered feature that is uncharacteristic of the site and surrounding plateau landscape, as can be seen in the submitted photomontage for viewpoint 3 at completion of site works (year1). Furthermore the straight access road proposed through the embankment will provide a direct sightline into the site from the Pound Road entrance. A more sympathetic solution would be to provide a 1.5m high Devon hedgebank along the eastern side of the compound, planted with a mix of holly and beech, and to plant up the ground between it and the eastern site boundary as native woodland. This would tie in with existing woodland to the south and northeast. Realigning the site access road with an S-bend would prevent direct views into the site (refer fig. 1 below).

Although omitting the embankment would increase the time before effective screening of the development is achieved, the end result is likely to be more in keeping with local landscape character and provide greater bio-diversity benefit in the medium-long term.

Native woodland planting should comprise a mix of large canopy species with appropriate understorey. Planting should comprise whips/ transplants at 2.5m centres reducing to 1.5m centres around the margins, with feathered trees at 5m centres throughout.

Proposed hedgerow mixes for new hedgerow and gapping up should include at least 15% holly to improve year round screening. Hedge planting should comprise a double staggered row of plants at a density of 6 plants/ linear metre.

Proposed species rich grassland areas are unlikely to establish easily given the likely nutrient status of the soil and it would be better to retain existing sward and manage it by cutting twice per year and removing arisings, with wildflower meadow seed mix applied to areas of disturbed ground.

New Devon hedgebanks should be constructed in accordance with recommendations by Devon Hedge Group (https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf) using turves cut from site.

There is opportunity to create a permissive footpath link along the southern site boundary to connect between Hawkchurch footpath 17 (Monarchs Way) and Pound Road and further public rights of way to the east.

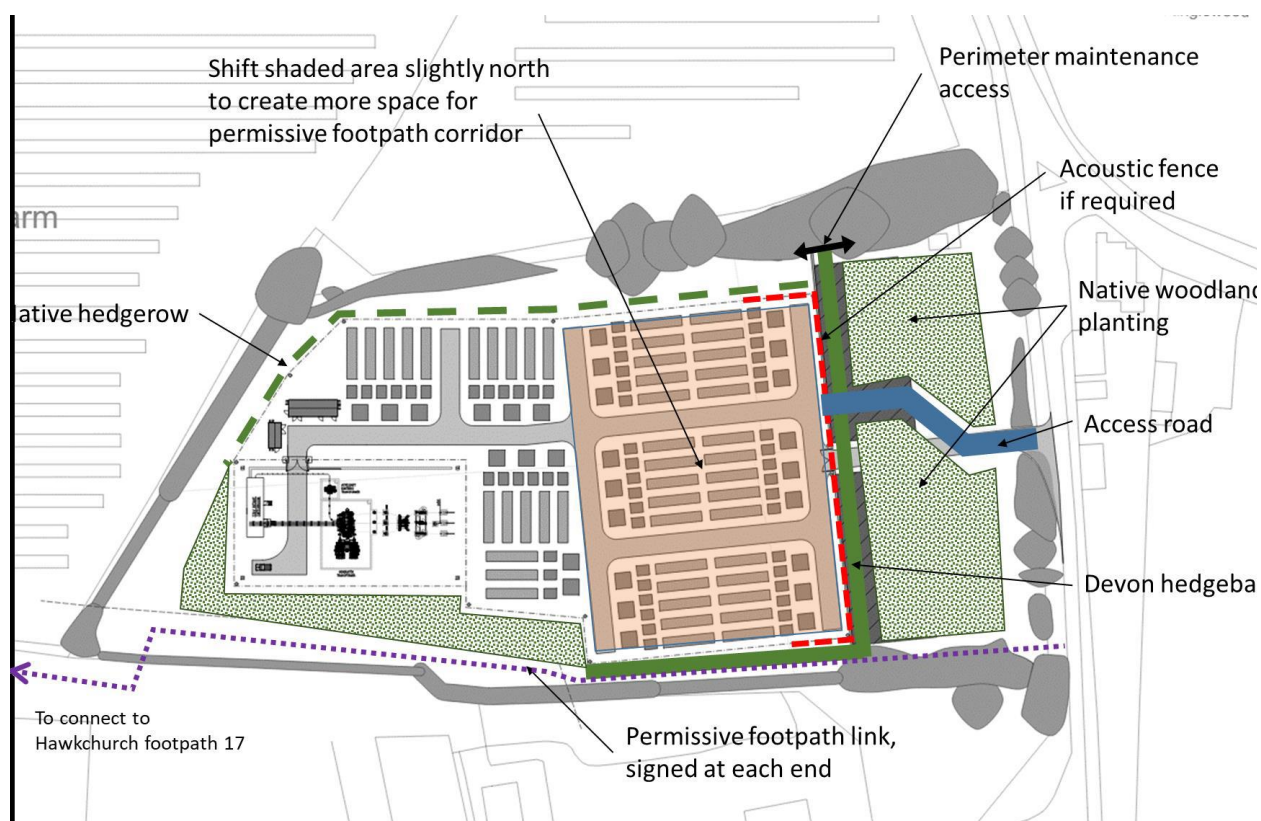


Figure 1 - Indicative amendments to proposed site layout to reduce landscape impact

Only limited information is provided on proposed site levels. A detailed site levels plan at 1:500 scale or greater showing proposed and existing contours and levels across the site and extent of grading works and any retaining walls is required prior to determination. The levels plan should be supported by north-south and east west sections across the site showing proposed plant and structures and proposed levels at 1:250 scale or greater.

3 CONCLUSION AND RECOMMENDATIONS

3.1 Acceptability of proposals

The application will have a major adverse impact on the site itself introducing incongruous industrial infrastructure into an undeveloped field in open countryside and significantly altering the topography, notwithstanding the existing electricity and renewable infrastructure to the south, west and north. The visual impact will be greatest during construction and at completion. However, views into the site are limited and development would not be visible in long views across the landscape. Whilst there would be some harm to local landscape character and the appearance of the area, from close views from Pound Road these are capable of mitigation in the medium term with appropriate site design and planting.

The current proposals for mitigation at the frontage of the site are considered unacceptable in terms of landscape and visual impact and if the application was to

be approved amended layout and landscape proposals should be submitted in accordance with comments at section 2.2 above.

Creation of a permissive footpath to link between Hawkchurch footpath 17 and Pound Road would be of benefit to walkers enabling a number of existing rights of way to be linked, avoiding the B3165 and this should form part of a Section 106 agreement or other appropriate legal agreement.

3.2 Conditions

Should the application be approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:

a) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details

v) Method statement for creation and maintenance of species rich grassland and wetland habitats

b) Details of proposed colour finishes to fencing and housings for inverters, storage units and batteries, including relevant BS/ RAL reference.

c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.

d) Construction details for proposed hedgebanks, hardstandings, trackways.

e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

- *a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.*
- *methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
- *location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).*
- *schedules of volumes for each material.*
- *expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
- *identification of person responsible for supervising soil management.*

f) A phasing plan for construction. This should identify the early construction and planting of Devon hedgebanks to ensure that turves from site excavations are available for construction of the banks themselves and to enable associated planting to establish as soon as possible.

2) Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgeline - hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section.

The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

Management, maintenance inspection and monitoring shall be carried out in accordance with the approved plan for the duration of the operational phase of the development.

3) No site works shall begin until a detailed decommissioning plan in the event that the proposed development ceases to operate. The plan should cover the removal of all site infrastructure and identify any areas of new habitat creation/ planting to be retained. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.

4) The works shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan.

Tree Officer

The application is supported by an arboricultural impact assessment provided by Barton Hyett Associates (Sept 2022) which includes a trees survey, tree constraint plan and tree protection. Overall this information demonstrates that the proposal will have minimal impact on the trees at the site and therefore in principle I have no objection to this development. However the tree retention plan / tree protection plan

shows that the tree protective fencing has been offset and is located within the RPA of T9 and G8 on the northern side of the site and within the RPA of G4 to the south. No reason has been given for this though it appears to enable the construction of the bund and retaining wall. This means that there is a risk of damage occurring to these trees.

- Is it necessary for the wall to extent into the RPA? How is this to be constructed without damaging the roots.
- Average crown height of T9 & G8 is between 2 to 3m - risk of damage occurring to the crowns during construction.
- Ground protection will be required.
- An arboricultural method statement is required outlining how the wall and bund will be constructed without being detrimental to the health of the trees.
- Between the bund and eastern hedge line adjacent to the road, is proposed for retained grassland. This appears to be an appropriate area for individual tree planting of large trees (Oak's).

Contaminated Land Officer

To ensure the effective protection to local surface water and groundwater supplies, I recommend the use of containment mitigation scheme in order to minimise the risks in the event of a battery leak or thermal runaway event taking place on the site. The secondary containment must be impermeable to the specific chemicals contained within the batteries. The minimum volume of the secondary contaminant should be at least equivalent to the capacity of the batteries plus 10% and have no opening used to drain the system. The containment mitigation scheme should submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.

Reason: To protect local surface water and groundwater supplies from contamination.

DCC Highways

No objection

Environment Agency

I can confirm that we have no comments on this application.

Natural England

Natural England has no specific comments to make on this proposal or issue. Please refer to our general advice in the attached Annex.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not the proposals are consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of sites and the impacts of development proposals to assist the decision

making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend that local planning authorities use Natural England's Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at:

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals> <https://www.gov.uk/guidance/consulting-on-neighbourhood-plans-and-development-orders>

Other Representations

42 letters of objection raising the following concerns:

- It is an industrial development on a greenfield site.
- It would damage the extremely rural and beautiful landscape.
- It is purely for trading for profit taking advantage of variable prices for electricity.
- It will not benefit anyone locally.
- It is not a green development as energy to be stored in the BESS is not necessarily from renewable generation.
- The batteries are not green due to the materials required to make them require some of the most environmentally destructive extraction and processing methods.
- Should a fire break out there is a risk of water pollution.
- The fire service is not a statutory consultee which means no safety review of the site.
- There are springs in the area used for private water supplies.
- The site drains into the River Axe catchment, which is an SAC and SSSI.
- Other sites have caught fire, burned for 3 days and took 3 swimming pool's worth of water to extinguish.
- No details of battery type or capacity.
- Ecological report does not acknowledge the importance of the area for bats.
- There is grey long-eared bat maternity roost less than 2km north of the site. Hawkchurch is only one of eight confirmed maternity roosts nationally.
- Natural England has recognized the importance of the area as land 500m north of the site has been entered into a Higher Tier Countryside Stewardship agreement in recognition of the species rich meadows and rare species.
- NPPF requires that all development shows biodiversity net gain.
- Farmland should be used for growing food.
- There is a preservation order on the hedge line screening the substation which would be removed.

- National Grid has major plans for expansion of the sub-station. A fire could also affect the substation and cut power in the south-west and destroy the village.
- Contravenes Strategy 7 of the Local Plan due to its location.
- Contravenes Strategy 39 of the Local Plan as the energy store is not necessarily from renewables.
- It is said due the risk of fire/explosion the site needs 4m high bunded walls and embankments, to act as a sound barrier, as well as a 6.5m tall substation, higher than a two-storey dwelling.
- They should pay business rates.
- Will adversely affect the views from the Monarch's Way.
- Local Plans are not properly coordinated

Devon CPRE additional comments:

- Lack of explanation why there would be 57 inverters and 29 transformers.
- There are no details of the batteries.
- The applicant should provide the storage capacity of the proposal before a decision is made. It is estimated at 180MWh.
- It would store, not generate energy and is thus not a renewable energy scheme.
- It is not stated why the site was chosen. It is not necessary to use a greenfield site.
- Neither the PS or DAS describe the safety issue of the proposal.
- Experience from around the world show that BESS installations are a major risk to the local community and environment due to the storage of high density chemical energy.
- Thermal runaway events can be explosive and spread and are difficult to bring under control.
- There are not copious amounts of water available nearby to deal with a fire.
- The design should be made with guidance from the fire service.
- The applicant needs to apply to EDDC for Hazardous Substances Consent and until that is done EDDC should not consider the planning application.
- Cumulative impact with other BESS proposals on the landscape.
- Decommissioning details not provided.

PLANNING HISTORY

None on this site although members will be aware of the number of solar farms approved in the area (adjacent and near to the site) and also other BESS proposals in the parish.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN13 (Development on High Quality Agricultural Land)
EN14 (Control of Pollution)
EN18 (Maintenance of Water Quality and Quantity)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
E4 (Rural Diversification)
E5 (Small Scale Economic Development in Rural Areas)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Site Location and Description

The site lies immediately north and adjacent to the Electricity Distribution Site on Pound Road in Hawkchurch and measures 2.6 hectares in area. The western and northern boundaries abut an existing solar farm while the eastern boundary is formed by Pound Road itself. Unlike the adjacent solar farm which has a public right of way running through it there is no public access to this site.

The Pound Road boundary is comprised of mature hedge with varying depths and heights, including some mature trees in its length. The site itself is pasture land with little vegetation within it but the other boundaries also feature hedges and trees of similar character.

The site does not lie within any designated areas. The Dorset AONB is located approximately 660m to the south of the site and also 2km to the north.

There are three listed buildings within the 1km study area, with High Stonebarrow Grade II listed building located approximately 620 m east. Lambert's Castle: an Iron Age hillfort 425 m west of Nash Farm, with a bowl barrow, and the sites of a post-medieval fair and a telegraph station Scheduled Monument is located approximately 1.8 km east of the Site.

The development

The main components of the proposal comprise:

- The battery energy storage system comprises a series of linked batteries housed in shipping containers (or similar structures in appearance). The battery containers measure 12.2 m (L) x 2.4 m (W) x 2.9 m (H). Safety systems and firefighting systems, including automatic shut off and temperature monitoring of battery units, are built into the containers.

- Adjacent to the batteries are inverters (3 m (L) x 2.4 m (W) x 2.9 m (H)), transformers (4.1 m (L) x 4.1 m (W) x 2.2 m (H)), cooling systems and other electrical plant and equipment required. These will typically be housed within (or externally on) containers. The transformer will be fenced.
- Adjacent to the battery containers are a series of containers and electrical infrastructure, linking the batteries to the proposed on-site 132kV substation compound which has a maximum height of approximately 6.5 m, these include a switch room measuring 11.7 m (L) x 4 m (W) x 3.9 m (H) and control room measuring 6 m (L) x 3 m (W) x 3.9 m (H). The buildings and electrical infrastructure comprise the plant and equipment necessary to export the electricity stored onsite to the electricity network.
- A 2.4 m high metal weld mesh security-fenced encloses the battery compound and its associated plant;
- Security and monitoring CCTV/infra-red cameras mounted on up to 3 m high posts along the internal perimeter of the Site
- Underground cabling to connect the battery, associated containers and electrical equipment to the proposed on-site 132kV substation are included within the proposals;
- Underground cabling to link the proposed 132kV substation to the existing Axminster National Grid Substation form part of the application;
- Site access from the public highway off Pound Road running through the Site, together with the required access improvement works and visibility splays, are included within the site and proposals;
- Landscaping, planting, minor earthworks, biodiversity enhancements and surface water attenuation measures are included in the scheme having been designed as part of the evolving proposals

ANALYSIS

The principle of development

There is no made Neighbourhood Plan for Hawkchurch despite the parish being designated as a neighbourhood area in April 2015. The relevant development plan for determining the application therefore is the EDDC Local Plan.

Strategy 7 does not permit development outside of Built-Up Area Boundaries unless permitted by some other policy in the LP. One such policy is Strategy 39 and this permits such developments in the open countryside subject to criteria.

Strategy 39 of the Local Plan states that:

Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

- 1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
- 2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighbourhood Plan or Development Plan Document.

The Council has previously accepted that such installations are 'low carbon energy' projects as this is defined in the Local Plan as including technologies 'that can help reduce emissions (compared to conventional use of fossil fuels)'. In simple terms, such energy storage facilities can be used to store energy from the grid when renewable generation (not necessarily from the solar farm at the site) is in excess of demand. Prices during this time will be lower (supply exceeding demand) and can be used later when prices are higher, which typically is when renewable generation is low. The power fed back to the grid will reduce the amount of non-renewable generation required during such times and in this way is considered to reduce emissions that otherwise would have been generated. The comments of the objectors regarding emissions generated to make the BESS equipment is noted but are not specified as a consideration in Strategy 39. Of course, anything which is manufactured will likely generate emissions but this will be offset in due course by the savings in emissions a BESS (or for that matter solar panels or wind turbines) facilitates. As the electricity grid becomes greener (as it has over the last two decades) this payback period becomes even shorter. The same can never be said of fossil fuel derived energy.

The principle of development is therefore considered to be acceptable.

Landscape and visual impacts

While the site would see a significant and adverse change in its character and appearance, these effects would not be experienced beyond the site itself. Any effects that are apparent will diminish over time as landscaping becomes established to compliment the already existing mature boundary screening. Over 10 years there would be minor beneficial effect on existing trees and hedgerows. It is unlikely that there would be impacts on the Dorset AONB.

The landscape officer's comments regarding suggested changes to the proposed landscaping scheme have been discussed with the applicant's agent and some of the changes could be accommodated, subject to consideration of detailed design. The offsetting of the access road would alleviate views into the site. These changes have been submitted as a late amendment to the proposals in order to avoid a

condition to secure this change. The ward member and parish council have been advised of this amendment and given 14 days to comment. This period expires after the agenda will have been published but before the committee meeting. Members will be advised of any further comments from these consultees at the meeting but these changes would not affect the substantive objections from these parties.

Trees

The supporting arboricultural impact assessment demonstrates that there would be minimal impact on trees and hedgerows. Some further information is required however to confirm how specific trees and root protection areas will be protected during development. A suitably worded condition is suggested to address this.

Fire Safety and Pollution

Most of the objectors have raised concerns about these two matters.

A recent (5 December 2022) appeal decision in Mid Devon (APP/Y1138/W/22/3293104) against a refusal of planning permission for a combined solar farm and BESS facility considered the matter of safety (paragraphs 140 – 147 of the appeal decision letter). These paragraphs are copied below for reference:

The safety of the proposed BESS

140. The issue of the safety of the proposed BESS was never a matter which was of concern to the Council in its planning considerations. For that reason it was not a reason for refusal even before the authority changed its stance.

141. The safety of the BESS was raised by CPRE in its evidence as a major source of concern [83, 84]. It became clear from that the evidence and from answers in cross-examination the CPRE's concern was founded on opposition to battery storage systems in general, which they consider to be a risk to local communities and to the environment generally, and was only related to this proposal to a limited extent. CPRE acknowledged at the Inquiry that their approach is not supported by policy or guidance at any level.

142. The appellant submitted extensive evidence on this matter, including that from an expert in the field, who explained the benefits and operation of BESS systems [64]. The rationale for a BESS system is to provide flexibility for the grid, storing off-peak energy and deploying it during peaks. Co-location with the solar farm is sensible in terms of economies of scale and minimising land take. The convincing evidence, supported by numerous policy references, was that BESS is a critical element in reaching a secure low carbon energy situation. This position is wholly in line with national policy.

143. CPRE was particularly concerned with the safety of such a system, and pointed in particular to two instances of catastrophic failure of such systems [84]. However the appellant correctly pointed out that these events, one of which was in the UK, were some time ago, and gave uncontested evidence to the effect that BESS technology and safety measures had moved on since those events [65]. Perhaps

most tellingly, it is clear that national policy and guidance supporting that technology was produced subsequently – no doubt in full awareness of the incidents. This was accepted by CPRE.

144. From the evidence it is clear that this is not untested technology and although the detail of the systems is doubtless still evolving, there is very little to suggest that there is a substantial risk of thermal runaway leading to explosion or fire.

145. There was criticism from CPRE that no detail of the BESS has been fixed at this stage and the chemistry of the batteries has not yet been decided [80-82]. However in the context of evolving technology, this is not an unreasonable approach, and the proposal considered at the Inquiry is for solar panels to generate up to 49.9MW and a battery storage facility. It is reasonable that the final choice of technology will be fixed later.

146. Underlying all these matters is the fact that other regimes operate in this field to regulate the safe operation of such installations. National policy is clear that the focus of planning decisions should be on whether a proposal is an acceptable use of land, rather than the control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively.

147. For the above reasons there is nothing in relation to the safety of the BESS which should weigh against the proposal in the planning balance.

As can be seen in paragraph 144 the Inspector considered that there was very little to suggest that there is a substantial risk of thermal runaway leading to explosion or fire. Nor was it considered problematic that the detail of the BESS was not fixed or their chemistry decided (paragraph 145). The Inspector finally states that National Policy is clear that the planning system operates to determine acceptable uses of land only rather than control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively.

The Devon CPRE suggests that Hazardous Substances Consent is required but as it has noted itself, the type and chemistry of battery is not yet fixed (which the Inspector found acceptable above) and so this cannot be confirmed.

Noting the above considerations of the Inspector, the decision did though include a condition (24) as follows:

Development of the battery storage compound shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP must prescribe for measures to facility safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the authorised development. The Local Planning Authority must consult with the Health and Safety Executive and the Devon Fire and Rescue Service before approving the BSMP. The BSMP must be implemented as approved.

Reason: To ensure that the battery storage compound is constructed and operated in a safe manner.

Both the EA and NE have raised no objections to the proposals. EDDC's Environmental Health team has recommended a condition for details of sufficient containment (in the event of malfunction) to be agreed and installed which is considered reasonable. Devon Fire and Rescue have been consulted more recently and Members will be advised of any comments received at the committee meeting but given the above and based on the information available at the time of writing it is not considered that this issue would constitute a reason for refusing permission in this case.

Highways

DCC has not objected to the development. No conditions are suggested but given the rural nature of the roads and the amount of equipment involved, conditions are suggested for proper management during construction, which would be a limited period, and provision of the access as planned.

Biodiversity

The main habitats of interest on the site are the hedgerows, the fields themselves being mostly laid to grass. The Preliminary Ecological Appraisal accompanying the application makes various recommendations for mitigation. In short these include:

- Protection of hedgerows during construction;
- Controlled lighting to minimise lighting on site and reduce effects on bats;
- Inspection of hedgerows/trees for birds prior to any works to them. Such works to be completed between September and February if possible;
- Erecting a perimeter fence to create a protection zone prior to construction for dormice

A suitable condition can be used to secure this mitigation and also the proposed works to bring about gains in biodiversity.

Noise

There is a dwelling immediately opposite the proposed entrance to the site (New House Farm) and also another a few metres further on (Tanglewood). There are a limited number of other properties further away.

A noise impact assessment is included with the application. It identifies that it would give rise to rating sound levels that are just above the measured background sound level in the area during the daytime and night-time, thus giving rise to a 'low impact to adverse impact'.

The assessment also identifies that no significant change in ambient sound level at the identified receptor locations will be engendered as a result of the proposed development in its proposed location and assessed form and that the amenity of

residential receptors and operational use of the nearest non-residential receptors will not be compromised.

Consequently, the assessment demonstrates that the Proposed Development will give rise to noise impacts that would be within the range of NOEL and NOAEL of the NPPG England guidance.

For ease of reference, the definition of No Observed Adverse Effect Level in PPG Noise is reproduced below:

“Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.”

This would conform to British Standard and National Planning Policy requirements, provided that the plant is constructed and operated in accordance with the acoustic assumptions of the report.

Mitigation is proposed in section 5.1.4 of the assessment. The Inverter units require that the sound levels are reduced to those presented in Table 6. This could be achieved by using low-noise plant, by an acoustic enclosure or by the manufacturer providing mitigation by insulating the units and including attenuated louvres.

Furthermore, a 4-metre high, noise barrier has been included on the east side of the site, to provide screening between the Battery Units and the nearest noise-sensitive receptors. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 20kg/m², or provide a minimum sound reduction performance of 20-25 dB. Final details of mitigation should be agreed and secured by way of an appropriate condition as set out in the recommendation.

Agricultural Land Quality

The Best and Most Versatile Agricultural Land (BMV) is classed as grade 1 - 3a. The site is Grade 3 agricultural land but it is not known if it is grade 3a or 3b (the latter not being BMV land). However, the area of land occupied by the proposed development is relatively modest in scale and the site is primarily not in use for agriculture anyway. Grade 3 land is the most common in Devon and proportionally the development would result in very modest loss. Accordingly, it is not considered that this loss would carry much weight in the planning balance.

Other matters

There are no listed buildings within sight of the proposed development and no other heritage concerns with the proposal.

The site is in Flood Zone 1 and presents no risks in that respect. Drainage proposals are outlined in the Flood Risk Assessment and a suitable condition will secure their provision.

CONCLUSION

The proposal is for a battery storage scheme and associated infrastructure. The proposed location for the development is in the open-countryside and adjacent to an existing solar farm and electricity distribution development. The site has no landscape designations.

The development meets the definition of 'low-carbon energy projects' as defined in the Local Plan and is therefore permissible in principle in a rural location. The development will assist in maximising benefits from existing renewable energy schemes by providing a means of storing excess power that is generated from renewable sources at times when otherwise such generation would be curtailed (i.e. switching off wind turbines). It would also enable (along with other storage schemes nationally) the deployment of more renewables as part of the energy mix, which would further reduce the carbon footprint of the economy, a key Government objective.

The location of the site provides good screening with limited views of the proposed equipment. Further landscaping is conditioned to mitigate what limited visual impacts there are.

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions.

The site is of modest biodiversity interest but the proposal offers some modest enhancements through planting and management of existing hedgerows.

Equally there are no impacts on heritage assets associated with the development.

On balance, the proposal is considered to be acceptable. Strategy 39 requires a condition that all equipment be removed from the site and the land restored to its former condition if the project ceases in the future. Although the visual impact upon the landscape interests identified above is considered to be limited, it is considered appropriate to use such a condition to remove the proposal when there is no longer a requirement for the installation.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. (Reason - To ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013 to 2031.)
4. Development of the battery storage compound shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP must prescribe for measures to facility safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the authorised development. The Local Planning Authority must consult with the Health and Safety Executive and the Devon Fire and Rescue Service before approving the BSMP. The BSMP must be implemented as approved. (Reason - To minimise risks of accidents which could be harmful to the public and the environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2-13 - 2033).
5. Details of chemical containment must be submitted to, and approved in writing by, the Local Planning Authority, prior to the first installation of the battery plant on site. The containment must be impermeable to the specific chemicals within the batteries. Such containment as approved shall be provided for the duration of the presence of the batteries on site. Should a new type of battery be installed on site during the life of the development the same details shall be submitted for approval again the Local Planning Authority in the same manner. (Reason - To ensure the facility minimises risks of pollution from escaping chemicals in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031).
6. The development shall proceed in accordance with the detailed scheme of ecological mitigation and enhancement measures detailed in the recommendations of the submitted documentation (below):
 - Preliminary Ecological Appraisal, Pound Road BESS, August 2022 (Report reference WOR-2901.2)
 - Biodiversity Net Gain Plan, Pound Road BESS, September 2022 (Report reference WOR-2901.2)

(Reason: In the interests of biodiversity in the area and to ensure that enhancements forming part of the proposal are approved and implemented, in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033.)

7. No development must commence until a Noise Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations set out in the Noise Impact Assessment (dated 7 September 2022). The approved scheme must be implemented as approved for the life of the development.
(Reason: In the interests of the amenity of occupants of nearby dwellings in accordance with policies D1 (Design and Local Distinctiveness) and (EN14 (Control of Pollution) of the East Devon Local Plan.)
8. No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination and predicted lighting contours and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.
(Reason: In the interests of the character and appearance of the area and to minimise the effect on bats in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033.)
9. Within 40 years and six months following completion of construction of the development hereby permitted, within 12 months of the cessation of operational use, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).
(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013 to 2031.)
10. The drainage system shall be constructed in accordance with the Flood Risk Assessment ref 22-0428 dated August 2022 Rev 02. Any changes to the approved documentation must first be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary

highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

(Reason: To ensure the site is properly drained in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2033).

11. Notwithstanding the details shown on the plans hereby approved no development work shall commence on site until the following information has been submitted to and approved by the LPA:

a) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details
- v) Method statement for creation and maintenance of species rich grassland and wetland habitats

b) Details of proposed colour finishes to fencing and housings for inverters, storage units and batteries, including relevant BS/ RAL reference.

c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.

d) Construction details for proposed hedgebanks, hardstandings, trackways.

e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

f) A phasing plan for construction. This should identify the early construction and planting of Devon hedgebanks to ensure that turves from site excavations are available for construction of the banks themselves and to enable associated planting to establish as soon as possible.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan.

12. Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgeline - hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section.

The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

Management, maintenance inspection and monitoring shall be carried out in accordance with the approved plan for the duration of the operational phase of the development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan.

13. The works shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan.
14. Prior to the commencement of the development hereby approved, and notwithstanding the details shown on the plans hereby approved, an arboricultural method statement, including a revised tree protection plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall ensure the tree protection fencing does not intrude on the root

protection area of T9, G8 or G4 unless demonstrated to be necessary to carry out the development.

(Reason: To ensure the effects on existing trees is minimised in accordance with policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2033.)

Plans relating to this application:

BLA146-01 REV D : Soft Landscape Proposals	Landscaping	06.01.23
AR-01-P11 : 132kv Substation	Other Plans	05.10.22
AR-01-P10 : Battery Fence and Gate	Proposed Elevation	05.10.22
AR-01-P09 : Battery Container	Proposed Combined Plans	05.10.22
AR-01-P08 : CCTV	Proposed Elevation	05.10.22
AR-01-P07 : Aux Transformer	Proposed Elevation	05.10.22
AR-01-P06 : Control Room	Proposed Combined Plans	05.10.22
AR-01-P05 : Switch Room	Proposed Combined Plans	05.10.22
AR-01-P04 REV 01 : Internal Access Road Detail	Other Plans	05.10.22
AR-01-P03 : Inverter	Proposed Combined Plans	05.10.22
AR-01-P01	Location Plan	05.10.22
AR-01-L17 : Bund	Sections	05.10.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

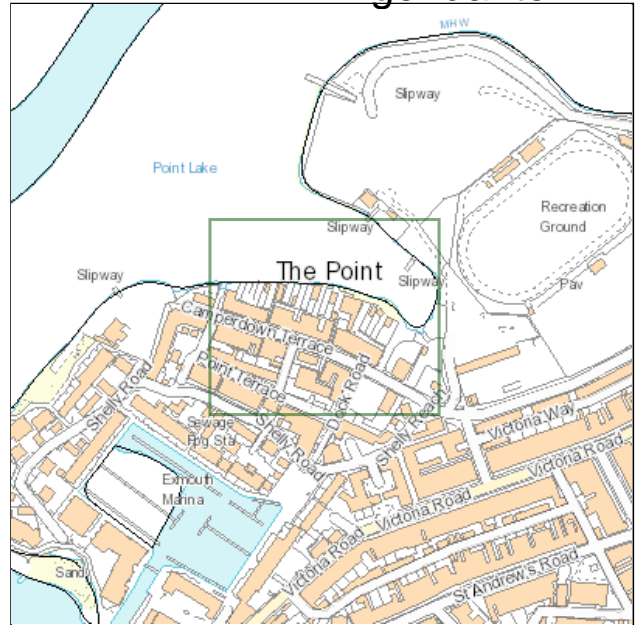
Ward Exmouth Town

Reference 22/2157/FUL

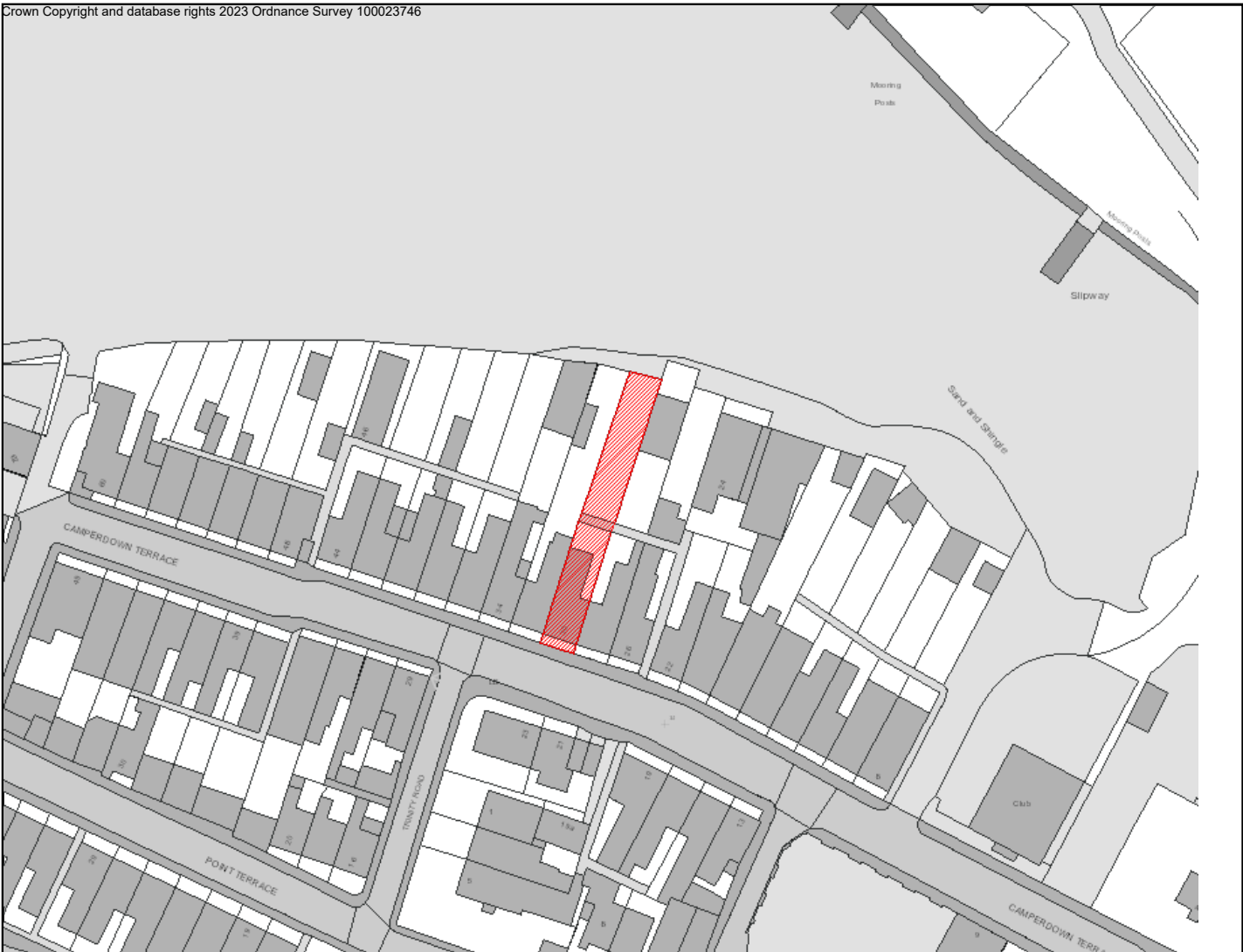
Applicant Mr and Mrs M Lee

Location 30 Camperdown Terrace Exmouth EX8 1EH

Proposal Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony.



RECOMMENDATION: Approval with conditions



		Committee Date: 28th February 2023
Exmouth Town (Exmouth)	22/2157/FUL	Target Date: 07.12.2022
Applicant:	Mr and Mrs M Lee	
Location:	30 Camperdown Terrace Exmouth	
Proposal:	Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is put before Members because the view of officers differ to those of Ward Members and the application was deferred following Chair's Delegation meeting.

The application proposes a single storey side and rear extension, alteration to fenestration and first floor rear balcony.

Given the location and appropriate design and scale of the proposal, it is considered that the development would not cause any significant harm to the character and appearance of the area and the amenities of the occupiers of surrounding properties or residents.

In light of this, it is recommended that the application is approved subject to conditions as suggested.

CONSULTATIONS

Local Consultations

Exmouth Town - Eileen Wragg

I wish to object to this planning application. It would adversely affect the characteristics and special qualities of the area as contained in Policy D1 of the Local Plan. It would conflict with 2. Ensure that the scale, massing, density, height and fenestration relate well to their context. 3. Adversely affects the distinctive historic or architectural character of the area. It would significantly impact on the amenity of occupants of adjoining residential properties 4.e. Features that maintain good levels of daylight and sunlight into and between buildings to minimise the need

for powered lighting. This development would deprive the occupants of no. 32 of daylight, being just 1.6 metres from their kitchen window. Also the balcony planned adjacent to the bedroom would be totally unacceptable, as future users would be able to use it during hours of darkness thereby intruding on the amenity and peace of the adjoining property.

There is also the potential impact on The Sail Loft nearby, which is a listed building.

This application is in my Ward and should be REFUSED.

Should approval be recommended, I request that the application goes before the Planning Committee.

Exmouth Town - Cllr Olly Davey

Having reviewed the plans and visited the site, I object to the current application. It is an overdevelopment of the site, leaving hardly any of it without buildings on it, and coming very close to the boundaries. This is contrary to Policy D1, as the scale and massing, etc are out of proportion with the size of the site. It is also out of keeping with other buildings in the area, which generally have much more modest extensions. It will adversely affect the amenity of neighbours in depriving them of light, having an overbearing appearance and with the potential to create overlooking, noise and disruption nuisances through the use of the proposed balcony.

I believe this application should be refused, but in the event that officers are minded to recommend approval, I would request that it is brought to a meeting of planning committee.

Notwithstanding the above, I reserve my final position until I have seen all reports and information and heard all arguments.

Parish/Town Council

No objection

South West Water

Please see maps under the documents tab online

Proposal: Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find attached a plan showing the approximate location of a public 150mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:

www.southwestwater.co.uk/buildover

Should you require any further information, please contact our Asset Protection Team via email: DeveloperServicesAssetProtection@southwestwater.co.uk.

Other Representations

8 letters have been received from 7 neighbours and third parties in objection raising the following:

- Position of balcony would cause loss of privacy to neighbouring gardens and bedrooms
- Position of balcony would cause loss of light
- Position of balcony would cause noise
- Position of balcony would cause light pollution
- Proposals affect ownership of rear wall
- Ground floor extension would cause loss of light to neighbouring properties and violates the 45 degree rule
- Extension is out of character with the area
- Overlooking of alley from window at north end of extension would cause loss of privacy
- Measurements on plans are estimates
- Flood safety measures proposed under application 18/2174/FUL - would be affected by the proposals
- Proposals are to a holiday home; the owners are non-resident.
- Decking has already been laid in the garden causing issues
- No visual amenity assessment has been submitted
- The application has not been correctly advertised
- Sewers and ground stability would be damaged
- Traffic would be increased to the area

PLANNING HISTORY

There is no previous planning history.

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2021)
National Planning Practice Guidance

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)
D1 (Design and Local Distinctiveness)
EN9 (Development Affecting a Designated Heritage Asset)
EN16 (Contaminated Land)
EN21 (River and Coastal Flooding)
EN5 (Wildlife Habitats and Features)

Exmouth Neighbourhood Plan (Made)

Policy EN1: Proposals for development within the Built-up Area Boundary (BUAB) will generally be supported.

Policy EN5: Impact from additional surface water resulting from development should be controlled and satisfactorily mitigated

Policy EB1: Conserving heritage assets

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design.

OFFICER REPORT

Procedural Matter

This application was submitted to the Chair Delegation Meeting on the 11th of January 2023 following objections from 2 ward members but the application was referred to the Planning Committee for determination.

Site Location and Description

30 Camperdown Terrace is located at the extreme south west of the town within a residential street. There are however some small businesses located in buildings to the North East of the site with access off Camperdown Terrace. The site and surrounding properties are all within Flood Zone 2 & 3.

Proposed Development

Planning permission is sought for the construction of single storey rear and side extension, installation of rear balcony and alteration to fenestration.

Analysis

The main issues with this application are the impact on the character of the area and the amenity of neighbouring properties.

Impact on the character of the area

The proposed development would be entirely located to the rear of this mid-terrace property and so would not be visible or have any impact on the streetscene of Camperdown Terrace. Although it would be visible from the estuary itself which lies to

the north of the site its impact on views from here would be limited and in the context of the wider terrace.

Whilst extending outwards to the rear wall is unusual there are a variety of extensions and separate buildings to the north side of Camperdown Terrace. Whilst acknowledging Cllr Davey's comments given the plethora of styles and scales of extensions including that at No 26 and 32 alongside it is not considered that an extension in this location would be deemed sufficiently out of character to warrant refusal on this element.

Potential loss of light to neighbouring properties

Whilst the extension abuts the boundary with No 32 and acknowledging the positions of rear ground floor windows serving this immediate neighbour given these windows would be unencumbered to the north and across No 32's rear garden it is not considered the effect would be significant to warrant forming an objection on grounds of loss of light or from an overbearing nature.

The applicant's also have a fall-back position in that they could construct a 3m deep extension from the original rear wall to the same height as proposed as permitted development. Whilst the extension proposed is deeper than the normal 3m it is not considered the additional length would be significantly harmful over what could be constructed without planning permission.

In regard to No 28 the proposed ground floor extension would run along the rear / side boundary and above the height of the existing side wall. Whilst No 28 has ground floor windows facing the outlook is already affected by the side of the two storey rear tenement and whilst the single storey side element would be closer it is not considered the affect to outlook or light would be additionally sufficient to cause a significant impact.

The roof level of the rear balcony is lower than the first floor windows of neighbouring properties and therefore it is not considered the balcony itself would cause a loss of light; similarly as the side screens are glazed as opposed to solid the outlook from bedrooms would not be of an impenetrable surface rather some light would be available. Additionally space immediately behind first floor windows to the north of neighbouring properties including No 32 as well as above the 1.8m high glazed screen to the side would be unencumbered. As such it is not considered the erection of the balcony would lead to a significantly harmful loss of light.

Overlooking to neighbouring gardens and bedrooms

Existing rear windows of No 30 and neighbours already grant views to the rear gardens of properties either side, and in the case of No 30 & 32 given the arrangement of the existing bays views there are possible sideways views across the rear walls directly into the first part of bedrooms.

The application proposes a balcony accessed from the middle of the first floor rear bay of No 30 with 1.8m high obscure glazed screens to either side across the depth of the balcony. The eye line of a 1.78m high person (5'10") is at approximately 1.65m in

height; therefore a glazed screen of 1.8m would prevent views sideways from the balcony into the neighbouring bedroom window.

Therefore whilst there would still be views to rear gardens these are already possible from existing first floor rear windows to rear gardens, as views to the side would be obscured by the privacy screen it is not considered that a harmful loss of privacy would ensue. The obscure glazing could be conditioned.

Views from windows in the real elevation of the extension would view towards rear gardens of the site itself across the alley or to the two neighbouring rear areas. However these views are already available from the existing rear windows or by standing in the rear garden. It is not considered that a case can easily be made for significant loss of privacy if there was a window in this location. The alley is a 'public' area to the extent that those neighbours with rights to use the alley, as opposed to the general public, can do so in any case.

Potential nuisance from use of the balcony

This dwelling has a lawful use as a C3 dwellinghouse and any balcony would serve that purpose. The level of noise would be expected to be commensurate with a domestic use. Excessive noise from domestic premises would normally be a matter for Environmental Health.

In the context of the rear of Camperdown Terrace, given rear windows, existing balconies and street lighting nearby it is not considered a case could easily be made for light pollution. Though this has been raised as an objection nothing specifically has been referred to such as exterior lighting or spotlights and these are not evident on the proposed elevation drawings.

Flooding Issues

The site lies in flood zones 2 and 3 and so is at high risk of flooding. The applicants have submitted a flood risk assessment which whilst it does not include flood levels shown on any plan as required by the guidance, acknowledges that the area is subject to flooding from the estuary. Floor levels are proposed at the same height as existing with electrical sockets set at a high level. It is suggested in the event of approval, development is conditional on the precautions in this document. The area is already hardstanding to a significant extent.

Residents have suggested that flood safety measures delivered under the Exmouth Tidal Defence Scheme (planning application 18/2174/FUL) would be affected by the proposals. No specific evidence has been put forward or details of which elements of the measures allowed under that approval would be affected by this extension and balcony.

Perusal of the relevant phase of the flood defence works sets out that a flood gate is proposed at the entrance to the alley between No 22 and No 26; minor ground profiling to the footpath between No 44 and No 48; and a number of properties to have 'resilience improvements subject to survey and agreement with property owner. Work may include but are not limited to new air bricks, flood proof doors, windows'. This

includes No 30 and neighbours to each side as well as selected other properties within the terrace.

It is not known if the provisions of the approval have been carried out. However presumably elements such as airbricks and flood proof doors and windows could be included in any extension for this site or any other in the area.

In terms of the flood gate proposed given this is some distance it is unclear how this would be affected by the proposals. The design of this gate was amended in application 20/0011/VAR but it is not considered this would make a difference.

Other matters raised by objectors

Civil Matters - A number of civil matters have been raised by parties including ownership of the rear wall and the rear alley but these are not material planning considerations. South West Water have commented about distances to their infrastructure but again this is a civil matter.

Quality of the application – It has been suggested that measurements on plans are estimates, however no details have been given as to which plans is believed to be estimated. The plans provided are to scale, not estimates. All plans are provided with a scale bar to check measurements. Members of the public, neighbours and consultees can do so on the EDDC website by viewing the plans. Similarly it has been suggested that further information should have been submitted but the requirements have been met. It has also been suggested that a site notice should have been displayed but this is not required in this case – neighbours were written to directly about this proposal.

Traffic would be increased to the area - It is acknowledged that parking provision locally is extremely limited. No 30 like other properties in the terrace does not have its own bespoke parking space and is reliant on on-street parking and a small Council car park nearby. However our policies would not require parking and no additional bedroom is proposed on the plans, rather expansion of the ground floor living area.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. Development shall be carried out in accordance with the Flood Risk Assessment by Parkes Architecture and Design received on the 12 October 2022. (Reason - In the interests of reducing the scope for harm from flooding in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031).
4. Prior to the first use of the balcony hereby approved obscure glazed screens to a height of 1.8m and extending along the complete depth of the sides of the balcony as shown on drawing No 1646-03 Revision B received on the 3 October 2022 shall be installed. The obscure glazed screens shall remain at the same height and in the same position in perpetuity. (Reason - to retain privacy in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in the west elevation of the single storey rear extension hereby approved. (Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Prior to the commencement of any works the applicant is advised to contact the Developer Services Department of South West Water in regard to the position of your proposal within proximity of a foul sewer / mains water infrastructure belonging to SWW, to discuss compliance with their requirements.

South West Water, Peninsular House, Rydon Lane, EXETER EX2 7HR

01392 443983

developerservicesassetprotection@southwestwater.co.uk

A copy of South West Water's comments on your application is available to read on the EDDC website under the planning application reference together with a map (if provided by SWW)

Please quote reference PC191022EX81EH in all communications and correspondence with South West Water.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

1646-03B Proposed Combined Plans 03.10.22

1646-01 Existing Plan (contains Location Plan) 28.09.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

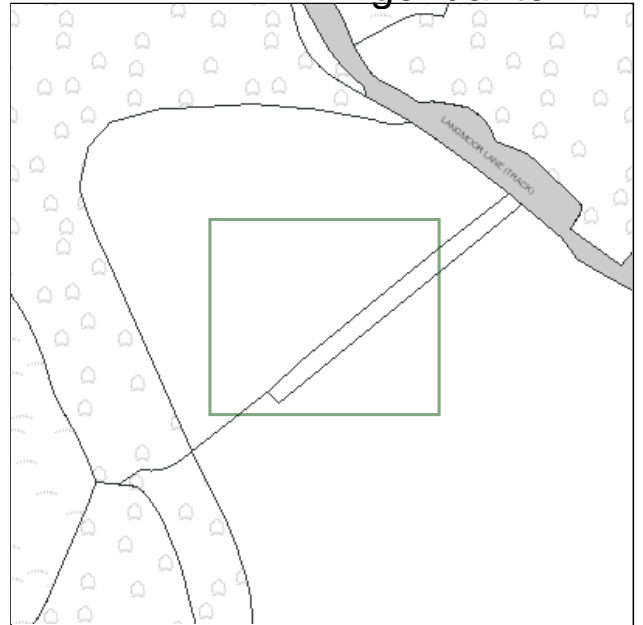
Ward Yarty

Reference 22/2281/FUL

Applicant Laura Joyce

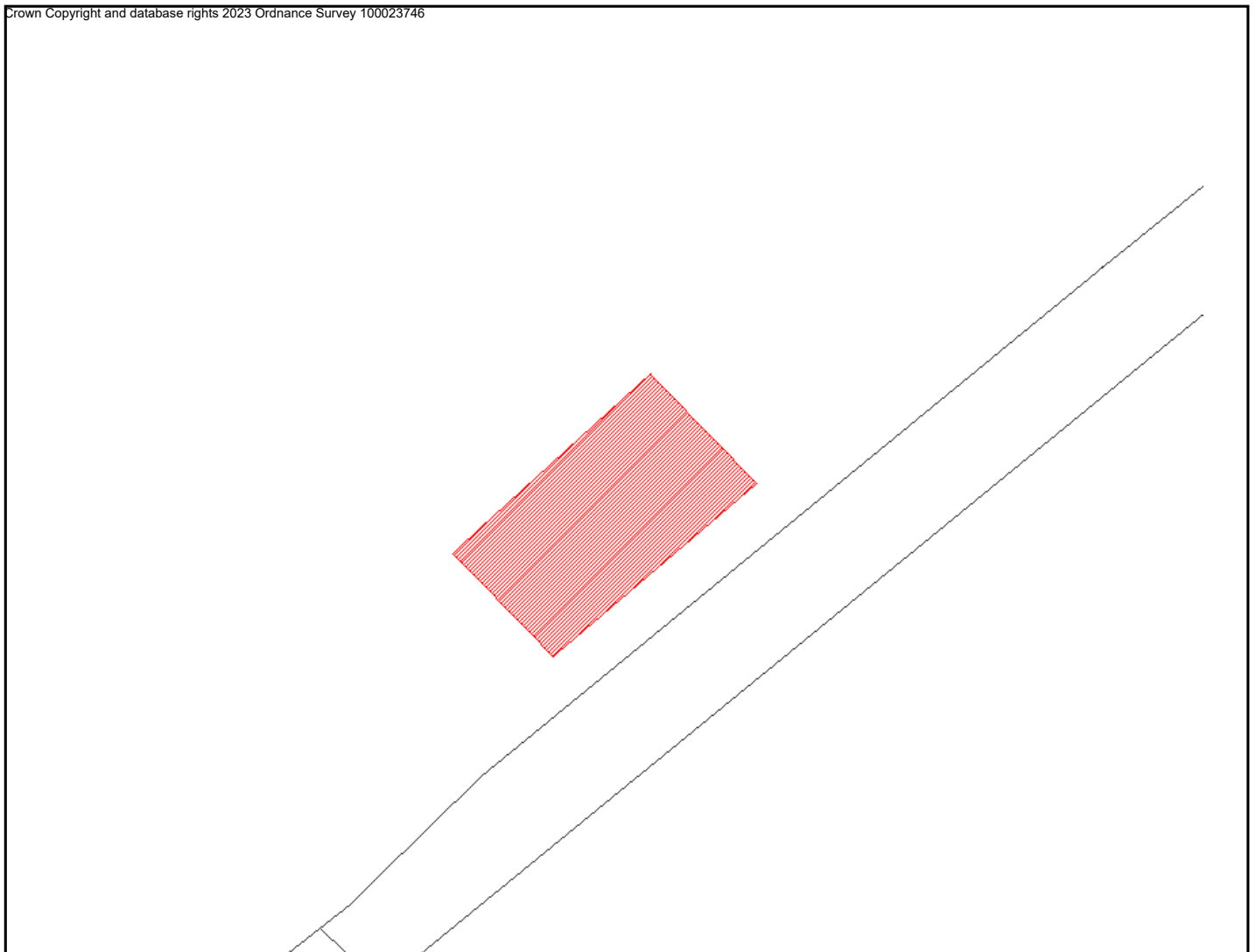
Location Land To NE Of Woodhouse Farm Stables
Woodhouse Lane Hawkchurch EX13 5UF

Proposal Construction of barn (retrospective)



RECOMMENDATION: Approval with conditions

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		Committee Date: 28th February 2022
Yarty (Hawkchurch)	22/2281/FUL	Target Date: 07.12.2022
Applicant:	Laura Joyce	
Location:	Land To NE Of Woodhouse Farm Stables Woodhouse Lane	
Proposal:	Construction of barn (retrospective)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Planning Committee because the recommendation is different to the view of the Ward Member.

The proposal is to retain and adapt for agricultural use a building that has been constructed in an isolated field in the countryside between Hawkchurch and Raymonds Hill.

The existing building has four bays but three of them have a raised floor and are partially enclosed to provide a room measuring about 9.1m by 3.5m. This room has windows on three sides and patio doors opening out onto a veranda. The exterior walls are clad in timber, except for the sheet metal rear wall, and the roof is covered in the same sheeting. Internally there is a range cooker and insulation to the ceiling.

The proposal is to reduce the enclosed part of the building to one bay which would be used for secure storage and drying. The remaining three bays would then form a conventional open-fronted barn suitable for housing animals or for dry storage.

Planning policies do not support the retention of the building in its present form as it is not designed for agricultural use and its isolated location means that it is not suitably located for other uses. However, the application before us is to adapt the building and use it for agricultural purposes. As set out in this report, the altered building would serve a genuine agricultural purpose, would be of a suitable scale and design and would be compatible with the character and appearance of the area. Therefore, subject to a condition to ensure that the alterations take place in a timely manner, the retention and adaptation of the building for agricultural use is acceptable.

CONSULTATIONS

Local Consultations

Yarty - Cllr Paul Hayward

23/11/2022 Unable to support. Refusal recommended.

25/11/2022 I regret that I am unable to support this application as I believe that the design, size and scale of the building is out of keeping with the landscape. I also question the need for a building of this size given the proposed use as set out in the supporting planning statement - it has been built too big by the applicants own admission. I also deeply regret seeing yet another retrospective application in the Yarty ward when our planning rules are clear to see, are well publicised and available 24/7 for all applicants to read and comply with. I know that "retrospection" is not a valid reason for refusal but I feel it needs remarking upon yet again.

Other Representations

None received.

Technical Consultations

None

PLANNING HISTORY

None

POLICIES

A neighbourhood plan has not been prepared for Hawkchurch.

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 47 (Nature Conservation and Geology)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

This application concerns a building that has been constructed in a field in an isolated location between Hawkchurch and Raymonds Hill. The site is not within an AONB (the nearest being the Dorset AONB 1.2km to the south) but is set in attractive rolling countryside with scattered farms and patches of woodland and hedgerow trees giving it a well-treed character.

The building is situated close to the southern hedgerow boundary of a 0.65ha field and adjacent to a gateway which leads into the next field. The land slopes down to the north and a belt of trees wraps around the remaining boundaries of the field. Notwithstanding the tree cover, there are views out of the site to the wooded hillside to the west and to an open hilltop 750m away where there is a public footpath.

The site is isolated from other dwellings and farm buildings and is in a location just off a track which receives little pedestrian or other traffic. The nearest dwellings are a small cluster around Woodhouse Farm, which is about 200m uphill to the south east, and Langmoor Farm (grade II listed), which lies in the bottom of the valley about 270m to the north.

The sunken track adjacent to the north east boundary of the field is a public right of way (or 'green lane', according to the DCC designation) which connects the metalled parts of Woodhouse Lane and Langmoor Lane. It is not suitable for most motor vehicles and does not provide direct access into the field. In the absence of any road leading to the site, it appears that the building is accessed across adjoining fields.

Background

It is understood that the applicant believed that an agricultural building could be constructed without the need for planning permission and gave materials to a 'young festival construction crew' and an overview of what she was looking for. The building that was constructed, we are led to understand, was more than she had originally asked for and is more akin to a lodge or cabin.

Whilst anyone engaged in the construction of this building may only have been acting on instructions, the design and specification are so unlike an agricultural building that there can have been no misunderstanding as to what was being constructed. In its unfinished state it is not entirely clear to what purpose the building would ultimately have been put (perhaps a leisure use or for overnight accommodation), but the applicant has acknowledged her error and is now seeking to adapt and retain the building for agricultural purposes.

ANALYSIS

Proposal

The existing building has four bays but three of them have a raised floor and are partially enclosed to provide a room measuring about 9.1m by 3.5m. This room has windows on three sides and patio doors opening out onto a veranda. The exterior walls are clad in timber, except for the sheet metal rear wall, and the roof is covered in the same sheeting. Internally there is a range cooker and insulation to the ceiling.

The proposal is to remove two thirds of the raised area, leaving a smaller storage room and an outside platform within one bay of the building. The western edge of the platform would also be enclosed and the window in that elevation filled in. The remaining three bays would then form a conventional barn suitable for housing animals or for dry storage.

Assessment

As the application is seeking consent for an agricultural building it falls to be considered against Policy D7 (Agricultural Buildings and Development) of the Local Plan.

Policy D7 first requires that a genuine agricultural need for the building is demonstrated. The applicant has explained that they require the building for four main purposes:

- To primarily house goats / animals
- To store tools and machinery
- For drying, processing and storage of wildflower seeds
- For seasoning of logs.

The supporting statement goes on to explain that:

"The applicant's total land holding measures approximately 14.5 acres. There are no other buildings on the land and consequently nowhere which could accommodate animals, the feed and fodder for animals and/or the equipment needed to maintain the land holding.

The applicant lives some distance from the site and all equipment and animal feed needed to be taken to site each time they visited.

The applicant needs a building to house animals in the inclement months, dry wildflower seeds which are being produced on the site, season logs which are being felled in the woodland and store equipment needed to maintain the land.

The proposed alterations to the building would provide a space in which to store tools, machinery and equipment used to maintain the land and to provide shelter for animals, namely goats."

These are all valid reasons for needing a building and, following the proposed alterations, the building would be well suited to these purposes in form and scale. Accordingly it is concluded that there is a genuine agricultural need for the building.

The remainder of the policy sets out five additional criteria that need to be satisfied (numbered 1, 2, 4, 5 and 6). These are addressed in turn below.

1. It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area particularly within the AONB.

Although not closely related to any other buildings, it is not prominent in the landscape owing to the extent of tree cover and the undulating land form. From the track adjacent to the field any views of the building are at a distance of at least 55m, are filtered by boundary trees and are partially obscured as a result of the difference

in ground levels. To the casual passer-by the building may go unnoticed, particularly in view of the materials used which blend well with the surroundings.

The only distant view that has been identified is from Axminster Bridleway 12 which links Lodge Lane to Stammer Hill. For a length of about 200 metres where the path passes to the east of Paynes Place Farm it is possible to identify the building sitting on one side of a small clearing in the wooded hillside. Whilst it is a very small component of a wider panorama, even at a distance of about 750 metres the non-agricultural features of the building, such as the windows and the veranda, can be seen and give it a domestic rather than agricultural character.

Although the building is not conspicuous in the landscape, the proposed alterations are necessary to make it compatible with the character of the area, as well as for functional reasons. Removing most of the veranda, fully enclosing the west elevation and removing the window in that elevation would result in a building that would be much as one would expect to see in a rural location such as this. Although some windows would be retained, they would not be visible from public vantage points and their removal is not necessary to facilitate the agricultural use.

Because the building would only be acceptable after the alterations have taken place, it would be necessary to impose a condition requiring the alterations to be made. Following discussion with the agent, a period of six months to complete the work should be more than adequate. Subject to this requirement being fulfilled, the building would be well integrated with its surroundings and satisfy this criterion. If the works do not take place within the specified time period then the condition would require the removal of the whole building within a further six months.

2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.

In the absence of any near neighbours the proposal would not have an adverse effect on amenity.

4. It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.

There are no existing buildings on the applicant's land and there are no suitable buildings available nearby.

5. It will not lead to an unacceptable increase in traffic on the local highway network

The small scale of the development would give rise to a low number of traffic movements that would not prejudice highway safety.

6. All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.

Conditions can be imposed to ensure that this is the case.

Other matters

There is no impact on the setting of the listed building 270m to the north.

The building has been constructed close to a hedgerow but there is adequate space to allow for future growth. Furthermore, it has minimal foundations and therefore is unlikely to have had a detrimental effect on tree roots.

The site is within the catchment of the River Axe SAC where development that is likely to raise phosphate levels in the river is subject to advice issued by Natural England in March 2022. This applies to agricultural buildings that are likely to lead to an increase in herd size. However, in this case the proposal is to provide better welfare for existing animals rather than to facilitate an increase in the numbers kept. On that basis an adverse effect is unlikely and a Habitats Regulations Assessment is not required in this case.

CONCLUSION

Planning policies do not support the retention of the building in its present form as it is not designed for agricultural use and its isolated location means that it is not suitably located for other uses. However, the application before us is to adapt the building and use it for agricultural purposes. As set out in this report, the altered building would serve a genuine agricultural purpose, would be of a suitable scale and design and would be compatible with the character and appearance of the area. Therefore, subject to a condition to ensure that the alterations take place in a timely manner, the retention and adaptation of the building for agricultural use is acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. The alterations to the building necessary to conform with the approved drawings shall have been carried out and completed in full within 6 months of the date of this decision. Within one week of the completion of the approved alterations to the building, written confirmation of the same shall be notified to the Local Planning Authority.
(Reason - To ensure that the building meets the identified agricultural need and is compatible with the character and appearance of the area in accordance with Strategy 7 - Development in the Countryside and Policy D7 - Agricultural Buildings and Development of the East Devon Local Plan 2013-2031.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the building

shall only be used for agricultural or forestry purposes and for no other purpose (including any other purpose in Classes B8 or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification)) unless planning permission has first been granted by the Local Planning Authority.

(Reason - The building is only justified to meet a specific need and other uses would require full consideration in accordance with Strategy 7 - Development in the Countryside of the East Devon Local Plan 2013-2031.)

4. The site shall be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.
(Reason - To prevent pollution of the water environment in accordance with the requirements of EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
5. All foul drainage, including foul surface water run-off shall be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.
(Reason - To prevent pollution of the water environment in accordance with the requirements of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
6. The storage of fertiliser, chemicals, pesticides or other hazardous substances shall be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.
(Reason - To avoid pollution of the water environment in accordance with the requirements of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

	Location Plan	12.10.22
	Proposed Site Plan	12.10.22
WOOD_PRO 3 of 5 Rev 1.1: N/S	Proposed Elevation	19.01.23
WOOD_PRO 4 of 5 Rev 1.1:	Proposed Elevation	19.01.23
WOOD_PRO 1 of 5 Rev 1.1	Proposed Floor Plans	19.01.23
WOOD_PRO 2 of 5 Rev 1.1	Proposed roof plans	19.01.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.